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Salacious and Indecent Literature,
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THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Publications and Independent Literature

WEDNESDAY FEBRUARY 19 1953

The Honourable T. J. HAYES, CHAIRMAN

WITNESSES

Mr. T. J. Hayes, Chairman of the Special Committee on Sale and Distribution of Publications and Independent Literature, and Mr. J. G. ...

APPENDIX A

Minutes of the Special Committee on Sale and Distribution of Publications and Independent Literature, held on February 19, 1953.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 1

WEDNESDAY, FEBRUARY 11, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESSES

Mrs. D. E. S. Wishart, Chief Commissioner of Canadian Girl Guides.
Mr. D. L. Michael, Executive Secretary, Public Relations of the Seventh-day Adventist Church in Canada.

APPENDIX A

Briefs, recommendations and correspondence submitted by church officials,
social and civic organizations.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman.

The Honourable Senators

Bouffard
Burchill
Davis
Doone
Duffus
Fallis
Farquhar

Gershaw
Golding
Horner
McDonald
McGuire
McIntyre
Pratt

Quinn
Stambaugh
Stevenson
Vaillancourt
Wilson
Wood

20 Members

Quorum 5

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

"That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;

2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;

3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

(a) Sources of supply of the above noted items;

(b) Means and extent of distribution thereof;

(c) Relative departmental responsibility for entry or transmission;

(d) Sufficiency of existing legislation to define terms in relation thereto;

(e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure such services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate."

MINUTES OF PROCEEDINGS

WEDNESDAY, February 11, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators Doone, Chairman, Bouffard, Duffus, Farquhar, Gershaw, Golding, Horner, McDonald, McGuire, Pratt, Stambaugh, Wilson and Wood.—13.

The Committee proceeded to the consideration of the order of reference of December 8, 1952.

The following were heard:—

Mrs. D. E. S. WISHART, Chief Commissioner of Canadian Girl Guides, Toronto, Ontario.

Mr. D. L. Michael, Executive Secretary, Public Relations of the Seventh-day Adventist Church in Canada, Oshawa, Ontario.

Copies of a brief submitted by the Canadian Home and School and Parent-Teacher Federation were distributed to members of the Committee. (See *Appendix A*)

Briefs, recommendations and correspondence received by the Chairman were ordered to be printed as Appendix A to these proceedings.

On Motion of the Honourable Senator Horner, seconded by the Honourable Senator Farquhar, it was—

Resolved that the Chairman be authorized to select three members to form a Sub-Committee, for the purpose of conferring with the Department of Justice on the application of the Criminal Code in relation to the Committee's purpose.

At 12 o'clock noon the Committee adjourned until Thursday, February 12, 1953, at 10.30 a.m.

Attest.

John A. Hinds,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, WEDNESDAY, February 11, 1953.

The Special Committee appointed to examine the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. Doone in the Chair.

The CHAIRMAN: Honourable senators, will you please come to order. We have two delegations appearing this morning: Mrs. Wishart, Chief Commissioner of the Canadian Girl Guides, and a representative of the Seventh-day Adventist Congregation. If it is agreeable to the committee we will hear Mrs. Wishart first.

Mrs. D. E. S. WISHART, Chief Commissioner of the Canadian Girl Guides: Mr. Chairman and honourable gentlemen, it is a great pleasure to be able to present this brief to you from the Canadian Girl Guides. I should first tell you a little of the Girl Guides, and what they do, so that you will realize why we want to come and speak to you on this subject.

Girl Guiding offers a program of training and citizenship for girls. The Patrol System, patterned on the democratic system of government, develops powers of self-reliance, observation, and thoughtfulness for others, encouraging girls to accept responsibility and to learn for themselves many crafts and services which are also useful to the public. Outdoor meetings, camping, hiking, woodcraft, and nature lore give girls healthy adventure and a physical fitness which increase their ability to become homemakers. Membership in the movement leads to lasting friendships and an increased understanding of girls in other lands. The movement is non-political, and its desire is to co-operate with other educational organizations.

Every Girl Guide, in joining, promises to try to live by the Guide Law:

1. A Guide's honour is to be trusted.
2. A Guide is loyal.
3. A Guide's duty is to be useful and to help others.
4. A Guide is a friend to all and a sister to every other Guide.
5. A Guide is courteous.
6. A Guide is a friend to animals.
7. A Guide obeys orders.
8. A Guide smiles and sings under all difficulties.
9. A Guide is thrifty.
10. A Guide is pure in thought, in word, and in deed.

In view of the aim of Girl Guides, as shown above and these ten Guide laws, upon which the whole program of Guiding is based, the Canadian Girl Guides regret the large amount of salacious and indecent literature now available in Canada. We are concerned only with the reading material of young girls, but while most of these indecent publications are printed for adult reading, they are readily available, are displayed in prominent positions in shops, and are cheap enough that girls can very easily purchase them. Even though a girl may have a good moral and intellectual background, she is too

young to have discrimination and will not realize that such publications are sensational and untrue, but will imagine that they are true to life. In this way, for this reason, the great volume of sex books, comic type papers, and newspapers, samples of which I have with me here, is a greater menace to the youth of the country than it is to adults. Not only are these books morally degraded, but they are also intellectually of the very lowest order. They are written in bad English and often there is hardly any attempt at a plot in a story.

The Tenth Guide Law, as shown above, is "A Guide is pure in thought, in word and in deed". With so much literature denoting thought, speech, and action of an impure and immoral nature available, it is very difficult to instil into Guides the proper conception of this law of purity. If these books are available and are displayed, and are even advertised on the radio, they are often accepted as part of our Canadian life, and if they are accepted they then become acknowledged as right, instead of wrong and bad which they really are. We would like to see all comic type papers and pocket books strictly censored and those which are salacious suppressed, and such as are imported from other countries banned.

To try to implement the Guide program and to provide some good reading for girls of Guide age, the Canadian Girl Guides have for the past three years published a magazine of their own, "The Canadian Guide". Because of lack of funds this magazine has been done on a purely voluntary basis and has not the circulation that it should have. We feel that, were more magazines of this nature, not necessarily dealing with one organization only, available and prominently displayed it would be most advantageous.

The CHAIRMAN: Are there any questions to be asked of Mrs. Wishart? How many branches of Girl Guides are there in Canada?

Mrs. WISHART: We have a membership of 87,000.

Hon. Mr. DUFFUS: Covering what area, please?

Mrs. WISHART: We have them in every place in Canada: Newfoundland, the Yukon and the Northwest Territories and every province.

Hon. Mr. STAMBAUGH: How often is this paper of which you speak published?

Mrs. WISHART: Once a month.

Hon. Mr. STAMBAUGH: And that is available to anyone who wishes to subscribe to it?

Mrs. WISHART: Yes.

Hon. Mr. STAMBAUGH: Does one have to belong to the Girl Guides to get it?

Mrs. WISHART: Anybody can subscribe to it, but the Guides are of course more interested in it.

Hon. Mr. STAMBAUGH: It would be something suitable for any young girl?

Mrs. WISHART: Anybody can give it to a child for Christmas, for instance.

Hon. Mr. STAMBAUGH: That is what I had in mind.

Mrs. WISHART: We are publishing it on a voluntary basis. We do it, as the Girl Guides must do most everything, on a shoestring. We have a voluntary editor, somebody who collects our ads, somebody to do our bookkeeping—trying to make the thing go.

Hon. Mr. STAMBAUGH: Have you a copy with you?

Mrs. WISHART: Yes.

Hon. Mr. DUFFUS: There is a subscription fee, I presume?

Mrs. WISHART: Yes, a dollar a year for twelve copies.

Hon. Mr. McDONALD: What educational work has been done against salacious and indecent literature?

Mrs. WISHART: In our movement?

Hon. Mr. McDONALD: Yes.

Mrs. WISHART: In our training of guides, the first principle is that a guide promises to obey the guide law. That puts it in a positive form. A guide promises to be pure in thought, word and deed. We point out to her the things she must do, and that she must read things of a better nature. However, we do it in a positive way: we do not say "Don't read this" but we say "Read this".

Hon. Mr. McDONALD: Has there been any work done by way of trying to suppress this type of literature, and to keep it off the reading stands in the various centres.

Mrs. WISHART: No, we have not done anything. I do not think we would have enough influence to do anything like that. That is why we come here: we think you people might have it.

Hon. Mr. McDONALD: With all deference, I disagree with you. I think an organization such as you represent, spreading itself across Canada in large and small centres, would have a great deal of influence with dealers.

Mrs. WISHART: We had not thought of that. We could try.

Hon. Mr. GERSHAW: Does the girl guide movement hold meetings in each locality and have an instructress or leader there?

Mrs. WISHART: Each guide company and each Brownie pack has two leaders, and they meet in churches and schools, and other community centres, under the guidance of two leaders.

Hon. Mr. DUFFUS: Are there annual conventions?

Mrs. WISHART: Of the adult leaders?

Hon. Mr. DUFFUS: No, the Guides as a whole.

Mrs. WISHART: Well, we had this last summer a gathering here in Ottawa of 1,200 of them at the Connaught Ranges.

Hon. Mr. HORNER: It is not only in Canada, it is all over other countries, is it not?

Mrs. WISHART: Oh yes, we have Guides in twenty-two countries and we have a world organization in which we meet together. We have two Guides this year being sent to Switzerland, to the Chalet. We have an international home in Switzerland. The American Girl Scouts are sending two Canadian girls in a delegation.

Hon. Mr. GOLDING: So far as your organization is concerned you have not taken any definite action in trying to get rid of this literature from the book-stores and so forth?

Mrs. WISHART: No, sir, we have not.

Hon. Mr. GOLDING: You have not?

Mrs. WISHART: No, we had not thought we could but perhaps we will try now.

The CHAIRMAN: You have regional camps, haven't you?

Mrs. WISHART: Oh yes, we have a lot of camps. I forget how many guide camps this summer but our national group made a great difference in our camping this year because the people went home so thrilled with it they took extra camps. I think several thousand more children camped this summer than last summer. We thought it would be less because the cream of our leadership went down to Ottawa but when they came home they were so excited they took their Guides to camp as well.

The CHAIRMAN: There is spiritual instruction given at all those camps as well, is there not?

Mrs. WISHART: Yes, and we find that camping is the very best way in which we can bring to the attention of the Guides those Guide Laws because I think if you are living out of doors it is very much easier to bring the spiritual side of guiding to them than in a church basement or hall

I do not know if many of you know it but in our camps on Sunday, every Sunday, everyone of the 1,200 Guides—and we had twenty-two different denominations—attended their separate churches in the morning. But in the evening we all came together and worshipped as Guides no matter what our religious beliefs.

The CHAIRMAN: In the community where I live they have a meeting every week.

Mrs. WISHART: Oh yes, all the Guides meet every week. The Brownies are the little ones from seven to eleven, the Guides from eleven to fifteen and we have a Girls' group of what we call Rangers over sixteen; but at that age the girls are so busy doing so many other things we do not have as many as we do of the Guides. The Brownies are the ones that are growing tremendously; we just do not know how to look after them all.

Hon. Mr. GOLDING: The organization has a good influence. I know our girls—we have three of them—all belonged to it as they were growing up and I think, like Mr. McDonald, that you could do some pretty active work as far as that is concerned.

Mrs. WISHART: Sometimes we do not realize our strength. Perhaps we can. We should be perfectly willing to try. I think perhaps we would have some benefits in small places, perhaps more than we would have in big centres because I find in the smaller centres the Girl Guide companies are really more recognized than in a bigger place. I notice in smaller places in press clippings the girls that we took here to Ottawa when they went home all wrote articles in the papers and so on and were made a lot of. In Toronto where there were 150 Guides, they make hardly a ripple. But if there are two or three Guides from a small place they really make a sensation and they do not miss a trick either. They knew all about Ottawa and I do not think they had forgotten it when they got home.

Hon. Mr. DUFFUS: Is it not possible for you to have a small representation at the Coronation?

Mrs. WISHART: Yes, I had a telegram yesterday saying we are going to have a Girl Guide in the Abbey. The Guides in the Commonwealth were allotted one seat in the Abbey and each country balloted which country would get a seat, and Canada has won. We have to get a girl of twenty-one who will represent Canadian Girl Guides in the Abbey. I heard that only yesterday.

Hon. Mr. GOLDING: I think this committee would appreciate anything your organization could do to assist in the job we have of trying to reduce this sort of literature being sold to the people.

Mrs. WISHART: Of course, the trouble is to get literature like this magazine. These are really more local; more interesting to Guide people. Good literature is so hard to get at any stand because we cannot afford to put it on the stands, we cannot afford to print extra ones that are wasted. I think that is the trouble with a lot of better literature.

Another thing, if you run a young people's organization, you are always losing your subscribers at the end because they are all growing up. It is not like an adult publication that people keep subscribing to every year. You get lots of young subscribers and they all grow up and you have to scramble around and get the young ones in again.

Hon. Mr. BOUFFARD: Did you say there are 87,000 Girl Guides in Canada?

Mrs. WISHART: We hope we have more. That was last year. Our census has not come in yet this year. We have gone up 22,000 in the last four years.

Hon. Mr. BOUFFARD: That is a pretty powerful organization if you want to organize against this literature. I have the feeling that a lot of people do not know anything about it. I think more people do not know anything about the literature that is published and distributed than there are who know about it. I am sure if the Girl Guides were to show some of their leading citizens in the community where they live some of this literature that is being published, they would have a lot of sympathy.

Mrs. WISHART: I am having an annual meeting in Vancouver in May. Shall I take this literature I have collected out there and ask them? I will see if they can get it taken off the newsstands.

Hon. Mr. BOUFFARD: Is it Canadian or not?

Mrs. WISHART: I do not know what it is. We just went to a newsstand and bought it. I think most of it is imported. I really did not read it; I just looked at the outside covers.

Hon. Mr. BOUFFARD: I see, Mr. Chairman, that in Quebec they have prohibited some magazines coming into Canada. That was last week or two weeks ago. Well, that is a beginning anyway. They have a board in Quebec to look after those things.

The CHAIRMAN: Yes, they have a Censor Board in Quebec.

Hon. Mr. BOUFFARD: And they have prohibited, I think, certain magazines from coming into Quebec and made it a penalty to sell those magazines on the stand. It seems to me if an organization like the Girl Guides would do some work in other provinces it would get the co-operation of the government, and maybe raise so much trouble that any government would really take an interest. There is nothing like youth to influence local government. If they know that most of the youth of the country are very much against it, I think they will do something about it.

Mrs. WISHART: I did not realize that we would have such influence, but I will do my best.

Hon. Mrs. WILSON: I was just thinking it would be more attractive if the Girl Guides and Boy Scouts organizations could get together on this.

Mrs. WISHART: I do not know whether it would be possible or not.

The CHAIRMAN: They have not presented a brief although they have written in signifying that they support this move.

Hon. Mrs. WILSON: They are very much stronger and, of course, very much better financed. I regret to say the girls have always got along with a very much smaller budget than the boys.

Mrs. WISHART: Well, perhaps we have a little more spare time. I am supposed to be one of those people who is a lady of leisure, and perhaps we have a little more spare time than the boys have.

Everything I have explained and everything I have read from my brief about our Guides applies equally to the Boy Scouts because their laws are exactly the same as ours. You can put "Scouts" where I have put "Guides". They also publish a magazine. I think it is called the "Junior Leader". It is the same type of magazine as ours, for boys and so I think everything I have said I am sure the Boy Scouts would not mind if I said it was the same for them.

The CHAIRMAN: Do I understand that the Girl Scouts of the United States are financing the two Canadian Guides to Switzerland?

Mrs. WISHART: Well, they have a very wonderful fund, called the Juliette Low Memorial Fund, in memory of Juliette Low, the founder, from which they

send girls to our Chalet at Adelboden. These Canadian girls went this year. They sent two a couple of years ago and they are sending two again this year. We also send ours. We had expectations of sending some to Finland or Norway, neither of which invitations we could accept because we could not get space for them on the ships. We do send several, and we will send these with the Girl Scouts this year.

Hon. Mr. HORNER: As you remarked, the Girl Guides can exercise a great influence on small communities, I imagine, where they have a good Girl Guide troupe and where there is only one news outlet perhaps?

Mrs. WISHART: Yes, more I think than in a large centre.

Hon. Mr. HORNER: But there is always the danger in my mind now that the honourable senator from the province of Quebec mentioned before about buying books; there is the danger that a certain book that is taken out creates a certain underground effort to try and secure the book.

Mrs. WISHART: I think we have to be very strong in our desire.

Hon. Mr. HORNER: I remember an occasion in the chamber where I denounced a certain book as unfit for reading and they laughingly remarked to me that I had created a great sale for it.

Mrs. WISHART: Well, young people are awfully curious. You would really have to do it through the leaders, I think, suggesting that they go to the news dealers—and of course there are provincial organizations—and then go to the governments. The governments are very good to the Girl Guides so we have to be a little careful as to how we approach them.

Hon. Mr. PRATT: I rather think that governments would welcome at some point or somewhere that campaigns in this direction would be spearheaded by an organization, and I cannot think of anything better than the Girl Guides and Boy Scouts.

Mrs. WISHART: Well, of course, we would only be spearheading the literature which was for young people. I think you would have to have an adult organization to spearhead the literature for adults.

Hon. Mr. PRATT: I am rather thinking of an overall control to get the provincial governments to take an interest in an organization to correct this but the fact that it is an organization really behind the effort representing the youth and so forth, I think would have a lot to do with it.

Mrs. WISHART: Well, I promise you I will bring it up at my annual meeting in May. I can only suggest to them that it might be well to take it to the provinces; I cannot dictate to them. I can only suggest. At least I would not dictate to them.

The CHAIRMAN: Any further questions?

Hon. Mr. FARQUHAR: That is all right, Mr. Chairman.

The CHAIRMAN: Mrs. Wishart, thank you very much for your contribution.

Mrs. WISHART: Thank you for the opportunity.

The CHAIRMAN: Now, we will call on Mr. D. J. Michael, Executive Secretary of the Public Relations Committee of the Seventh Day Adventist Church. Mr. Michael has a brief to present to you which we would be most pleased to hear.

Mr. MICHAEL: Thank you, sir. Honourable senators, I might express our very sincere gratitude for being permitted to present this statement which represents our considered opinion and I might add our sincere convictions—convictions that are held by a body of people whose devotion and loyalty to our country and to the principles of Christian citizenship are well known.

We have followed with keen interest the work that you have been doing for we appreciate the motives that prompted your very worthy and commendable efforts.

In noting some of the suggestions which have been placed before you for your consideration, it has been felt that some of the proposals recommended measures that might, if enacted into law, prove a clear threat to freedom. Some, in our opinion, savoured of the thought-control, police-state climate which after all is so repugnant to our free way of life. While we wholeheartedly deplore the free publication and distribution of literature which is unquestionably obscene, we suggest that care must be exercised to prevent the creation of a monster to deal with a problem that actually affects a relatively small segment of the total population. For, as we see it, the danger lies that this monster which we might create with every good intention could some day turn savagely on the lifeblood of all our freedoms.

With these thoughts in mind, the Seventh Day Adventist Church in Canada, through its Executive Board respectfully begs leave to present a statement reflecting its position and attitude toward the growing menace of obscene and lewd publications, sincerely believing that its convictions will merit your earnest and sympathetic consideration.

We welcome action by Parliament that will protect the country from such manifest dangers to its morality, provided that:

(a) Adequate safeguards be included in any recommendations or legislation to assure the continued freedom of the press, and that:

(b) Such measures be confined to the prohibition of the publication, sale and distribution only of that literature which is commonly classified as obscene, lewd and vulgar.

Believing in complete freedom of the press as one of the unalienable rights of free men living in a free country, we feel very strongly that if such guarantees are not secured the basic freedoms, of which the freedom of the press is but one, will be in grave jeopardy and will pose as a distinct threat to the democratic way of life that we have come to consider synonymous with Canada and the British Commonwealth of Nations.

We appreciate the opportunity of presenting to you, honourable sirs, this brief statement that gives expression to our concern with respect to a problem that because of its grave implications has merited your interest and thorough investigation.

We are confident that in your hands the cause of freedom will suffer no harm but that on the contrary your suggestions and recommendations will, while suggesting adequate means of combatting the threat of filthy and vulgar literature, serve to buttress one of the historic pillars of real freedom.

We wish to assure you of our loyalty to Her Majesty the Queen and of our love for our country which you gentlemen have the honour to serve with such distinction, and of our support in every worthy endeavour of yourselves to keep Canada strong and free.

Hon. Mr. DUFFUS: I would like, perhaps on behalf of the committee, but at any rate for myself, to compliment the representative on the form in which this statement has been submitted to the committee. I think it is one of the best I have seen.

The CHAIRMAN: I quite concur in that statement. Any further comment?

Hon. Mr. STAMBAUGH: I would like to ask the witness if his Church has taken any steps in the matter of stopping sales of indecent literature.

Mr. MICHAEL: We have not made any official representation to distributors in particular localities. We have rather hesitated to take an attitude which might be interpreted that we were acting as conscience for other people.

What we have done, though, and what we feel is a worthy avenue to pursue, is, we have conducted quite an extensive educational program among the youth and adults of our own constituency.

Hon. Mr. STAMBAUGH: Of your own society?

Mr. MICHAEL: Yes. We have several used publications and books that have been written for youth which are circulated quite widely here in Canada outside the boundaries of our own communion. We felt that a positive approach to this problem in the field of education and of training in the home is possibly the most effective and the least dangerous method to pursue. So in our youth organizations, summer camps, and literature we are constantly trying to develop a taste for good literature, believing that if we do that we have gone a long way towards trying to deal with the problem of filthy literature.

I might say that just recently we have instituted an international program among our young people, called the Legion of Decency, or Legion of Honour, to which we call on our young people to vountarily subscribe. This means that in their television viewing, the programs they listen to on the radio, the type of literature they read, they will indulge only in what is wholesome and constructive and is not calculated to deprave.

Hon. Mr. STAMBAUGH: As I understand it, the literature you speak of is circulated only among your own church people: is that it?

Mr. MICHAEL: No. We have a printing plant in Canada, and several in the United States and the rest of the world. We have salesmen who take these books that are written for the general public and circulate them, sell them to people. We have a series of children's books that have been placed in many school libraries and homes that were written and prepared not just for our people with particular sectarian views, but with the idea of appealing to youth anywhere. Those we circulate. Then we do have some journals for our own organization, and those are confined to our own people.

Hon. Mr. GOLDING: As a committee, I think, we are anxious to try ways and means of preventing the sale of obscene literature. I would gather from you that your approach to the problem would be from an educational standpoint rather than that of rigid laws. Is that correct?

Mr. MICHAEL: I think that would be a fair statement, that the emphasis would lie in that field, for we are very apprehensive about any attempt to legislate in matters of morals and conscience. We feel that that is fraught with dangers that are very real.

Hon. Mr. GOLDING: You and your organization are of the opinion, if I interpret you correctly, that more can be done from an educational standpoint than perhaps in any other way.

Mr. MICHAEL: I think so, sir. I think much could be contributed by other organizations who are apparently only concerned with controls. Energies could be diverted or directed towards an educational campaign. We could sell the idea of good literature instead of working on a negative attitude.

Hon. Mr. GOLDING: I think your statement here is very good. You have regard for the freedom of the press and all that sort of thing, but I believe you have something when you try to concentrate on the educational value.

The CHAIRMAN: I have not read your statement, Mr. Michael, but just from listening to it I gathered the impression that you feared censorship, but that you did not believe in placing constitutional safeguards around the sale of filthy literature?

Mr. MICHAEL: I do not think we would ever be accused of saying that we interpreted liberty as licence. We do strongly oppose anything that savours of the government trying to dictate to one's conscience. We feel that in the

realm of conscience the spiritual dynamic of the church finds its widest scope and that there we can by education meet the threat of things that we might consider immoral.

Hon. Mr. PRATT: Mr. Michael, we are aware that your organization has stressed the value of the educational process and so forth, but do I understand you go further and say that your organization is opposed to prohibitory measures in the suppression of literature which is known to be filthy and indecent? I am referring to legal prohibitory measures.

Mr. MICHAEL: I think we would want to qualify that. As we say in our brief, we would go along with measures provided there were adequate safeguards.

Hon. Mr. BOUFFARD: What do you mean by that?

Mr. MICHAEL: For one thing, that there would be a basis of appeal; that prohibitory measures would not give in to one person or in to one small group of persons the authority to pass judgment on a publication. I think another safeguard that we mentioned was that these prohibitory measures be severely restricted and narrowed to a certain type of literature and not be such that it could at some future date be prosecuted to be used against literature that is not immoral.

Hon. Mr. STAMBAUGH: In other words, you feel that there should be some kind of legislation to control it but you are not quite prepared to say what it should be?

Mr. MICHAEL: I think that is true.

Hon. Mr. STAMBAUGH: Well, I guess we all feel about the same way.

Mr. MICHAEL: We feel that this is a rather unknown sea into which we might find ourselves cast without a chart or compass.

Hon. Mr. BOUFFARD: Are you opposed to the censorship of films?

Mr. MICHAEL: In principle, yes.

Hon. Mr. BOUFFARD: Do you not feel that it is a good thing to have censorship of films? If it were not for censorship our children could be sent to see films that are not good at all.

Mr. MICHAEL: I might explain in a background to that answer that as a church our members do not attend movies or theatres.

The CHAIRMAN: Oh!

Mr. MICHAEL: So this question does not bother us.

Hon. Mr. BOUFFARD: You are very fortunate if you can prevent your children from going to films.

Mr. MICHAEL: We do not arbitrarily prevent them from going; we just teach them that there are so many useful things to do elsewhere.

Hon. Mr. PRATT: Some slip into the movies just the same.

Mr. MICHAEL: No doubt they do, and we have no desire to tell a person he can listen to certain radio programs and cannot listen to others. We feel men were created as free moral agents with freedom of choice, and if they wish they can choose to do that which will be for their own harm.

Hon. Mr. McGUIRE: What do you think of the Criminal Code of Canada?

Mr. MICHAEL: My opinion is that we have not exploited fully the facilities it affords us of controlling obscene literature.

Hon. Mr. McGUIRE: The Criminal Code is the law and it is made up mostly of prohibitions. Are you against that?

Mr. MICHAEL: No. We fully believe that the state has a very definite unquestioned responsibility in governing the welfare and the security of the persons who reside within its boundaries. In that sense, the Criminal Code is very necessary.

Hon. Mr. BOUFFARD: If a censorship board was set up with respect to literature, would you rather have it organized on a local basis or a federal basis?

Mr. MICHAEL: I would prefer to say that we would rather not have a censorship board. I do not know what the advantages would be to having it on a local basis or on a wider basis, other than that locally there might be more room for dealing with attitudes or opinions that are peculiar to that locality.

Hon. Mr. BOUFFARD: All churches across Canada have preached and tried to educate the youth not to read obscene literature. Notwithstanding this fact it is apparent that the sale of indecent literature in the form of books and magazines and so forth has increased tremendously in so far as our youth is concerned. Does this not illustrate that education is not sufficient, certainly with regard to youth?

Mr. MICHAEL: I would draw this fact to the attention of all of us and that is that the church does not reach everybody. It does reach a small group, perhaps.

Hon. Mr. BOUFFARD: If you take all the churches in Canada they reach pretty much everyone.

Mr. MICHAEL: There is still a group which is without the pale of the influence of a church. I think the program of education will have to be spearheaded by the church, but I think organizations like the Boy Scouts and the Girl Guides and schools and government radio could contribute a great deal to develop a taste for good literature instead of creating the atmosphere that develops a taste for that which is not good.

The CHAIRMAN: Thank you very much, Mr. Michael, your presentation has been very fine. We also have Mr. H. Ward Hill of the Seventh Day Adventist Church of this city.

Mr. MICHAEL: He was with me. He did not have a separate brief.

The CHAIRMAN: We have a great number of resolutions and letters, but there is one brief in particular from the Canadian Home and School and Parent-Teacher Federation. It is quite extensive. It comes from Mrs. C. W. Mellish of Vancouver. She writes, "Enclosed, please find the brief prepared by my committee, together with an outline of the more positive program of the Federation regarding children's reading." There are twelve copies of the brief here. We will distribute them as far as they go.

Hon. Mr. BOUFFARD: Do I understand that this brief will be printed in our record?

The CHAIRMAN: The brief will appear in our record.

(See Appendix "A" at end of today's proceedings)

Hon. Mr. FARQUHAR: Mr. Chairman, I am sure we all appreciate the work that is being done by many churches and societies who have sent delegations to appear before us. However, I feel that it is not sufficient, that we should only study what other organizations are continuing to do.

While I say we appreciate what they have done, notwithstanding all that, this sale of indecent literature goes on in a wholesale way. Therefore, it seems to me that this committee has to do something more than just listen to reports that come in telling us what churches and other societies are doing in connection with the work.

In reading the address of the Minister of Justice, I gather he feels that we have in the Criminal Code all the law that is necessary to prevent this literature from coming in to Canada and that he feels little can be accomplished by way of revising the Code. It seems to me that that is the line along which

we as a committee should operate. We have to find out if there is not some way either of amending the Code, or of giving better enforcement of its provisions, so that in some way we can prevent a great deal of this undesirable literature being sold to the public.

My suggestion is that a sub-committee composed of the lawyer members of this committee should be formed, and that that sub-committee should look into the Code to see what can be done by way of amendment, or better enforcement of present provisions. That, to my mind, Mr. Chairman, is the line along which we should proceed.

The CHAIRMAN: There is a good deal in what the honourable senator has said. But the committee was set up to make certain inquiries; and initially we asked people to come in to express their views. Those persons have signified that they want to come before the committee; they wish to co-operate, and I think it would be gravely discourteous should we not hear them when they wish to make their presentations.

True, there may be some repetition, but I feel that that repetition is not all lost. Through it, there is an indication that a large proportion of the Canadian people are opposed to the publication and dissemination of literature of an undesirable character. We who have, in the past years, been through the political game in this country know that it is the force of public opinion that brings about beneficial changes in laws.

I realize, as Senator Farquhar has said, that the Minister of Justice made certain statements on this question. I did not feel like mentioning them here, but as the matter has been brought up, we might discuss it a little further. Since the pronouncement referred to was made, one of the attorneys-general has said that he does not agree with the statement of the Minister of Justice. I have here a clipping from the *Halifax Chronicle* in which the Attorney General of Nova Scotia states emphatically that he does not agree that the law is all-sufficient at the present time.

Now, in addition to the matter of obscenity or the definition which might be given to obscenity or any definition which might be given to strengthen that particular phase, there are features, I think, we should examine which are not in the law at all. Particularly, there might be some extension for the protection of children, because, after all, I believe that most of us feel it is the children whom we wish to look after.

The Reverend Mr. Michael said that we are not the public conscience I do not think we can consider ourselves as such as far as adults are concerned, but personally I think there should be some provisions that should surround children—an opportunity to guard them—to guard them now and in the future against the sort of thing which we find on our newsstands today.

Hon. Mr. FARQUHAR: Mr. Chairman, I hope you did not misunderstand me. We are all agreed with you as far as the protection of the children and the young population of the country are concerned. I am not trying to uphold the minister or justify any statement he made. I am not endeavouring to do that at all. I only refer to what he said with the idea of possibly trying to find out whether there is some way of possibly amending the act or not. I do not know whether there is or not; I am not a lawyer, but as you say there are some that have disagreed with it. Well, we as a committee after we have made a study of it might disagree as well.

We would like to be able to recommend some amendment to the act, but while I am not opposed to listening to any of the briefs, if we are going to get any information or help from them, I was suggesting that we find out if it is possible to make some amendment to the act and, if not, try to work out some way in which we could have better enforcement of the act we have.

The CHAIRMAN: I think the program as set out is that we are to call on the officials of the departments, find out what provisions there are at the present time and work from there; but even at that, taking all that into consideration, I do think, Senator Farquhar, it would be a discourtesy not to hear those people who have already expressed the intention of appearing.

Hon. Mr. Wood: Why can't we hear the witnesses and later check the act and perhaps we might have some suggestion to make in connection with amending it?

Hon. Mr. BOUFFARD: Mr. Chairman, I think we should hear everyone who is coming up and the force of the inquiry will be from the people who come here and make a report, but at the same time we should endeavour to find out what we can do in so far as amending the law or suggesting some other things that might be done. The two things can be done at the same time and then at the end, when the committee is going to close, we will have all the information. Apart from that we will know what we can recommend in the way of changes, whether in the Criminal Code or by the establishment of a censorship board and whether it should be provincial or federal.

Hon. Mr. HORNER: Well, we have had this board of censors for the films for a long time in Canada and I think it has performed a very great work. I notice they recommend in this letter that a similar board be set up, a board of censors.

Hon. Mr. BOUFFARD: There are two things the committee will have to consider regarding literature. I think it is completely within the jurisdiction of the government in so far as the import of publications into Canada is concerned and the law could be enforced to prevent publication in Canada. The Chairman of the Committee may come to the conclusion that it is a matter of provincial jurisdiction. We have got to have all of these things before we recommend anything. In so far as any import of literature is concerned, I am certain it is within the jurisdiction of the Dominion.

Hon. Mr. HORNER: It is possible that each province might have to set up its own board.

Hon. Mr. BOUFFARD: It might happen.

Hon. Mr. FARQUHAR: Some of the provinces have jurisdiction now.

Hon. Mr. BOUFFARD: Yes, it might not be enough. It might have to have more staff and so on.

Hon. Mr. GOLDING: I think the proper way is to have the printing done here.

Hon. Mr. BOUFFARD: That might be one way. Then there might be some people who look into the matter from the point of view of which is the most important to Canada.

Hon. Mr. GOLDING: But at the same time I would rather like to hear the proposals which these various organizations have, and I think it would be right to have them come here and make recommendations. They have some very good recommendations here.

The CHAIRMAN: I thought this was a very fine brief.

Hon. Mr. BOUFFARD: Very fine brief.

Hon. Mr. HORNER: A very fine brief indeed.

The CHAIRMAN: There are some exhibits in connection with it. Some of them will be incorporated into the proceedings. They are attached to the general brief that I have here.

Hon. Mr. BOUFFARD: Would there be an advantage for the Committee to appoint a subcommittee to study with the Department of Justice the legislation as it is today, and what in their opinion should be recommended, this subcommittee to report to the general committee the effect of their inquiry?

Hon. Mr. FARQUHAR: That is what I had in mind.

Hon. Mr. STAMBAUGH: At the same time we would carry on as we are doing now,—

Hon. Mr. BOUFFARD: Yes.

Hon. Mr. STAMBAUGH:—hearing the briefs; this subcommittee, to be composed of lawyers, and to study the Code—

Hon. Mr. BOUFFARD: With the Department of Justice representatives.

Hon. Mr. STAMBAUGH: I think that is a very fair proposition, Mr. Chairman.

Hon. Mr. HORNER: I so move.

Hon. Mr. McDONALD: The chairman can name his own subcommittee.

Hon. Mr. FARQUHAR: I second the motion.

Hon. Mr. BOUFFARD: Perhaps the chairman would like to have more time to think about it.

The CHAIRMAN: I think I would.

Hon. Mr. BOUFFARD: Why not postpone the matter to the next meeting of the committee?

Hon. Mr. STAMBAUGH: We could pass the motion and have the chairman select the subcommittee at any time he likes. Do you not think that is a good idea?

The CHAIRMAN: Yes, I think it is.

The motion was agreed to.

The CHAIRMAN: We have a number of resolutions. One is from the Home and School Parent-Teachers Federation. We also have several from the Women's Missionary Society of the United Church; they come from various centres, including Westdale, and are largely signed.

Hon. Mr. STAMBAUGH: Are these local, Ottawa churches?

The CHAIRMAN: This is from Westdale, the Women's Missionary Society of Westdale United Church, but I find that we also have communications from branches of this society at Milton, Lowville, Terra Cotta, Melville, and some other places, all subscribing to the same resolution. We have resolutions also from the Nova Scotia Federation of Home and School Associations; the Rotary Club of Montreal; the Brantford Parish, District, No. 21, Ontario English Catholic Teachers Association; Department of Social Action; the Committee on Social Missions, Evangelical Lutheran Synod of Canada; Dr. F. W. Patterson, President Emeritus of Acadia University, Sackville; the National Council of Y.M.C.A. of Canada; the Congress of Canadian Women; the Brantford Catholic High School Alumni Association; the Catholic Women's League of Canada, various sections, including Campbellton, Atholville, Bathurst, Bathurst South, Bathurst West, Belledune, Blackville, Boiestown, Campbellton Junction, Dalhousie, Chatham, Douglastown, Loggieville, Newcastle, Renous, and St. Margaret's, all in the province of New Brunswick; the Women's Missionary Society, United Church of Canada, Bronte, Ontario; La Fédération Diocésaine des Ligues du Sacré-Cœur de Nicolet; Oeuvre des Catéchismes, Jeunesse Ouvrière Catholique, Catholic Students' Federation, La Société des Artisans, L'Assistance Maternelle, Fédération des Ligues du Sacré-Cœur du Diocèse de Chicoutimi; all from the province of Quebec, and the Canadian Federation of Mayors and Municipalities. These organizations are listed, with their comments and resolutions. If agreeable we will have them placed upon the record so that they can be seen at leisure. The magazine exhibits of course cannot be published in the official record, but if anybody wishes to see them, they are here. Other exhibits, including a communication from Catholic Action are of the same pattern. If anybody wants to look them over he is quite at liberty to do so.

Also we have a report from a Select Committee of the House of Representatives of the United States. Its report goes into the matter quite exhaustively. Oddly enough, its recommendations follow in some degree the line that Senator Bouffard has mentioned with regard to distribution. I have only one copy of this document, so I might point out that it made three specific recommendations.

The first recommendation was that steps should be taken to control more effectively the distribution of obscene materials generally. Those steps should be taken with respect to objectionable books, magazines and comics, by the enactment of legislation over and above the provisions of section 27—I do not know what these provisions are—to modify certain provisions of acts already existing. The report cites weaknesses in interstate transportation and makes recommendations on that score.

The second recommendation was, enactment of legislation authorizing the Postmaster General to impound mail addressed to a person or concern that is obtaining or attempting to obtain remittances of money through the mails in exchange for any obscene, lewd, lascivious, indecent, or vile article, matter or thing; and so on. The weakness at the present time is that there is no provision for examining first-class mail, and the recommendation was to overcome the difficulties presented through that disability.

Hon. Mr. STAMBAUGH: It seems to me, Mr. Chairman, that what you have there is more for the subcommittee to study.

The CHAIRMAN: Maybe. I was just drawing it to your attention; that is all. I think possibly it is for the subcommittee to examine into.

The third recommendation is that the publishing industry recognize a growing public opposition to that proportion of its output classified as borderline and objectionable, and take the steps necessary to its elimination on its own initiative rather than allow this opposition to increase to the point where the public will demand governmental action. I think those are the three main recommendations. The committee finds the same difficulty which we find here.

Hon. Mr. GOLDING: Mr. Chairman, in your study of this problem last year you did have representation here indicating what action the federal government could take in preventing this literature from coming in. You had information of that sort.

The CHAIRMAN: That is right. This year we are calling Mr. Sim to see just what is taking place in that regard.

Hon. Mr. GOLDING: I think that is good.

The CHAIRMAN: My information at the present time is that very little is being done.

Hon. Mr. GOLDING: The committee is now carrying on again and I think we should have full information as to what the federal government can do.

Hon. Mr. McDONALD: There was a case pending here last year when we were in session. What was the result of that?

The CHAIRMAN: There was a conviction in the court before which the case was brought. However, we must take into consideration that these are specific cases. They only go to the particular book which is under review. No doubt it does set a pattern, but nevertheless we don't know how far that goes or how far it will ever go.

Hon. Mr. GOLDING: Has not an appeal been entered in respect to that case?

The CHAIRMAN: Yes.

Hon. Mr. McDONALD: How does one know what is decent literature and what is not decent literature without reading it? Can you tell by the cover?

The CHAIRMAN: The cover is really no indication. Publishers have found through reading habits that even books which are not particularly objectionable have to have a pretty racey cover on them in order to attract the mind which rather glories in that sort of thing.

Hon. Mr. HORNER: I have heard complaints from people who have bought books with startling covers on them and who have been disappointed.

The CHAIRMAN: Quite true.

Hon. Mr. BOUFFARD: That is the case most of the time.

Hon. Mr. Gershaw: I think when the witnesses come before us we should try to find out whether or not the present Code is lacking or whether or not the administration is loose. Some of these witnesses may have had experience in trying to do something and have run up against particular snags in the law which have nullified their efforts.

Hon. Mr. GOLDING: I think you are doing a good job to have Dave Sim here.

The CHAIRMAN: We are also having Colonel David Croll, M.P. He will appear on behalf of the distributors. I am trying to push forward to see if we can finish with our witnesses during the current month.

Hon. Mr. HORNER: You could take the matter up with the government as to the possibility of a board of censors being set up to at least censor imported publications. That is what is recommended in this Parent-Teacher Association brief.

Hon. Mr. GOLDING: Have we any censors at the present time or does that come under the jurisdiction of the federal government?

The CHAIRMAN: There is supposed to be a certain censorship with regard to importation, but how widely the powers are exercised or if they are exercised at all is a great question. I understand that the Post Office authorities have a personnel of some 300 people to check the mail service with respect to fraud. I have no authoritative information on that point, but I did read an article in one magazine not long ago which indicated that the Post Office is trying to do a job. As far as the Customs is concerned, it is very doubtful as to whether they have any personnel at all.

Hon. Mr. BOUFFARD: They have neither the personnel nor the personnel qualified to do it.

The CHAIRMAN: Senator Horner raised the question about getting in touch with the government. I personally have steered away from the government inasmuch as we will be making recommendations to it. I do not think we should ask it for advice or direction if we are going to make recommendations to it.

Hon. Mr. BOUFFARD: What if something we recommend is stated by the Justice Department to be absolutely unconstitutional? We would then have to change our recommendation.

The CHAIRMAN: That is possible.

Hon. Mr. HORER: We should have some idea of what we can do by the way of recommendations.

Hon. Mr. GOLDING: What the federal department decides to do, is up to it; but I think it would be a good thing if we had the Minister of Justice come before the committee to give his views, then the committee can proceed along more effective lines.

Hon. Mr. FARQUHAR: I think it is the work of the committee to get as much information as we can, and then proceed from there.

Hon. Mr. BOUFFARD: Even if a lawyer from the Justice Department appeared before us, I don't think he would decide there and then what he would recommend.

Hon. Mr. GOLDING: We would like to know what they are doing, and what legislation they have. There is nothing wrong with having them come before us and tell us that.

Hon. Mr. FARQUHAR: That is the purpose of the committee.

Hon. Mr. McDONALD: Mr. Chairman, you referred to something that the Attorney-General for Nova Scotia had said regarding the remarks made by the Minister of Justice. I was wondering if the committee ought not to find out what the attorneys-general from other provinces have to say regarding legislation.

Hon. Mr. GOLDING: Did we not have reports last year from the attorneys-general of the other provinces?

The CHAIRMAN: Not of record. I wrote the attorneys-general of the provinces and received confidential replies. Their communications would be privileged.

Hon. Mr. STAMBAUGH: Evidently the Attorney-General for Nova Scotia has something in his mind.

The CHAIRMAN: Yes; and through the press we know that Mr. Porter of Ontario has some views on the subject.

Hon. Mr. BOUFFARD: I am sure the Quebec government has undoubted jurisdiction over the printing and distribution of undesirable literature, because it has established a censor board.

Hon. Mr. HORNER: A board of censors for literature?

Hon. Mr. BOUFFARD: The same board as the film censor board; they have just added to its jurisdiction, to cover literature. I think that explains the recent banning of five or six magazines.

The CHAIRMAN: I believe their act is incorporated in our proceedings of last year.

Hon. Mr. HORNER: They have jurisdiction?

Hon. Mr. BOUFFARD: As a matter of fact, they have acted on it.

The CHAIRMAN: And I understand with some effect.

Hon. Mr. HORNER: There might have to be a test case as to who has jurisdiction.

Hon. Mr. BOUFFARD: We could endeavour to have a test case made, and have it defined by the courts as to who has jurisdiction.

Hon. Mr. HORNER: I am not a lawyer, but I would think that as the provinces have jurisdiction over education they would have some control over matters of this kind.

Hon. Mr. McDONALD: Mr. Chairman, I move that we adjourn.

Hon. Mr. BOUFFARD: I have a feeling of that kind too.

The Committee adjourned.

APPENDIX A

BRIEF PRESENTED ON BEHALF OF THE CANADIAN HOME AND SCHOOL AND PARENT-TEACHER FEDERATION (INCORPORATED)

904 West 21st Avenue,
Vancouver 9, B.C.
January 5, 1953

Special Senate Committee on Salacious Literature,
Senate Chambers,
Ottawa, Canada.

Honorable Members:

The Canadian Home and School and Parent-Teacher Federation welcomes this opportunity to bring to your attention information and facts concerning the sale in Canada on newstands of publications deemed detrimental to the character and personality development of children and young people. This information has come to hand through a study that has been in progress for over six years.

The Federation does not seek in any way to urge such legislation as will censor or control adult reading. However, the situation in regard to salacious and indecent publications is such that children and young people are reading in quantity, material that debases their minds and dulls their taste. The healthy minded, well-adjusted child would suffer little harm from the occasional perusal of these cheap magazines and books, but for the unfortunate children already maladjusted, fearful and insecure, the constant bombardment of ideas and ideals contrary to all that is best in human nature can only make the task of normal personality development more difficult or even impossible to them. The monetary cost to society of effectively controlling or eliminating this formidable "stumbling block" will be small in comparison with the costs of NOT dealing with it. The enclosed lists of publishers and publications show the many magazines for sale and the extent of the problem. (Some of these titles are not available in Canada.) (Exhibit "A")

Crime Comics

The crime comics were proven to be "Text Books in Crime". The amendments made to Section 207 of the Criminal Code have successfully prevented the sale in Canada of authentic crime comics. The Federation presented a Brief to the Honorable Stuart Garson, Minister of Justice at the time the amendments were being discussed in the House, and copies of this Brief are enclosed for your information. (Exhibit "B")

Although Crime Comics as defined in the Act do not appear to have been offered for sale since the amended law went into effect, two prosecutions have been attempted under Section 207, Sub-section 1, in which the defendants quite properly were acquitted. One prosecution, in Calgary, dealt with a detective magazine, and another in Dauphin, with a Comic featuring "Fear" not "Crime". A copy of the latter magazine is enclosed. (Exhibits "C" and "D")

There would seem to be a need for a better understanding of the Act by those laying charges. Such unfortunate occurrences can only result in a weakening in the proper enforcement of the Act.

Fear and Horror Comics

Children's literature has always portrayed killings, acts of violence and cruelty. It is maintained by some authorities that this type of reading gives normal children relief from inner tensions and a pleasurable feeling of excite-

ment and it can be stated that where the general tone of the story is wholesome and the incidents no more than the tale calls for, no harm will come to the reader.

This is not the case with the "Fear" and "Horror" Comics that have been brought out to replace the Crime Comics. Such titles as "Journey into Fear", and "Adventure Into Horror", aptly describe their contents. Nowhere do they give relief from a distorted and terrifying imagery that is full of nastiness. One wonders what place they have in the life of a child other than to fill him with unnatural fears and forebodings, yet it would appear that their sale in Canada is entirely legal as they do not "depict pictorially the commission of crime, real or fictitious", nor are they necessarily indecent or obscene. Samples are enclosed. (Exhibit "E")

Love Comics and Love Magazines

There are many titles in this type of magazine. They appeal mostly to teen-agers and to certain adults. The young boy and girl eager to learn of the adult world and the life that lies before them falls into the habit of avidly reading every available copy, and, as many of them do, can only emerge with a distorted picture of life and the relations between the sexes. If, as is stated, the family is the backbone of the nation, it is worth the nation's while to remove from its midst an influence that tends to train young people for failure, not success, in marriage.

Pocket Books

The Pocket Book, the cheap 25c. or 50c. edition has opened up a way to bring to every reader books that heretofore were out of his reach. Small enough and light enough to be carried about, cheap enough for every purse, they could have been an almost limitless influence for good. Unfortunately this avenue of reaching the public was seized upon by the publishers of the sensational and obscene, with the result that the Pocket Edition Stands in the stores present a picture that is a national disgrace.

Young people are reading these books and their conduct is being influenced by them. One publication, "The Amboy Dukes" provided the pattern for gangs in a Vancouver High School. Cases on the police blotter record that the youths copied the fighting with knives, razors and other weapons, and the sex behaviour so graphically described. These young people were from good homes in a good part of the town and called themselves "The Alma Dukes". Before long this gang pattern was being copied all over the city until a condition arose calling for a special police detail to handle the youngsters, and the formation of a Mayor's Youth Committee.

This book ("The Amboy Dukes") was the subject of a prosecution in the City of Hamilton in which the Assistant Attorney General for Ontario took part, but the defendant was acquitted on the plea that the book was a sociological study intended for students. The book was voluntarily withdrawn by the Vancouver Wholesaler, but has recently reappeared, and a copy is enclosed. (Exhibit "F")

The second book, "The Snow Was Black" was taken from a twelve year old by his father. It is a typical example of the hundreds of such books being read and handed around in our schools. (Exhibit "G").

Most of the paper bound books, even those whose contents are good literature, have lurid, provocative pictures on the covers. There are so many of these books and the competition for notice is so keen that each new batch seems to have gone one step farther to attract attention and purchase. The English Penguin and Puffin Books have coloured paper backs with no pictures, with a different colour for each type of books, fiction, science, detective, biography, etc. Would it not be wise to make it mandatory in Canada that

there be no pictures on the covers of pocket books? The publishers would not let the lucrative Canadian market slip through their fingers because of the added cost of a special Canadian cover.

Some of the books are claimed to be text books and as such may have their place. Frequently it is the purpose with which the book is read that determines whether it can be classed as obscene. Some books on sex and marriage now sold indiscriminately to young people or adults would be valuable if sold to those who could profit from the information they contain. The Kinsey Report may be education to the serious student of human behaviour, but in other hands could be used as an excuse and incentive to promiscuity and infidelity.

There may be a distinct advantage to the student in having authentic scientific text books in these cheap editions. Could some way be devised whereby a publisher wishing to have his product classed as a text book must offer it for sale through the text-book branches of Departments of Education and Universities. If not so released, the book would be judged by the same standard as any other publication.

From time to time, prosecution of magazines or books as indecent or obscene have failed because of the inability of the judge or magistrate to decide for himself what constitutes obscenity. The following definition of obscenity is a quotation from the judgment of Chief Justice Cockburn in *Rex vs Hicklin* 11 Cox c.c. 19. The judgment was given in 1868 and has been ever since used in the courts as a test of obscenity. "The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this kind may fall."

The foregoing definition of obscenity has been used successfully in obtaining convictions. Would it be advisable to include such a definition in the Act, as is now done with the definition of a crime comic?

Distribution of Books and Magazines:

The retailer receives his stock from the wholesaler by way of an agent who puts directly onto the display shelves what the wholesaler has decided is the quota for that store. The retailer does not place his own order for the magazines or books that he wishes to carry although he may notify the wholesaler that he will not accept delivery of certain publications or he may remove them from his stand and return them as unsold. However, the wholesalers have a method of bringing pressure to bear on the retailer by cutting down on his quota of such magazines as "The Saturday Evening Post" if he consistently refuses all the titles offered him. Wherever publicity is given to this practice, it is dropped, to be resumed when public interest wanes.

The members of the British Columbia Pharmaceutical Association have long waged war on this illegal procedure and have refused to sell obscene material or crime comics. A recent letter to the press from the executive secretary indicated that the association felt it was practically an impossibility for the pharmacist to acquaint himself with every type of pocket book that comes into his store and it is inevitable that some of the undesirable type will find their way to the display racks, because, from an appearance standpoint, there is comparatively little difference between the covers and those known to be accepted and popular books. (Exhibit "H").

The wholesaler has his material direct from the publisher or through a shipping agency. The bulk of pocket books coming into Canada from the United States comes through an eastern port of entry. Magazines may be shipped direct from the publishers in the U.S.A., through the various ports of entry.

Some wholesalers are local branches of firms whose head offices write all the contracts, they have no control over what they shall sell. Furthermore, the volume of material that passes through a wholesale house and the speed with which it must be distributed to the retailer makes an examination of the contents difficult, if not impossible. Pre-knowledge of the undesirable quality of any particular item would be required in order to withdraw it from circulation.

Control:

Local: The many hundreds of pocket books and magazines sold is the reason why the situation has got out of hand. Retailers and wholesalers will withdraw from circulation any particular title if informed by the authorities that the content is contrary to the Act. If they did not, and were subsequently prosecuted they would be unable to plead ignorance. One title is as a drop in the bucket compared with what is left, authorities and police could not give time from their other duties to scan every book and magazine.

Local censorship is of no value. Many communities have tried this plan and have found it unworkable. Each new issue of a magazine and every new book must be examined, a task beyond the capacity of any small group either paid or voluntary. Moreover, this task must be repeated in every town, city or village if it is to accomplish its objective. Because these groups work independently of each other there is no uniformity in their decisions. What might be banned in Vancouver might be sold in Burnaby with greatly enhanced sales because of Vancouver's action.

National: It would seem that the only effective way to deal with the problem is at the source. The Customs officials need to be reminded sharply of their duty for a great many magazines and pocket books that are beyond all question obscene, are entering the country. It is possible that the Customs are hampered by lack of funds to engage the necessary personnel, for this tremendous increase in publications has come about during the past few years; representation should then be made to the proper authorities to allow the increased budget necessary until such time as control is once more established.

For those pocket books and magazines published or printed in Canada, an effective way of control might be to cause each publisher to submit a sample of each title to a central examining board or committee and that no publications could be sent on to a shipper or wholesaler until approved by that body.

This would be a matter of some expense to the Government and would delay the release of publications to the public. However, the money and time would be well expended if our children and young people could be protected from this insidious influence that threatens the strength of the nation.

Use of the mails:

Recently a teen-ager living in Comox, British Columbia, answered an advertisement in a boy's magazine and ordered a book on stamps. The address to which he wrote was "Frederick Fell Incorporated, 386-4th Avenue, New York 16, N.Y.". The book on stamps was delivered. Shortly afterwards the enclosed book list was also delivered to him. There is no other apparent way that an unknown youngster from a small town in British Columbia could have been put on the mailing list of these publishers except through contact re the Stamp Book. Frederick Fell Incorporated knew they were dealing with a juvenile. This book list (Exhibit "I") is sent to you for information. It shows that every available vehicle is being used to further the traffic in obscenity.

Recommendations:

1. The Provincial Attorneys-General be urged to ensure that only those cases which are really violations of the intent of the Act be prosecuted.

2. That no pictures be allowed on the covers of cheap paper-bound editions of books. (This in no instance to apply to magazines.)

3. That books which the publishers wish classed as text books be released through the text book branches of Universities and Departments of Education, or similar facilities.

4. That a definition of obscenity such as that from the judgment of Chief Justice Cockburn in *Rex vs Hicklin*, be written into the Act.

5. That the practice whereby wholesalers fill retailers' shelves according to a quota set by themselves, be stopped, and that publications be delivered by order only.

6. That Customs Department be urged to appoint the necessary qualified staff to examine samples of all shipments of periodicals and pocket books, using definition of obscenity as written into the Act as the guide.

7. That a Government Committee or Board be set up to similarly examine Canadian publications before they are distributed to the wholesaler. If the Board should decide that a publication should not be approved, the publisher or other interested person, should have an opportunity of appearing before them and state his case, and secondly, if the right of publication is still refused, an appeal could be made to a Supreme Court Judge. In such an appeal the onus of proof could be reversed, and it would be incumbent upon the printer to satisfy the Judge that some good purpose could be served by the printing or publishing of the questioned book.

We recognize that these recommendations if put into effect would be costly in money and time both to the Government and to the publications trade; but the public is becoming more and more aware of the necessity for drastic action to cure an insidious evil and would support such a measure.

Yours very truly,

MRS. C. W. MELLISH,
Children's Reading Committee,
The Canadian Home and School and
Parent-Teacher Federation.

THE FOUR POINT PROGRAMME OF THE CHILDREN'S READING COMMITTEE OF THE CANADIAN HOME AND SCHOOL AND PARENT-TEACHER FEDERATION

The purpose of the Children's Reading Committee is: "To seek by all possible means to encourage children to read good books and to make those books readily available, not for the academic worth of such reading but because of its value in the building of personality and character."

The Committee has a four point programme which is constantly being further developed.

THE FOUR POINT PROGRAMME

1. *With the Children*

Four provinces have conducted some form or other of Reading Club, developed according to their particular needs. These Clubs are the front line of our attack on trashy literature, they are intended to assist in developing in our children a love of good reading and so to immunize them against the effects of newsstand pulps and lurid cheap editions. Although progress has been made as witnessed by the distribution of over 12,000 Reading Club certificates since September, 1951, much more remains to be done.

2. *With the Parents*

A beginning has been made with a programme to bring parents up-to-date information on how their children learn to read and on how they can best be helped by the home.

Suggestions have also been given for impressing upon parents the importance of what their children read. Information is available on what constitutes a good reading programme for all ages, on how best to handle the problem of pulps and comics and on when and how this type of reading becomes harmful, together with criteria for evaluating such publications.

3. *With the Community*

The programme for the extension of libraries is under way. In some areas it developed as the natural consequence of Reading Clubs. One province has a carefully planned short, and long term programme.

4. *With the Schools*

All schools do not have libraries for leisure time reading; some schools have only a poor assortment of books. The necessity and importance of our associations taking an interest in school libraries is stressed each year.

The Canadian Home and School and Parent-Teacher Federation is presently urging the formation in each province of a committee composed of educators and lay people whose principal concern shall be the promotion of good reading habits in children and youth.

The following communications from representative societies are reported as indication of widespread civic interest.

SOCIÉTÉ FÉMININE ST-VINCENT DE PAUL

3870, rue Saint-Denis,
Montréal.

Services bénévoles féminins.

Our Society has been very pleased to hear of your co-operation in finding some means of repressing the salacious literature which circulates in Canada.

At its regular meeting, a motion of congratulations and good wishes has been adopted.

We wish you good luck, and pray for the full and fruitful success of your campaign.

CHEVALIERS DE COLOMB

Conseil Laurier-Outremont No 3380
210, boulevard Saint-Joseph-Ouest
MONTRÉAL (14)

The "Conseil Laurier-Outremont", assembled in their regular meeting, have taken into consideration your concern over the problem which interests us to the highest degree, i.e. the purifying of the literature which enters into our country.

We congratulate you for the interest you are taking in the matter and wish all possible success to your Committee, which, no doubt, will not remain inactive.

Mrs. Rita Burns, Secretary,
Alexandra P.T.A.,
Broadway & Clarke Drive,
Vancouver, B.C.

We were asked by the Congress of Canadian Women, B.C. Prov. Council, to read a copy of the brief they had sent to you. This brief was read at our last P.T.A. meeting and our members feel very strongly against all "comic books" containing the sort of reading we feel is harmful to the younger generation.

These so-called comic books are really not "comic" at all. Such as crime books, immoral love stories, brutal war comics etc. They are all put up in comic book form. Comic books such as the younger ones do really enjoy are all very well. By these we mean the general run of cowboy stories, the teen-age stories of such characters as Archie, Wilbur, Candy or the Donald Duck and Dagwood comics. These books are read by the children, bought by the children and quite harmless to the children. Speaking as a mother whose children do read and enjoy these comics, I am sure I express the opinion of many mothers and fathers too, when I say that we wish comic books continued only as long as they contain healthy comic stories in them.

Our P.T.A. members, therefore, wish me to inform you of our view on this situation. It is to ban all comic books with literature in them of brutality and immorality, as it is harmful to the minds and bodies of coming generations.

Mrs. E. J. Martin, Secretary,
St. Margaret's Subdivision,
Catholic Women's League of Canada,
Midland, Ontario.

I have been directed by the executive and members of St. Margaret's Subdivision of the Catholic Women's League of Canada to extend to you their support and encouragement on your valiant stand against salacious and objectionable reading material.

Many of our members, as mothers of teen-age boys and girls, are vitally concerned with this menacing problem. All our members, as Christian women, are likewise alarmed at the utter lack of morality in all too many pocket books and magazines. It is encouraging for us to learn of men, in a high position, courageous enough to campaign against this common enemy.

We, therefore, extend to you our congratulations, our wholehearted support and the fervent prayer that God may bless you and your courageous efforts.

Mrs. Jean-Paul Pinsonnault,
Services des Lectures du diocèse de Montréal,
Montréal, P.Q.

We wish to congratulate you, for devoting your attention to such a serious matter. We need not say that you can depend upon our support and our adhesion for anything that could be done to purify the reading in our country.

We hope that the work of your Committee will bring to the present situation a change which is really indispensable.

G. C. Sharp, Chartered Accountant,
307 Queenston St.,
Winnipeg, Man.

Some time ago I saw an article in the *Winnipeg Tribune* which stated that the work of your committee had aroused much public interest. I am writing you to give my personal endorsement of your endeavors that may lead to a cleaning up of the indecent and obscene literature that is today being sold on public bookstands and stores all over the country and is undoubtedly becoming one of the means by which crime of many kinds is being encouraged amongst juveniles and even adults. This kind of indecency is more than creeping into many of the magazines which at one time would not have tolerated that sort of thing.

The cost of crime has become such an alarming figure in our governmental expenditures that our legislators, both in the Senate and Commons, are quite justified in paying serious attention to the situation which your committee was appointed to investigate. I am hoping that your studies will result in some effective means being adopted by which salacious literature will be prevented from getting into the hands of our young people. Success to your efforts.

Mrs. A. Major, President,
Service de préparation à la vie.
(Service of Professional Guidance).

We have learned that the Senate Committee instituted last Spring to put a stop to obscene publications in Canada, will soon resume its work. We are glad to hear this, since our organization is an educational service which allows us to come in contact with over 12,000 female students and we are in a position to observe the noxious effects which indecent literature has on the youth and on the parents whose duty it is to supervise their education.

We hope that your Committee will soon draw appropriate conclusions and that it will obtain assistance and understanding from the highest authorities.

Rev. Father Roger Aird,
Assistant Director,
Le Conseil des Œuvres,
445, rue St-François-Xavier, Bureau 35,
Montreal 1.

The Council of charitable works, diocesan commission of charitable works and social services of Montreal, was happy to learn about the institution of a Senate Committee to study the circulation of obscene literature in this country and to suggest to the government appropriate measures to put an end to this nefarious situation.

The Council wishes to congratulate the government over this initiative, hopes that the committee whose chairman you are will be successful in its endeavours, and assures you that it has the full support of Catholic charitable and social service institutions of Montreal.

Joseph P. Archambault, S.J.,
Director,
Institut social populaire,
25 Jarry Street West,
Montreal (14).

The "Institut Social Populaire" is very pleased that a Senate Committee has been appointed to investigate on salacious literature. We hope that you will receive from everywhere all the collaboration required to help you find the best remedies against that evil.

Since one obstacle to such repression seems to be the word "salacious" on which the courts are unable to agree as regards its definition and especially its application to several publications, we suggest that your Committee somewhat follow the example of Australia where Parliament has added to the expression "salacious works": "unduly emphasizing matters of sex or crimes of violence" (Consolidated Statutes, 2 George VI, Act 1928, No. 4573). Moreover, the fine was greatly increased.

Kindly believe, Mr. Senator, in our respectful regards.

Alide Lessard, Priest,
Chaplain,
Services Bénévoles Féminins,
3870 St-Denis Street,
Montreal.

The "Service bénévoles féminins" are rejoicing over your co-operation to the purification of salacious literature circulating in Canada.

At their meeting they have adopted a resolution of congratulations and good wishes.

REV. WALDO C. MACHUM,
General Secretary,
United Baptist Convention
Maritime Provinces of Canada.

I am pleased to convey to you herewith the copy of a resolution passed by our Maritime United Baptist Convention in session at Wolfville, Nova Scotia, August 28-31, 1952.

Trusting that this may be of value to you and your Committee in their important project in the interests of decent literature and of the character of our people, I am

MARITIME UNITED BAPTIST CONVENTION

Whereas, a flood of indecent and salacious literature is being made easily available to the reading public, and

Whereas, this literature definitely is morally harmful in that it

- (1) distorts life and gives youth a false perspective;
- (2) makes light of such sacred things as marriage;
- (3) exploits sex; uses profane, coarse, and vulgar language, and ridicules and disregards Christian norms, and,

Whereas, the circulation of this literature is a threat to such great democratic principles as that of free enterprise in that as we understand,

- (1) merchants are coerced to display the evil in order to get the good;
- (2) advertising of the good is so mingled with advertising of the bad as to commit a deceit, and,

Whereas, our authors are being forced to write such trash in order to get the backing of publishers, thus constituting a threat to the growth of a worthy Canadian literature;

Therefore, be it resolved, that we, as a Convention,

(1) Register our decisive disapproval of all such lecherous literature and the authors, publishers, and all responsible for its distribution without respect to its harmful effects on the public.

(2) Deplore the fact that many both young and old succumb to these base appeals.

(3) That we approach the Federal authorities with the request that the momopolistic control of the marketing and advertising of this indecent literature be thoroughly investigated.

(4) That an appeal be addressed to the Canadian Authors' Association in the interests of a more moral and Christian literature as Canada's contribution to the literary world.

(5) That we convey to the Canadian Council of Churches our endorsement of similar efforts being made by them.

(6) And furthermore, in view of the fact that the Senate of Canada has appointed a committee, under the chairmanship of Senator Hayes Doone, to investigate the sale of obscene and salacious literature, that our Convention go on record as commending such action and assuring our support.

BLONDIN DUBE, S. J.,

Assistant National Director of C. E.

Croisade Eucharistique,
8100 boulevard Saint Laurent,
Montreal.

For many years, the "Croisade Eucharistique du Canada" which is constituted of some 100,000 children, is carrying a campaign in favour of decent literature and is endeavouring by all means to repress, especially among young people, the circulation of salacious literature.

In the name of the "Croisade Eucharistique" I support with all my strength the work of your Committee against that kind of literature which is disastrous for the intellectual and moral education of our young and older people. Our "Secretariat National" has adopted the following motion: "That the Federal Parliament check as soon as possible all salacious and obscene literature circulating in the country and which constitutes a national peril."

I congratulate you, Mr. Senator, for the position you have taken, and wish that your Committee carry their undertaking to the end without letting themselves being rebuked by the opposition which they will no doubt come across. Believe in my entire gratitude.

Jeannette Larose, President.
L'Association Catholique des
Infirmières canadiennes
Montreal

The executive committee of the "Association des Infirmières Catholiques de Montréal" wishes, in the name of all its members, to support you for the marvelous work you have undertaken in order to repress the ever increasing quantity of salacious literature in circulation in Canada.

We wish that the Senate Committee under your chairmanship obtain all possible success.

"La Jeunesse Indépendante Catholique Féminine,
Fédération de Montréal"

Anita Caron, President.

Mgr. Roger Marien, C.S., Chaplain.

The members of our organization have been very pleased to learn that a joint committee of the Senate and House of Commons is to be appointed to deal with the serious problem of the ever increasing circulation of salacious literature in Canada.

We can realize, indeed, the disastrous effect of these books and periodicals upon our youth, and consequently the necessity of bringing an efficient remedy to such an evil the moral and social consequences of which mean so much for the future of our nation.

We beg you to accept our warmest congratulations for the work you have already done and also to believe in the full co-operation of the members of our association, in that undertaking for the purifying of literature in our country, for we firmly believe that the future of our nation depends to a great extent on your work.

Mrs. J. Rankin, Sec. Britannia High School, P.T.A.
1862 William St.
Vancouver, B.C.

The Britannia High School Parent Teacher Association has endorsed the Brief on Salacious Literature which has been submitted to you from the B.C. Provincial Congress of Canadian Women.

Our Association is most concerned over the continuing sale and distribution of vile sex and murder, so called, comics.

We urge your assistance in enforcing that Legislation which has been inserted into the Criminal Code, banning crime comics.

Our association is also in favor of increasing the number of children's Libraries as well as the development of Canadian Literature.

Frances Horkoff, Secretary.
Kamsack Chapter of Canadian
Congress of Women,
Kamsack, Sask.

At a meeting of Congress of Canadian Women a resolution was passed to investigate the content of comic books at present on sale and to declare illegal the sale of all comic books which have crime, war and sex material.

We would rather see our magazine stands hold reading material which would encourage children to build their character and enhance the pleasant side of life.

Mrs. M. Belanger, President.
Trail & District Smelterworkers Aux. Local 131,
910 Portland St.,
Trail, B.C.

Please find enclosed a resolution on Salacious Literature submitted by the members of the Trail and District Smelterworkers Auxiliary, Local 131, International Union of Mine, Mill and Smelterworkers.

We solicit your most serious consideration of this resolution, in the best interests of the parents and the future generation of this country. We cannot afford to see our children deteriorate to the status of criminals, sex perverts and brutal beasts, while we can still do something about it.

Resolution on Salacious Literature submitted by the Trail and District Smelter-workers Auxiliary, Local 131, to the Special Senate Committee on Salacious Literature, Senate Chambers, Ottawa, Ont.

Whereas—Crime and Sex novels and War comics can serve no possible good in the education and culture of our Canadian Youth and Children, and

Whereas—The minds of our youth are being warped and destroyed by these obscene, filthy pictures and stories glorifying brutality and immorality, and

Whereas—Practically all such literature is brought into Canada from the United States with the blessing of our own government, and

Whereas—The Criminal Code of Canada contains a Section to ban all Crime Comics, and

Whereas—Cases of Juvenile Delinquency and even death have occurred among the children of Canada as a direct result of reading such literature, and

Whereas—Millions of dollars are spent on this filthy, unscrupulous trash that could be spent on so many other books which would keep the minds of our children clean and healthy.

THEREFORE we urge that your Committee instruct the government enforce the legislation banning Crime Comics immediately, and

FURTHER that the government in co-operation with the provinces set up childrens' Libraries, and FURTHER that a special Committee be set up to examine and pass judgment on all literature to be sold on our Canadian Book stands.

Rev. Fred M. Poulton, Secretary, The Canadian Council of Churches, 3 Willcocks St., Toronto 5, Ontario.

On behalf of the Churches and organizations represented in the Canadian Council of Churches, I have been asked to forward to you the enclosed resolution on Obscene Publications.

This resolution was adopted at the Ninth Meeting of the Council, held recently in London, Ontario.

We are confident that you will give this resolution your sympathetic consideration, and we trust that ways and means may be found to implement its recommendations and suggestions.

THE CANADIAN COUNCIL OF CHURCHES,

Resolution on Obscene Publications

(Adopted at the Ninth Meeting, November, 1952.)

Be It Resolved (a) that the Canadian Council of Churches commend the Senate of Canada on its appointment of a special committee to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of salacious and indecent publications and periodicals;

(b) that the Council assure the members of the Senate Committee of its keen interest in the work which they have undertaken in seeking to solve this serious and vexing problem, and that the Council express its willingness and readiness to support the Committee in every way possible;

(c) that while the Council insists that freedom of speech must be maintained, it would also urge that a proper emphasis be placed upon the observance of the law so as to prevent the exercise of license by the few who would destroy morals for monetary gain;

(d) that in the name of decency and for the sake of a more Christian Canada, the Council again call upon the provincial attorneys general, without whose co-operation no charges against printers or vendors of salacious and indecent publications can be laid, to give their wholehearted support to the enforcement of the law dealing with the publication and distribution of obscene printed matter as it is set forth in Section 207 of the Criminal Code of Canada;

(e) that in the same spirit the Council address a further appeal to booksellers, drug store proprietors and others to refrain from handling or offering for sale such reading material as tends to pervert the mind.

(f) that the Department of Social Relations address a request to the Social Service Boards of the member Churches in the Council to bring this matter afresh to their clergy and people, and to call for local attempts to deal with the problem.

Mr. Roger Charbonneau,
Secrétaire-trésorier,
La Fédération des Sociétés,
Saint Jean Baptiste d'Ontario,
Ottawa, Ontario.

At their last meeting the members of the Council of "La Fédération des Sociétés Saint Jean Baptiste d'Ontario" discussed at length the Senate investigation concerning obscene literature. They have asked me to congratulate you for the excellent work you are doing and they hope the measures brought about by this investigation will rid our youth of these pernicious publications.

The Council has taken cognizance of the memorandum presented to your Committee by Rev. Father Paul Gay, the Chairman of the Diocesan Committee on Press and Radio, and the Council wishes to inform you that it approves this document in its entirety.

Memo—The memorandum presented by Rev. Father Paul Gay appears in No. 1 of the 1952 Proceedings of the Committee, page 10 to 12.

Mrs. Allan SCHAUS,
Secretary, St. Peters Altar Society,
Durham, Ont.

The members of the Altar Society of St. Peters Church, Durham, appreciate the work that has been done by the Senate Committee regarding obscene literature. We trust that every effort will be made to clean up the newsstands in relation to objectionable reading material. Hoping for continued success in your campaign.

Rev. L. F. BASTIEN,
Our Lady of the Holy Rosary Church,
Windsor, Ont.

A word to encourage you to do all in your power to do away with the filth that our younger generation is taking from our newsstands and drug stores etc.

I am certain that you have a natural disgust towards such a condition, and you may be sure that you have thousands with you if you take action.

People's Co-operative Bookstore Association
337 W. Pender St., Vancouver 3, B.C.

At the last annual meeting of the People's Co-operative Book Store Association, a good deal of concern and alarm was expressed by our members at the incitement to race hatred, violence, gangsterism and a war-like attitude prevalent in so many comic books presently being distributed for children.

In our Association, we are attempting to meet this problem by encouraging the distribution of better books and literature for children among our own members, and also among the general public who patronize our Book Store.

It was decided at the last meeting of our Board of Directors, held on June 24, 1952, that we should write to your Committee to let you know of our concern, and to let you know that you have our encouragement and support in any steps which you have taken and may in the future take, to limit the publication and circulation of war and crime comics.

We would appreciate it if you would place us on your mailing list so that we may be advised from time to time of the work which you are doing.

Mr. L. A. Gregory,
The Baptist Convention of Ontario and Quebec
Board of Religious Education
190 St. George Street,
Toronto 5, Ontario

I had from you some time ago information regarding the appointment of a Special Committee of the Senate "authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution of salacious and indecent literature, publications otherwise objectionable from the standpoint of crime promotion, and lewd and unwholesome pictures."

Let me express myself as being heartily in sympathy with this action of the Senate. I am sure I speak for my constituency as well when I say that I hope the Committee will move forward as expeditiously and effectively as possible in its efforts to remove from the newsstands and other sources of supply all such indecent and unworthy literature.

Anything that this Board can do through any of its departments of work, we shall be glad to undertake.

Mrs. J. Tattersall and others,
Ingersoll, Ont.

We the members and adherents of the Women's Christian Temperance Union wish to be on record with those who are against the publication and sale of immoral and obscene literature.

Mrs. Genevieve Duncan,
Western Ontario Child Study Association, 645 Elizabeth Street,
Sarnia, Ont.

We represent a large group of parents in Western Ontario—who feel that the sale of obscene literature is a corrupting influence on the minds of our adolescent and teen-age children.

We strongly make this appeal that legislation be passed banning the sale of lewd literature.

William R. Dalziel, Commissioner.
The Salvation Army
Headquarters for Canada and Bermuda

Some time ago you wrote to the Principal of our Training College inviting a submission on the subject under discussion, for the Committee's consideration. At that time it was indicated that the time factor would prevent the Committee completing its work before the Session closed but that the investigation would likely carry over to the next Session. We, therefore, delayed our letter until now.

The question of the sale of indecent literature and its lurid display on many of the book-stalls has caused us much concern, and we were well aware of the difficulties attached to the handling of a matter of this kind. The efforts that have been made to cope with the situation from time to time have been worthy of the commendation of all decent people, but it is evident that they have been inadequate so far.

The Committee has a tremendous task on its hands and we wish them to know that we are whole-heartedly behind them in their efforts to find an effective solution of the problem.

It is evident that a situation exists which should be corrected. How this is to be achieved is the problem. As we see it, nothing short of an over-all ban on the printing and importation of all magazines and books which obviously have the *appearance of evil* is required. This may be hard to secure, but must be the ultimate goal. If this were law it would deal with the problem at its source. Then a Board of Censors, similar to that which adjudicates on plays and movies, would keep an alert eye on any publications and the writers, publishers, and sellers be charged with breaking the law.

We pray that the Committee may be Divinely guided in their deliberations.

M. J. Beaudoin, President.
St. John's Holy Name Society,
278 Huxley Ave. S.,
Hamilton, Ont.

As president of the undernoted organization, I have been directed to write you regarding the pornographic and salacious literature adorning the news-stands throughout the country in general and this city in particular.

The writer is pleased to note that the efforts of the children of the school attended by my own son have proven fruitful. A spontaneous threat of a boycott by all the children in the school unless the type of literature offered for sale by a dealer near the school was scrutinized rigidly has had very favourable results. It is, however, appalling to think that such action is required by adolescents, when one must conclude that this should be the responsibility of the governing bodies of our country to whom we look for leadership.

It is realized that any curtailment of the freedom of the press presents problems, but when one considers that the minds of the citizens of tomorrow are contaminated in their formative years by the display and sale of the lowest possible form of reading matter, surely no obstacle can be insurmountable.

W. W. Judd, General Secretary.
The Church of England in Canada
The Department of Christian Social Service
(The Council for Social Service)

You will recall that in the spring I forwarded to you a considerable Statement on the subject matter under discussion by your Senate Committee. You were good enough to receive this and to enter it into your Minutes.

1. At the recent meeting of the General Synod of the Church of England in Canada, the governing body of our Church, the following Resolution was passed:

That the Synod expresses its satisfaction that as a result of the publicity given to the problem of undesirable printed matter a Committee of the Senate has been appointed to review the problem and desires at this time to reinforce the submissions made to the Senate Committee by the officers of the Council urging among other things such publicity as will

precipitate effective action, more definitive regulations admitting of specific control by the police and courts, a revision of censorship methods, and greater restrictions over display and sale, and

FURTHER, pending the report of the Senate Committee and possible changes in the legal processes involved, the Synod calls upon church people in their capacity as members of local citizen groups, to approach the retail dealers in their communities to seek their co-operation in banning from their shelves all sheets, magazines and books undesirable for display or sale.

The Resolution speaks for itself and in the last four lines of the first paragraph urges, again, the substance of our former communications.

2. There was another Resolution moved by a private member of the General Synod which was passed. This reads as follows:

That whereas Juvenile Crime is reported in the Press to be on the increase, and that whereas it is the considered opinion of many that this is due to a low standard of crime movies and certain comic publications and radio programs,

Be it resolved that the General Synod of the Church of England meeting in London request the Federal or Provincial authorities concerned to have their Departments, Corporations or Censor Boards, as the case may require, examine and censor more critically all such moving pictures, comic strips and radio programs, so as to void all elements in them tending to degrade the morals of the young people of Canada.

I do not know whether this Resolution is at all pertinent to the work of your Committee. If it is, I trust that you will give it due consideration.

Miss Catherine A. Toal, President,
The Catholic Women's League of Canada,
Ontario Provincial Council.
750 William Street,
London, Ontario.

It is my privilege to convey to you the message unanimously expressed at the recent annual convention of the Ontario Provincial Council of the Catholic Women's League of Canada held at Kitchener, Ontario, September 5th to 8th, 1952.

The Council wishes to commend you and your associates for your splendid efforts and action taken to devise a more effective legal means of dealing with the problem of obscene literature.

The Ontario Provincial Council of the Catholic Women's League of Canada is most appreciative of your efforts and you may be assured of their support in this cause for better literature.

Frank J. Turner, President,
St. Alphonsus Regis Club,
65 Park Street East,
Windsor, Ont.

As president of the Regis Club of St. Alphonsus parish, Windsor, Ontario, I have been asked to contact you in regard to the problem of salacious and obscene literature. The Regis Club is a group of the young adults of the parish united for spiritual, cultural and social purposes. At present we are intending to embark on a campaign to clean up the magazine stands of Windsor.

Thus as chairman of the Committee meeting to discuss this problem I would appreciate any advice or information in this regard, particularly the minutes of this committee, if they are available. Finally we wish to offer our services to the Senate Committee if we can assist them in any way in this regard.

Miss A. Tierney,
National Secretary,
The Catholic Women's League of Canada,
470 Lisgar St., Ottawa, Ont.

I am directed by the National Executive of the Catholic Women's League of Canada to transmit to you the Resolution adopted unanimously by the League at the Convention held recently at Regina, Sask.

Whereas the problem of eliminating obscene reading material continues to be of major importance in this country and whereas the special Senate Committee appointed by the federal authorities to inquire into this matter has given clear evidence of its determination to devise and champion legislation designed for the effective protection of our youth from the perils of intellectual decadence and moral degradation: "Be it resolved that we, the Catholic Women's League of Canada in 32nd Annual National Convention assembled, strongly commend the work of the aforesaid committee to date; and be it further resolved that at the earliest practicable opportunity our National Director and National President present to this Senate Committee a brief outlining our considered convictions concerning this crucial matter.

On behalf of the League may I convey this message and express to this Committee our thanks for the consideration extended this organization.

Mrs. O. St. Pierre, Secretary,
Catholic Women's League,
424 Perry St., Whitby, Ont.

On behalf of the Catholic Women's League of Whitby we would like to register our protest against the public sale on magazine racks, in newsstands, drug stores, etc., of obscene literature.

Miss Mary Lugsdin, General Secretary,
Big Sister Association,
22 Charles St. East, Toronto 5.

In response to your letter of May 21st, the Board of the Big Sister Association of Toronto and York wish to assure you of the Association's support and keen interest in the work of your special Committee.

As a social agency with some responsibility for the welfare of adolescent girls, we are naturally concerned about the community influences to which our young people are exposed. We know that your investigation is urgently needed. For this reason your Committee's purpose and study have our whole-hearted backing.

We would urge that the survey be carried forward as completely as possible with the hope that controlling legislation will be recommended.

Office of the Executive Secretary, and Treasurer,
Association of Ontario Mayors and Reeves,
209 City Hall,
Toronto, Ontario.

At the recent Annual Conference of the Association of Ontario Mayors and Reeves the matter of the sale and distribution of magazines and periodicals of objectionable types was discussed.

One aspect of the discussion was the necessity and desirability of censorship of such publications with a view to prohibiting all publications considered unfit for children. Another aspect was a suggestion that the Minister of Justice be asked to convene a further conference of the Provincial Attorneys General to consider measures which may be undertaken to revise the Criminal Code so that the provisions thereof, respecting the curbing and sale of objectionable literature may be more readily enforceable by the Provinces and the municipalities.

Emanating out of this discussion, the Association decided to advise the Minister of Justice and the Special Senate Committee regarding Salacious Literature, that the Association is anxious that action be taken to prohibit the printing, publication, distribution, circulation and sale of immoral, obscene or undesirable literature in all forms, both from the standpoint of reading or illustrative material for adults and for children and youth.

(Miss) Mary TORRE, *Secretary*,
 Legion of Mary, Dundas,
 233 Melville St.,
 Dundas, Ont.

After considerable investigation on the part of some of our members, we ask the question "Why can't our Government do something about the type of books, comics and magazines that are being sold on the news and magazine stands across this great Dominion of ours?"

Too often when asked by a customer why a certain comic or magazine or newspaper is being carried at a particular stand, management states that his sales show a general decrease if this type of printed matter is not sold by him, but has management ever thought of the effect this so called "literature" has on our youth of today, who will be the men and women of tomorrow?

Vacation time is when most of this harmful reading is done and to be sure the majority of comics, magazines, newspapers, etc., are a complete menace to any kind of reading, and in this battle of ours for the extermination of this sordid, immoral and indecent type of reading matter, we cannot relax, for it has been said and proven that "Eternal Vigilance Is The Price of Success".

Therefore, Sir: we ask you to place this protest in the hands of the proper members of the Senate, for it is necessary that prompt and quick action should be taken to prohibit the printing and importing of this type of reading matter, for the moral, spiritual and physical health of the youth and the people of this Country is at stake.

St. Anthony's-St. Agnes' Parent-Teacher Association,
 Ottawa, Ont.

At the June meeting of our P.T.A. unit, the following resolution was unanimously adopted and we, the members of the Executive, have been requested to forward same to you for the earnest consideration of your Committee.

Whereas the unrestricted sale of salacious and indecent literature which includes crime comics, lewd drawings, pictures, etc., has a demoralizing effect on our youth of today, and

Whereas the producers and publishers of this salacious literature, pandering for commercial gain to the moronic mentality of the community, are ever taking greater risks in their appeal to the baser animal instincts of humans,

Be it so resolved that we, the members of St. Agnes'-St. Anthony's Catholic Parent-Teacher Association, go on record as being firmly opposed to the type of obscene literature, pictures and other articles which are on sale in the majority of retail outlets,

And that we strongly recommend to the "Committee" which has been appointed to investigate this matter that legislation be enacted to curb and control the growing volume of filthy literature now being circulated in Canada, and that the "Committee" explore every means of simplifying said legislation so as to leave no doubt regarding the responsibility of those involved, as well as the prosecution of all parties instrumental in the sale and distribution of this literature.

Margaret M. HAYES, *Secretary*,
St. Anne's Society,
St. Basil's Church, Brantford, Ont.

We, The St. Anne's Society of St. Basil's Parish, Brantford, Ontario, convey our appreciation of the attack against "Salacious Literature".

We applaud the Senate for having appointed a special committee to clean-up our magazine stands.

The Society as a group offer our whole-hearted support and co-operation for an united effort to accomplish immediate and desirable results.

B.C. Provincial Congress of Cdn. Women
319 E. 38th Ave.
Vancouver, 15 B.C.

Parents are becoming increasingly alarmed at the effects which the majority of so-called comic books are having on Canadian children. Two years ago the Canadian Parliament inserted into the Criminal Code a new section which supposedly banned crime comics in this country, yet today dozens of different crime comics and other crime magazines can be found in every bookstore and magazine stand. As many of these magazines are printed in the United States, it is apparent that the Canadian government is responsible for permitting them to enter this country.

Charlotte Whitton, Mayor of Ottawa and former social worker, expressed the sentiments of most parents when she reported to your Committee that "Canada is now the open end of a sewer for this sort of stuff." For these publications, erroneously called "comics," contain little else than obscene, filthy pictures and stories glorifying brutality and immorality. As such, they have no place in our country.

Literature for children should use language skilfully to entertain, to represent reality and to stimulate the imagination or educate the emotions. Good literature should have originality and should open up before youthful minds a broad vista of the great marvels in human accomplishment which modern science is daily bringing within reach of attainment. But instead of this, these so-called comic books violate every standard of good literature by misrepresenting reality and constantly using slangy expressions and poor grammar.

One firm of publishers has stated: "Our aim is to produce comics which will be bought *by* the child, not *for* him." This is a frank admission that a purely commercial motive prompts such publishers to turn out the tons of trash which are displayed on every newsstand and corner store.

Any acceptance of a representation of human beings in action so patently false as that contained in these comics must tend to create a misunderstanding

in the mind of the reader of the nature and motives of human behaviour. Further, it compels him to lead a dual existence, using a part of his energy in an excessive emotional participation in a life of fantasy at a time when he needs so much to understand and grapple with the real world. Granted, it is still necessary for him to withdraw sometimes from the real world into one of fantasy, yet it is of great importance that the experiences arising from the fantasy should be of good quality, indirectly extending his understanding of reality.

It seems very strange that so many millions of dollars should be spent by both the government and by parents to give our children healthy bodies (after all, the whole idea of the Family Allowance scheme was to raise the standard of living for our youngsters) and yet so little is done to keep the minds of these same children healthy and clean.

In this connection, may we draw to your attention that even the American Navy has become alarmed at the effects of certain comic books and has banned seven of them in order to keep them out of the hands of susceptible sailors. A Navy spokesman described the banned books as "stressing fear," yet these same books are being bought by our children.

We are particularly alarmed at the number of reports concerning juvenile delinquency which have been proven to have been caused by such comics. Because of this situation, we feel it is imperative that legislation banning crime comics be enforced immediately, and that before any comic book is distributed in Canada it must be approved by a committee composed of those best suited to judge what is acceptable, such as representatives of the Parent-Teacher Federation, the Canadian Teachers' Federation, the Canadian Library Association and the Departments of Education of the various provinces.

We also feel that it is necessary to increase the number of children's libraries and to encourage the development of Canadian literature, based on our own colorful history and cultural experiences.

Mr. Paul-Emile Gingras
Chief of the General Secretariat,
La Federation des Ligues du Sacre-Coeur
8100 St. Laurent, Montreal, P2.

The officers of the Board of Directors of the Fédération Générale des Ligues du Sacre-Coeur have asked me to send you the following letter:—

In the Provinces of Ontario, Quebec, and New Brunswick, our Association has 1,250 parochial sections and 180,000 members. At their Congress, the delegates of these Leagues voiced their approval of the investigation which the Senate is holding on literature and printed matter. They all agree to request a better definition of the word "obscene" in the criminal code in order to facilitate the work of the attorneys of our provinces.

They also request that foreign books already condemned by item 1201 of the Customs tariff be prohibited from being reprinted in Canada. For instance, we know that 43 "pocket books" already condemned by Customs Minister McCann, are reprinted in Canada and presently on sale in our bookstands. The delegates at this Congress also ask you that appropriate measures be taken so that retailers be not subject to compulsion by wholesale distributors, that they be free to refuse any magazine without risking to lose other magazines which they wish to obtain.

As representing tens of thousands of family heads, the Directors of the Sacred-Heart Leagues would request the permission to expose, before the Senate committee during the present investigation, this viewpoint concerning such a problem, together with the difficulties which they have encountered in their fight against obscene literature.

Mr. Roger Charbonneau, General Secretary,
Association Canadienne-Française,
D'Education D'Ontario,
Ottawa, Ont.

The Association canadienne-française d'éducation d'Ontario, the official mouth-piece of 477,000 French-speaking Ontarians, wishes to express their opinion concerning the Senate investigation on the printing and distribution of indecent literature.

At their last regular meeting, the members of the Executive have asked me to congratulate you, and also the Government, for instituting an investigation in this matter. They hope that the measures adopted by this committee will assist in ridding our country of these evil magazines.

Our Executive has thoroughly studied the excellent memorandum which was presented to your committee by Rev. Father Paul Gay, the authorized representative of English and French-speaking catholics of the diocese of Ottawa. It wishes to inform you that it approves every point of this brief, and l'Association canadienne-française d'éducation d'Ontario hopes that your committee will be able to draw the appropriate conclusions contained in this brief.

Father Cesaire Arcand, O.F.M.,
Commissaire provincial du Tiers-Ordre Franciscain,
2080 West, Dorchester Street,
Montreal, 25, Que.

The Senate Committee which is sitting under your chairmanship is resuming this year the study of the serious problem concerning the ever-increasing amount of obscene literature in Canada.

May I congratulate you for the excellent work you have already accomplished. Therefore, we are greatly interested in the resolution of Mr. Fulton, M.P., on the order paper of the House of Commons.

I wish to assure you that the 112,000 members of the Franciscan Third Order are highly interested in your campaign and are happy to support you.

Real Lebel, S.J.,
Director of "Ma Paroisse",
and "Croisade Eucharistique",
4260, rue de Bordeaux,
Montreal, 34, P.Q.

It is with great pleasure that I learned your appointment as Chairman of the Senate Committee on obscene literature.

As your Committee is about to resume its work, I wish to ask you, on behalf of the 130,000 subscribers of the magazine "Ma Paroisse" of which I am the Director, and on behalf of the 200,000 children of the "Croisade Eucharistique", of which I am, also, the national director, to protect the present and future generations against the evils of obscene literature. The lowering of moral standards of our generation and the anxieties of educators concerning the coming generation, point out to responsible parties the necessity of taking every possible means to protect the conscience of our citizens.

I wish to thank you, dear Senator, on behalf of all those whose spokesman I am, for all the measures which you will suggest, and you may be assured that the magazines which I publish will support earnestly your proposals for maintaining the honesty of our people in an ever-progressing Canada.

Irene Cloutier, President,
L'Oeuvre Notre-Dame de la Victoire,
4696 Garnier, St.,
Montreal, 34, P.Q.

Every true citizen of Canada of any language or religious denomination, always deplore the ever-increasing amount of indecent literature which was spread throughout the country, but none could exercise any worthwhile action.

Every citizen was glad to learn last Spring that a Senate Committee had been charged to study this problem and apply the necessary measures. This question has also been brought back on the agenda of the House of Commons through a resolution of Mr. Fulton, M.P., who proposed that a joint committee of both houses be set up for this purpose.

May we congratulate you, Mr. Chairman, for defending such a noble cause, and you may be assured that you have the support of many catholics, and particularly the members of l'Oeuvre Notre-Dame de la Victoire, whose main purpose is to pray for the success of all worthy causes.

Lily Putnam, President,
Women's Auxiliary, U.R.A.W.U. (A.F.L.),
1629 Williams Ave.,
North Vancouver, B.C.

I have been instructed by the membership of the Women's Auxiliary to the United Fishermen Allied Workers Union (A.F.L.) to write to you protesting the display and sale of low class books and magazines on our newsstands.

According to the attached published letter from the B.C. Pharmaceutical Association merchants must accept these lewd publications in order to get the worthwhile magazines. If such a racket exists it should be thoroughly investigated and exposed.

The harm that could be done to an immature mind by learning about matters of sex in such revolting language should be a subject for concern by your committee as well as all decent citizens.

At present films are censored and now television is to be scrutinized before release in our homes. Why not the same treatment for obscene literature or better still the absolute banning of the writing of these authors.

Since receiving the instructions of my organization I have read in the daily papers of the conviction of the National News Co. by County Judge A. G. McDougall on a charge of distributing obscene literature in Ottawa. An appeal against the fine of \$1,100.00 is to be made.

Every effort should be made to see that the judgment of Judge McDougall is upheld. In this respect your Department might be of great assistance.

Thanking you for your consideration.

Nov. 3, 1952, Vancouver Sun.

OUR TOWN
By Jack Scott
The Smut Wins

The druggists of British Columbia are fighting a losing battle against the increasing smut on their magazine stands.

That's the substance of a letter to me from F. H. Fullerton, manager of the B.C. Pharmaceutical Association, commenting on the recent criticism here of salacious literature for sale in drug stores and on newsstands.

Here is Mr. Fullerton's defence of the druggists and his explanation for their failure to beat the problem:

"In 1938 the magazine racks in every type of retail establishment were filled with cheaply printed magazines of highly suggestive and lewd character.

"The Pharmaceutical Association of British Columbia was the first drug body in Canada and one of the first of many groups to launch a campaign against this most undesirable type of literature.

"The censorship which was imposed by our association was followed up by pharmaceutical organizations in many other areas of Canada and by a large number in the United States and resolutions were passed calling on members of the pharmaceutical profession to eliminate magazines of this type from the racks in their stores.

"It is true (as was suggested here) that magazine jobbers look after the maintenance of stock and it has been, from time to time, the practice of the jobbers to include with the so-called more respectable publications a group of magazines devoted to girls, sex and allied subjects.

"Pharmacists have made a point of removing such material from their stands as soon as it is received and subsequently returning it to the jobber.

"This has had the effect of discouraging the jobber sending such magazines to the drug stores, but from time to time the system is repeated in the hope of securing display and promoting sales.

"However, as pointed out in your article, practically all types of magazines today are giving more and more attention to sex and it has become almost impossible to weed out this type of literature from the drug store magazine stand.

"Insofar as the comic is concerned, this association took a leading part in endeavouring to eliminate crime comics and sex comics from the magazine stands throughout the province.

"In more recent years a new type of problem has arisen in connection with pocket books.

"It is true that a considerable number of these books are written for the sole purpose of promoting sales through their lewd and suggestive plots and their even more suggestive covers.

"This matter has been brought to the attention of pharmacists and a constant attempt has been made to eliminate books of this type from drug stores throughout the country.

"It must be pointed out in all fairness, however, that the covers on some of the finest books amongst the classics which are now reproduced in these pocket books are as alluring, lewd, passionate, and seductive in so far as the picture and design is concerned as any of those written especially for the pocket book type of reader.

"It will thus be seen that it is practically an impossibility for the pharmacist to acquaint himself with every type of pocket book that comes into his store and it is inevitable that some of the undesirable type will find their way to the display racks because, from an appearance standpoint, there is such comparatively little difference between their covers and those of what are known to be accepted and popular books.

"The final answer, of course, to the whole problem lies with the public in that there is obviously a market, or authors and publishers would not be providing an ever-increasing amount of sex in their books and publications.

"It would therefore seem that the onus should be placed on an educational campaign to the general public with the view to the moral up-lifting of present-day standards rather than an attack on the druggist who is doing all in his power to regulate and maintain a high standard on his newsstand.

"The pharmacist is the guardian of the public health and he is also willing to an extent to play a part in protecting the morals of the public, but he surely cannot be asked to become the public conscience."

Rev. Earl S. Bull,
Secretary The Eastern Ontario Conference,
Free Methodist Church in Canada,
Box 1055,
Newmarket, Ontario.

By action of the East Ontario Conference of the Free Methodist Church in Canada, meeting in the fifty-seventh annual session at Harrowsmith, Ontario, August 6-10, 1952, I am instructed to address the following to you,—

“We shall wholeheartedly endorse steps taken to prohibit the publication and sale of salacious literature. We believe in freedom but not in freedom to pollute the minds of youth and further accelerate the moral decay which impairs the foundation for happy marriages and good homes. The publishers and all who make money from the sale of such filth must see that Canada places morals before wealth.”

Yours for the protection of children and youth.

Miss Grace L. Caughlin,
Corresponding Secretary,
Saint John Diocesan Council,
Catholic Women's League,
Milltown, N.B.

Be it Resolved that we the members of the Saint John Diocesan Council of the Catholic Women's League of Canada in convention assembled at Woodstock express our pleasure in the steps being taken to carry out an oft-repeated petition of the National Council of The Catholic Women's League to safeguard the minds and morals of the youth of Canada by prohibiting the sale of any type of indecent publication.

Martin U. Rice,
Grand Knight,
Knights of Columbus,
Edmundston, N.B.

At a regular meeting of Council 1932 of the Edmundston Branch of the Knights of Columbus mention was made of the splendid campaign that you have launched and waged against salacious literature.

You are to be commended in this fight to eliminate this trash from the hands of our youth and hope that your fight which has just begun will bring about the result we all expect.

Again the officers and members of our Council extend to you their good wishes and promise you their full support.

Irene McGuinness, *Corresponding Secretary*,
The Catholic Women's League of Canada,
St. Theresa Subdivision of Drummondville, Que.

I am directed by the Executive Committee and members of the Catholic Women's League of Canada, St. Theresa Subdivision, Drummondville, P.Q., to extend to you congratulations on the appointment of a special Senate Committee to investigate the publication and sale of immoral literature in Canada.

We are fully conscious of the responsibilities laid upon the Committee in this investigation, and are confident in the knowledge that such Committee will perform its function in a Christian manner; thereby justifying the confidence placed in it by the Government and people of Canada.

Extract from *The Evening Times Globe*,
Saint John, N.B., Wednesday, November 19, 1952.

CONDEMN BAD LITERATURE

N. B. Council of Labour Backs Decent Reading Campaign

Support to the decent literature campaign now being carried on in the province was given by delegates to the seventh annual convention of the New Brunswick Council of Labour (C.C.L.) at this morning's sessions in the Royal Hotel.

The convention went on record as supporting a resolution which offers to help eradicate salacious literature which would tend to undermine the physical, mental and moral health of youth. The resolution will be forwarded to the provincial government.

Many societies in the Provinces of Quebec, Ontario and New Brunswick endorsed suggestions previously made with respect to an intelligible definition of the word "obscene", modifications of the law to prevent entry into the country of pornographic material and to relieve dealers of the necessity of purchasing the so called "package allotment".

Resolutions forwarded from such organizations read in the main as follows:—

Our first suggestion would be to provide a clearer and more precise definition of the word "obscene", for it is most desirable that a vague interpretation of the expression should no longer permit anyone to evade the law.

The second suggestion would be that since the National Revenue Department has power to prohibit certain classes of books, newspapers and other publications from entering Canada, the reprinting of same be also prohibited for similar obvious reasons.

The third suggestion concerns distributors, and we wish that they would no longer have power to impose upon small retailers the sale of such and such magazines, but that small retailers be free to choose only the publications which are respectful of moral laws.

Subscribers to these suggestions who have written in during the parliamentary recess are as follows:—

Fédération des Ligues du Sacré-Cœur
du Diocèse de Chicoutimi,
Chicoutimi, Québec.

La Fédération des Ligues du Sacré-Cœur,
Amos, Abitibi, Québec.

Le Comité Diocésain de la Jeunesse Indépendante
Catholique de Québec,
Québec, Québec.

La Ligue du Sacré-Cœur,
Les Ecureuils, Québec.

Association Canadienne-Française d'Education d'Ontario,
Ottawa, Ontario.

R.R. P.P. Franciscains,
Maison du Christ Roi,
Châteauguay Bassin, Québec.

- Le Comité de Moralité de la Ligue Catholique Française,
Fédération de Plessisville,
Plessisville, Québec.
- Les Comités des Malades,
Sanatorium Saint-Georges,
Mont Joli, Québec.
- L'Association des Loisirs de l'Hôtel Dieu Saint-Vallier,
Chicoutimi, Québec.
- L'Association de la Croix de Lorraine Inc.,
99, rue Fleurie,
Québec, Québec.
- Troupe Garnier de Québec,
Collège des Jésuites,
Québec, Québec.
- L'Association de l'Action Catholique des Hospitaliers,
Sanatorium,
Roberval, Québec.
- L'Association Syndicaté Catholique des Hospitaliers,
(Section féminine) Hôpital Laval,
Québec, Québec.
- La Fédération Nationale St-Jean-Baptiste,
853 E., rue Sherbrooke,
Montréal, Québec.
- Le Groupe des Employées Pavillon Dufort,
Québec, Québec.
- Le Groupe des Employées de la Jemmerais,
Québec, Québec.
- Fédération des Ligues du Sacré-Cœur,
du Diocèse de Chicoutimi,
Chicoutimi, Québec.
- Fédération des Cercles d'Etudes Canadiens-Français,
853 E., rue Sherbrooke,
Montréal, Québec.
- La Fraternité Notre-Dame de l'Assomption,
Hôpital Saint-Joseph,
11500 Bois de Boulogne,
Bordeaux, Québec.
- Les Cercles Lacordaire Ste-Jeanne d'Arc,
Lauzon, Québec.
- Les Surveillantes de l'Hôpital St-Michel Archange,
Québec, Québec.
- Légion de Marie,
102 O., rue Lagauchetière,
Montréal, Québec.
- L'Association Cercle Camille-André du Sanatorium,
Vallée Lourdes, Nouveau-Brunswick.

Le Sanatorium St-Jean,
Macamic, Abitibi, Québec.

Le Comité des Malades,
Sanatorium St-Jean,
Macamic, Abitibi, Québec.

Les Amicales Féminines du Diocèse de Montréal,
3635, rue Atwater,
Montréal, Québec.

La Fédération de la Ligue Ouvrière Catholique,
Montréal, Québec.

La Fédération de la Jeunesse Etudiante Catholique,
3834, rue Saint-Denis,
Montréal, Québec.

La Fédération des Guides Catholique de la Province de Québec,
Québec, Québec.

L'Association du Comité des Loisirs St-Michel,
Roberval, Québec.

L'Association de la Fraternité St-Michel,
Roberval, Québec.

Communications in support of the aims of the Committee have been received from the following:—

Canadian Home and School and Parent Teacher Federation,
904 West 21st Ave.,
Vancouver, B.C.

Independent Mutual Benefit Federation,
214 Beverley St.,
Toronto, Ont.

The Women's Missionary Society,
Westdale United Church,
Hamilton, Ont.

Les Chevaliers de Colomb,
Edmundston, N.-B.

La Fédération Générale des Ligues du Sacré-Cœur
8100 St-Laurent,
Montréal, Qué.

Fédération des Ligues du Sacré-Cœur de Chicoutimi,
Chicoutimi, Qué.

La Fédération Nationale St-Jean-Baptiste,
853 Est, rue Sherbrooke,
Montréal, Qué.

People's Co-operative Bookstore Association,
337 West Pender St.,
Vancouver, B.C.

The Catholic Women's League of Canada,
Saint John Diocesan Council,
Milltown, N.B.

Federation of Catholic Parent-Teacher Associations of Ontario.

Board of Religious Education,
The Baptist Convention of Ontario and Quebec.

L'Association Syndicale Catholique des Hospitaliers,
Hôpital Laval,
Québec, Qué.

L'Association Syndicale Catholique des Hospitaliers,
Sanatorium,
Roberval, Québec.

Big Sisters Association,
22 Charles St., E.,
Toronto, Ont.

Dr. F. W. Patterson,
Acadia University,
Wolfville, N.S.

J. O. C. Classes Moyennes,
4334, rue St-Denis,
Montréal, Qué.

Association of Ontario Mayors and Reeves,
209 City Hall,
Toronto, Ont.

Canadian Library Association,
46 Elgin St.,
Ottawa, Ont.

Legion of Mary,
Dundas, Ont.

Executive Secretary Interfaith Department,
Diocese of Montreal.

B.C. Provincial Congress of Women,
319 East 38th Ave.,
Vancouver, B.C.

Comité Diocésain d'Action Catholique de Montréal,
1085 Cathédral,
Montréal, Qué.

Rev. Dr. P. J. Nicholson,
President, St. Francis Xavier University,
Antigonish, N.S.

Catholic Women's League,
Whitby, Ont.

St. Anthony-St. Agnes Parent Teacher Association,
Ottawa, Ont.

- Rev. Waldo C. Machum,
United Baptist Convention,
Maritime Provinces of Canada,
Saint John, N.B.
- The Ontario Federation of Home and School Associations Inc.,
461 Simcoe St., N.,
Oshawa, Ont.
- Women's Christian Temperance Union,
Ingersoll, Ont.
- St. Alphonsus Regis Club,
65 Park St., E.,
Windsor, Ont.
- The Catholic Women's League of Canada,
Ontario Provincial Council,
750 William St.,
London, Ont.
- Rev. Canon W. W. Judd,
The Church of England in Canada,
The Department of Christian Social Service,
Toronto, Ont.
- National Secretary,
The Catholic Women's League of Canada.
- The Catholic Women's League,
St. Joseph's Subdivision,
Toronto, Ont.
- The Association of Women Electors,
Toronto, Ont.
- Maison du Christ-Roi RR. PP. Franciscains,
Chateauguay Bassin, Que.
- The Catholic Women's League,
Wildfield, Ontario.
- Le Comité de Moralité de la Ligue Catholique Fide,
Plessisville, Que.
- St. Anne's Society of St. Basil's Church,
Brantford, Ont.
- L'Association Comité des Loisirs St-Michel,
Roberval, Que.
- The Lady of the Rosary Church,
229 Cadillac St.,
Windsor, Ont.
- L'Association Cercle Camille-André du Sanatorium,
Vallée Lourdes, N.B.
- Le Sanatorium St-Jean,
Macamic, Abitibi, Que.

- Western Ontario Child Study Club,
Sarnia Child Study Club,
645 Elizabeth St.,
Sarnia, Ont.
- Les Surveillantes de l'Hôpital St-Michel Archange,
Quebec, Que.
- Les Cercles Lacordaire Sainte-Jeanne d'Arc,
Lauzon, Que.
- La Fraternité Notre-Dame de l'Assomption, Hôpital Saint-Joseph,
Bordeaux, Que.
- Les Comité des Malades,
Sanatorium Saint Georges,
Mont Joli, Que.
- L'Association des Loisirs de l'Hôtel-Dieu Saint-Vallier,
Chicoutimi, Que.
- L'Association de la Croix de Lorraine Inc.,
99, rue Fleurie, Quebec, Que.,
- L'Association Syndicale Catholique des Hospitaliers,
Section Féminine,
Hôpital Laval,
Quebec, Que.
- St. John's Holy Name Society,
278 Huxley Ave., W.,
Hamilton, Ont.
- Rev. Earl S. Bull,
Secretary,
East Ontario Conference of the Free Methodist Church in Canada,
Newmarket, Ont.
- Commissioner Wm. R. Dalziel,
The Salvation Army,
538 Jarvis St.,
Toronto, Ont.
- Association Canadienne-Française d'Education d'Ontario,
Ottawa, Ont.
- Mr. William Griffin,
Secretary,
Hamilton Diocesan Council of the Federation of Catholic Parent-
Teacher Associations.
- Troop Grenier,
Les Scouts Catholiques du Collège des Jésuites de Québec,
Ottawa, Ont.
- Altar Society of St. Peter's Church,
Durham, Ont.
- Fédération des Guides Catholiques de la Province de Québec,
Quebec, Que.

- The Catholic Women's League of Canada,
St. Therese Subdivision,
Drummondville, Que.
- L'Association J.O.C.,
Montmagny, Que.
- Le Comité Diocésain de la Jeunesse Indépendante Catholique de Quebec,
Quebec, Que.
- La Fédération des Sociétés St-Jean Baptiste de l'Ontario,
Ottawa, Ont.
- La Fédération des Cercles d'Etudes Canadiens-Français,
853, rue Sherbrooke,
Montreal, Que.
- Fédération de la Jeunesse Etudiante Catholique,
5834, rue Saint-Denis,
Montreal, Que.
- La Ligue du Sacré-Cœur,
Les Ecureuils, Que.
- La Fédération de la Jeunesse Ouvrière Catholique de Montréal, Inc.,
3443, rue St-Hubert,
Montreal, Que.
- Les Amicales Féminines du Diocèse de Montréal,
3635, avenue Atwater,
Monreal, Que.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 2

THURSDAY, FEBRUARY 12, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESS

Mr. R. W. Keyserlingk, Editor and Publisher of the *Ensign.*

APPENDIX B

Briefs, recommendations and correspondence submitted to Chairman
by various church, social and civic organizations.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman.

The Honourable Senators

Bouffard	Gershaw	Quinn
Burchill	Golding	Stambaugh
Davis	Horner	Stevenson
Doone	McDonald	Vaillancourt
Duffus	McGuire	Wilson
Fallis	McIntyre	Wood
Farquhar	Pratt	

(20 Members—Quorum 5)

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

"That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure the services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate."

MINUTES OF PROCEEDINGS

THURSDAY, February 12, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators Doone, *Chairman*, Duffus, Farquhar, Gershaw, Golding, McDonald, McGuire, McIntyre, Quinn, Stambaugh and Vaillancourt.—11.

Consideration of the order of reference of December 8, 1952, was resumed.

Mr. R. W. Keyserlingk, Editor and Publisher of the Ensign, Montreal, P. Q., was heard.

Briefs, recommendations and correspondence received by the Chairman were ordered to be printed as Appendix B to these proceedings.

At 11.40 a.m. the Committee adjourned until Wednesday, February 18, 1953, at 10.30 a.m.

Attest.

JOHN A. HINDS,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Thursday, February 12, 1953

The Special Committee appointed to examine the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. Doone in the Chair.

The CHAIRMAN: Senators, will you please come to order. I believe we have enough for a quorum.

We are hearing this morning Mr. R. W. Keyserlingk, B.A., Editor and Publisher of The Ensign, a national publication published in Montreal, Quebec. He was formerly Managing Director of the British United Press and General European Manager of the United Press.

I introduce Mr. Keyserlingk.

Will you please come up here, Mr. Keyserlingk.

Mr. Keyserlingk:

Honourable Chairman and Honourable Senators,

In appearing before your committee today I want to state from the outset that I find it impossible to supplement the wealth of factual information which more capable individuals and groups have brought to your attention. I also readily state that the close study and the attentive reading of previous proceedings before your committee have convinced me of the very thorough and the very competent work already achieved by the committee, as well as by those presenting their briefs. An exceptionally valuable mass of data on the subject under discussion has been gathered to which I cannot add.

The Honourable Senator for Sorel, the late Mr. David, I think, summed up last June 10th what is very widely felt when he stated that we are facing a situation which, as everybody claims and rightly, is absurd and degrades the people more and more.

On that same day, Mr. Chairman, you stated that the representatives of the government have to take their stand from the lead given by the general public. May I then, as a professional reporter, endeavor rather to repeat to you what a very large section of this general public feels on this subject.

The Ensign, for a period of several years has been doing its utmost to assist in attracting public interest to this subject, namely, to present to the public information regarding this dangerous situation, which faces particularly our youth.

The Ensign has been emphasizing editorially the responsibility of the individual and of the family, but also of the government and the judiciary, in meeting this challenge.

May I be permitted today to dwell on some particular aspects regarding this responsibility, rather than impose upon your time by adducing additional evidence to prove a point which, judging both by the briefs presented as well as the utterances of the honourable members of the committee, has been amply proven, documented, and emphasized.

Drawing on my 25 years of professional experience in the press, as well as on certain specific experiences I have had with the distribution and sale of features, I can readily see that the problem the public, not only your

committee, faces, can be summarized as follows: "to dam up the torrent of obscene, lewd, suggestive and generally harmful printed entertainment now being offered and made available" to the young as well as to the intellectually immature adult.

Far be it from me to enter into a dispute with such an eminent legal authority as the Hon. Minister of Justice. He stated only recently that the Criminal Code covering obscene literature is enforceable. The Hon. Mr. Garson challenged municipalities to launch more prosecutions. He was critical of those who "go fussing and tinkering with the law instead of enforcing it," to quote his own words. There is other eminent judicial opinion which does not share this view.

That point the honourable committee will doubtless, with the help of the great legal authorities included in its number, examine. Nevertheless, as one of those who has had to report both to the public and from the public, I must emphasize that with these disputes there arises a confusion now in the mind of the people, which often makes it difficult to rally public opinion. For that reason I would like to dwell on the observation, which I think is germane to the terms of reference, and particularly to that which I think the public is hoping the present examination by the committee, will clarify. Can we still effectively protect standards of morality? It is not a question, as some have said, of enforcing or legalizing morality. It is a question of not legalizing immorality by inaction.

I notice that the member for Kamloops, Mr. Davie Fulton, has stated before your committee that he considers the present term "obscene" as insufficient to permit proper application of the law. He is opposed to censorship. He claims that even less that to the exacting legal mind it would be possible for a board of censors to define the word "obscene".

The mayor of Ottawa, Dr. Charlotte Whitton made a statement which must not be overlooked. She referred to evidences of a general deterioration and decadence in our standard of morality and of our Western civilization itself. I would like to qualify this by stating, that there is certain evidence of a general deterioration and decadence in the standard of morality in an increasingly vocal group of people, living within our society, which is formed and still maintained by standards and the concepts of morality within our Western civilization.

It is my reasoned judgment, that we are not so much dealing with the decadence of our society as we are faced with a timidity on the part of those whose standards have *not* deteriorated. We are facing the brazen brashness of those who have abandoned our standards. And many among us are more concerned with their freedom to destroy than with our freedom to defend.

There, Mr. Chairman, I think is the point of departure which permits me to state categorically that your committee, while dealing with salacious and indecent literature and publications objectionable from the standpoint of crime promotion, treasonable and subversive trash and periodicals, lewd drawings, pictures and photographs, is in fact dealing with a much more profound and basic subject. You are faced, and the public of Canada is faced, not merely with trying to find a definition for obscenity. We are faced with the basic question of whether in our society that which is accepted, according to fixed and immutable standards of natural and Divine law, as good or bad, can still claim the protection for the good and the curbing for the bad.

The Honourable Senator for Kennebec, Mr. Vaillancourt, asked for what reason we have so many publications dealing with lewdness, murder and so forth particularly, when the majority of people agree that this is a very bad thing.

The answer, Mr. Chairman, will be found, I think, in the fact that human nature tends, if merely governed by its senses, to prefer that which appeals to the senses. The standards which society has set itself are being presented to the public at large as relative by an increasingly vociferous, even if not necessarily numerous group. They employ the aid of all modern methods of mass communications. They claim loudly that we are governed merely by taste and not by truth. The result of such propaganda should not surprise.

The problem of comics, lewd literature and salacious publications, cannot be isolated from other influences which are modifying standards and are weakening a sense of shock which an individual would otherwise experience if suddenly faced with what we accept and have been taught as being evil and vile.

You cannot on the one hand pump into thousands of homes in Canada presentations over the nationally-owned network portrayals of unmarried pregnant schoolteachers, of lecherous Chinese cooks trying, in the words of the script-writer, and with words you would not like to have used in your drawing-room any more than I would in mine, namely, to seduce a teen-age "pale slut" and then be surprised that these same details, portrayed in print, pictorially or verbally, should not evoke sound judgment on what is "obscene".

That standards even of language exist called "parliamentary" is a source of comfort. I am sure the Speaker of the House would rule out of order the designation of one honorable member by another as a "pale slut", no matter how well it might express an irate member's feelings toward his political opponent. There is thus a barrier to unbuilded self-expression in the House.

Why then cannot such deterioration of standards of behavior which lead to coarsening and vulgarisation be maintained by the same parliament for our homes. It is well known that vulgarity is only too often a prelude to moral indifference.

When a writer in *The Ensign* last November defined the word "obscene", he took it back to its Greek roots. Translated literally, the word obscene means "off the scene", according to Mr. J. J. McKennirey, who wrote the article. It means off the scene, out of sight, not for the public eye. It comes to us from the Greek theatre, he said, where it denoted those aspects of human life which were not to be portrayed on the stage. Nothing seems off the scene today, provided it entertains somebody willing to pay for that sort of entertainment.

In the name of freedom, is being claimed that as long as a thing happens, it can be portrayed. Since there is nothing off the scene any more, there is nothing obscene to those who have misinterpreted freedom as moral anarchy. Freedom from everything rather than freedom for specific and clearly delineated objectives, is threatening true liberty. True liberty must be built on respect for others rather than disrespect for all. Are we now to be exposed to the distasteful witnessing of any revolting self-expression?

I am not here referring to extreme literary or artistic libertines. May I quote from the *Calgary Herald* of January 21st, where the editorial writer boldly states:

"The fact is that the act of defining obscenity means the forfeiting of the *freedom of expression* which we understood was still highly prized in a democracy."

I shall not quote, honorable senators, the editorial which I wrote in *The Ensign* on February 14th on the *Calgary Herald's* vagueries, except to warn that according to this and a few other papers, any attempt by this committee, not only to define, but what is implied, *restrict* obscenity, will forfeit freedom of expression and endanger democracy.

It is for this reason that I have taken the liberty to underline that, in fact, the committee is not faced merely with the problem of public obscenity. It is faced with meeting factious and contrary argumentation challenging

the basic concept whether there is good and whether there is bad. It is for this reason Mr. Chairman, that your deliberations and the conclusions to which your committee comes will be watched with far greater interest than merely for its technical recommendations, be they juridical or educational.

If I may digress for a moment, I would like to illustrate my point with the following narrative. I had a conversation some years ago with the Premier of Italy, Signor Alcide de Gasperi. I called on him at his office in the Palazzo Chigo in Rome. Europe at that time—it was 1946—was in a state of political chaos. Organized government was slowly emerging from post-war wreckage.

This wise statesman pointed out to me that orderly parliamentary democracies, in order to function, had to have general agreement between the various political parties on the objectives for society. There had to be common consent of what is desirable.

"In your North American and British parliamentary democracies", he said, "your parties still divide on methods now best to achieve the same good for society. You argue about the method, but not about the purpose of man or of society. But when men are divided upon aims, are divided as to what they consider is desirable, then they are no longer disputing, they are fighting. Then," de Gasperi added, "politics no longer are within the frame work of parliamentary democracy. Then society is faced with revolution."

Mr. Chairman, it is my sincere conviction that the challenge facing your committee and, through your committee, all who are intensely interested in seeing this degrading and nefarious traffic curbed and if possible, halted, is our ability or inability to take action on moral principles. Are we still able to maintain our standards as against those who would abolish them or must we cede through inaction?

The public itself today is exposed to a conditioning of its norms and of its thinking by influences, often far more powerful to suggest than an individual is capable, by training and even intellectual equipment, to resist.

With the entry into the field of public opinion-forming of the strong suggestive influences of mass thought communication, be it through the press, or the radio or the movies, or the magazines, or television and many other very expensive and very powerful media, public opinion can be swayed from accepted norms if no fixed norms of morality govern the media.

If we abandon these norms we enter a vicious circle. Since public opinion determines the stand of the government, as Mr. Chairman asserted on June 10, powerful influences can be unleashed on the governed which the individual is unable to control. If the government refuses to control them by the maintenance of some absolute standards of morality, then both the public and with it, the attitude of the government, are in fact being surrendered to those who can use the powerful media to destroy the very basis of a Christian civilization.

Now I want just to touch upon a particular aspect of the organizational peculiarities of the publishing business which concerns your committee.

The individual often finds himself a cog in these vast commercial machines. If that machinery operates according to set moral standards, no conflict need arise for the individual. I have been closely associated with some producers, distributors, and vendors on an immense scale or publications generally classified under features, comic books, pocket books, etc. I know that they are merely handling merchandise.

It would be a flight into unreality to think that the individual executive in some of these concerns picks and chooses the merchandise he sells according to his predilections in reading. Too often the decision is made by market research of what sells, rather than according to the more exacting moral judgment of what is good to be sold. The enforcement of strict responsibility

according to clearly defined standards would not necessarily work a restraint on a man's commercial pursuits. On the contrary, it would help him to make his choice of merchandise on prescribed lines of a clearly defined standard.

Profit is dangerous as the sole directive. That is why the drug trade is being restricted, despite our absolutists of anarchy clamouring for a social *laissez faire*.

As has been rightly pointed out in previous briefs, we are faced with powerfully organized interests exploiting the weaknesses of people's sensual curiosity. We know they are exploiting it for gain. But that knowledge is not enough. It must still lead to action.

If through penalties and prevention, gain through furthering obscenity could be made illusory, we can be certain that these so-called publishers would seek compensation in the production of publications which would conform to the highest moral standards. That has often happened before, and often amusingly.

I feel that I have to make this remark because a word should be said on behalf of many men today employed in this salacious traffic. According to their lights, they see the fulfilment of their duty to their families and to society in obtaining an adequate economic recompense. They work conscientiously and often contribute great effort. But they are not claiming the virtues of martyrs for a cause. The latter would be a distinction to which they would immediately promote themselves if they would set themselves up as censors of that merchandise which their concern demands of them to sell. They too look for protection and leadership. They look to society and to its executive and judicial powers, to regulate so they can adhere to what society desires. They are both unwilling and, they believe, incapable of undertaking the responsibility to safeguard the moral standards of society individually.

The odd individual entrepreneur such as one who appeared before this committee is an exceptionally fortunate individual. His determination to combat lewd literature by refusing to sell it is admirable. But as an owner he only risks a sale, not a job, by his commendable action.

As I express my thanks for your patient hearing, I would like to close with an expression of gratitude for your work. You have undertaken a task whose importance at this juncture in the history of our country and in the face of a conflict raging between the concept of the dignity of man and his enslavement as a mere human animal by totalitarian tyranny, cannot be over-emphasized. Much depends, for all of us Mr. Chairman on your decision, whether that which is obscene can be defined and banned.

The CHAIRMAN: Do any members of the committee wish to ask questions?

Hon. Mr. McDONALD: Mr. Chairman, may I ask Mr. Keyserlingk if he does not agree that the Press can have a great influence in this matter? They have a great influence in our life; can they not have a great influence in building up a distaste for indecent literature and antagonism to the dealers who stock indecent literature on their bookshelves and magazine shelves?

Mr. KEYSERLINGK: Mr. Chairman, I am confident that we could, but I am afraid that there is not general agreement on that subject; also that not every publisher in Canada or elsewhere is necessarily and primarily interested in crusading, because it would mean definitely a crusade on that subject. I think there is too much involved in certain cases. There is also the personality of the publisher to be taken into consideration. I think it is a little too much to expect the members of my profession, of which I am extremely proud, to be completely disinterested in the question of commercial gains.

Hon. Mr. McDONALD: Would you mind enlarging upon that phrase "too much involved"?

Mr. KEYSERLINGK: A large number of newspaper publishers are not only the owners of one or more papers but in the economics of publishing have involved themselves in the building up of sub-agencies which also supply them with feature material such as comic strips, and they also hire artists for their publications in order to bring down their per unit cost. I should like to have it understood in giving this example that I am not at the same time categorizing the publishers, but let us take a few we know merely as organisational examples. I worked for over twenty years with the United Press Associations which were founded by Mr. Scripps. He founded the United Press in order to supply news collectively for his newspapers. Instead of having one correspondent in Washington for a single newspaper he would have one correspondent in Washington for several papers, thus dividing the costs. From that development there gradually arose a rather large news pool. Once he had the news pool it was obvious it would be advantageous to also sell the news to other non-competitive fields and thus bring down the costs further. This is how the big news agencies of today arose. As features became more and more necessary to the publication of newspapers, feature agencies began to be formed. Once having supplied a chain of newspapers with these feature articles there was no reason why they could not sell on the non-competitive market in other countries. This is how the feature agencies developed which, among other things, produce comic strips and a great deal of material about crime. You will find today that probably the largest single concern is the one founded by E. W. Scripps and now known as the Scripps-Howard concern. It owns a large number of newspapers in the United States as well as the United Feature Syndicate, the NEA, the Acme Pictures, and a number of other subsidiaries. In Canada too, for example, there are certain syndicates and newspapers under common ownership. In Montreal there is a feature agency known as *Canada Wide* which is connected with the *Montreal Star* and *Montreal Herald* and *Weekend*.

In the matter of comic strips, one of the best moneymakers is *L'il Abner*, which was bought originally for Scripps-Howard publications, but is now sold to many others. Once they have these feature agencies they begin interchanging with each other. For example, *Canada Wide* also represents the *Daily Express* and a number of other feature agencies of that kind. You have a very large and vast network where the management is frequently operated on a purely fiscal basis, and where the owners are not the editors but where the editors are responsible to the Accounting Department. It becomes a little intricate.

Hon. Mr. McDONALD: He has not much choice? That is, he cannot say to the larger dealers, "I will just take this and this" indicating the decent literature and not taking that which is not decent.

Mr. KEYSERLINGK: I would suggest that even in some cases the executives of some of the distributing agencies are not even aware of the material they are handling. If I may I should like to refer to a more personal experience. Right after the war, Britain, which had its printing plants bombed and was lacking in newsprint and paper, had a tremendous hunger for reading material of any kind. One day I received from one subsidiary a communication that there was a request for up to 200,000 comic books to be shipped to England at a price f.o.b. Montreal which was very attractive. Within about two or three days, cases upon cases of them were filled and shipped off. I recalled this incident, which was extremely lucrative, when I was dictating today's brief to my secretary. Incidentally, my secretary now had also been my secretary when I was with the British United Press. I said, "Do you recall that incident? Did we or did we not ship to England at that time some salacious literature?" She reassured me that she had had an opportunity to look at some of it, and she said that it was mostly of the Mickey Mouse variety. I must say I felt a little bit better about it, but I cannot claim any virtue in the matter because

I was looking at it purely from the merchandizing end—I never even saw a single copy of those books. There was the insurance, the freight, the merchandise and the cost. At the same time there was also a tremendous purchase of pocket books and things of that kind. The only reason I have to feel that they were not of as lewd a character as you see on the stands today is that this was 1946 and they were not as bad then as they are now. I am citing my own personal experience to illustrate that the thing is so ramified today that unless rules and regulations are laid down let us assume for me as a manager of such a business I cannot turn around to my principals in New York or elsewhere and say, "Now, look, I am going to handle the things you want me to sell, but I won't handle this, that or the other title." They do not ask my advice but they want me to carry out my duty to them. If that question should arise the majority of managers would say that in order to have no conflict they would as soon not look at any of them. Some one who is curious might look at them and say, "I cannot handle that material." But that would not make any difference whatsoever because another man would come along and handle it. There is a certain automatic transaction which can only be stopped by rules and regulations. My principals and everyone else concerned with that business would not be willing to break any rules and regulations because, after all, you do not want any conflict with the law. They are law-abiding businessmen who abide by the laws which exist.

Hon. Mr. MCINTYRE: Mr. Chairman, Canada has embarked on the development of television which no doubt will spread from coast to coast. I have spent the past two or three weeks in the United States, and there I saw television in almost every house. Programs were being shown which I do not think are very complimentary to our youth. For instance, there are many cowboy shows, with shooting scenes, robbing, killing and fighting. This kind of program is very attractive to the young people.

I read in the paper not long ago that some boys of about ten years of age had put a rope around a young child's neck and if it had not been for the intervention of the child's mother, it would have been hanged. That sort of thing goes on on the television all day and children see pictures of such things every day. Do you not think there should be some censorship of these shooting programs or perhaps the banning of them altogether on television? I was most alarmed to observe the type of program children were viewing in the United States. It is the kind that I do not approve of at all.

Mr. KEYSERLINGK: That is why I tried to underline in my brief that what we are dealing with now is a much wider subject than just lewd literature. We do not know from day to day what thought communication will be invented tomorrow but it all stems from the same source: The various media are more or less effective for good and for bad, but unless a standard is set as to what should be displayed publicly I do not think we can be surprised to find that what appears in one form will appear in another form.

If there is no law against obscenity or lewdness in one branch of public display or presentation, one is bound to find it seeping into some other form.

Actually, we do already have partial regulation with respect to movie censoring, and things of that kind; but there is no doubt that the whole subject has to go very much farther by reason of the fact that the influence to which our young are exposed is getting more and more dangerous.

I presume that our problem is due partly to our unpreparedness as parents to deal with the subject, for after all we are pioneering in this field. We are at the pioneer stage and are being suddenly faced with a new phenomena for which there has been no preparation. It is for that reason that I think the meeting of this committee is most important, in that it is the first step in dealing with this modern impact on our youth. Unfortunately, we are still at the pioneering stage in this often terrifying field.

The CHAIRMAN: Have you any inquiry, Senator Golding?

Hon. Mr. GOLDING: No, Mr. Chairman. I think the witness has given a very good presentation, and should be congratulated on the thought he has put into his presentation. He has been very helpful to us.

The CHAIRMAN: Mr. Keyserlingk, you have no idea I suppose, from your experiences with the United Press, of the volume or quantity of this type of literature flooding the market?

Mr. KEYSERLINGK: I think it is extremely hard to break up the quantity and say how much is being used or is involved in bad material, as against good material. First of all, it must be remembered that the line in the trade has not been clearly drawn; secondly, often things that are first presented are quite all right, but by reason of abbreviation and illustration they turn into something bad. For instance, a big serial story which in its context would be perfectly all right to begin with, may become illustrated and drawn in such a way as to portray certain scarlet passages, and, while it is the same feature, the same royalties and the same copyright, it is distinctly bad. I think it is safe to say that the feature and copyright business involved in the trade, runs into many, many millions of dollars per annum; and in the newspaper and publication business, it is one of the major branches today. Definitely, it is larger than photography, which is also growing.

The CHAIRMAN: I have read, I think, somewhere that there were some 70 million copies of comics published weekly in the United States. Would that be far from the mark?

Mr. KEYSERLINGK: I would almost think that is an understatement, though I would not venture to suggest a figure. One must remember that there is a good deal of reprinting done by a lot of companies. A company may put out a comic, and after a certain time sell its rights to another company. It will be the same comic, but put out under a new title. The actual consumption or production is definitely in the millions. I do not think, Mr. Chairman, that estimate is too high.

Hon. Mr. QUINN: With that tremendous volume of these papers or periodicals or whatever you call them, doesn't it seem like a tremendous task and problem to provide censorship, to eliminate them?

Mr. KEYSERLINGK: That is why I frankly tend to suggest that the only effective control of a thing like that can be at the source for the simple reason that once it spreads it is almost impossible to dam it up from the other end, namely, from the kiosks and stands of that kind. It is like a projected line starting from a certain point. It is much easier to control it at the start from the publishing end and not only at the distribution. This is also sometimes very difficult but after all there is the physical starting point, there are presses and print and type which is immovable. Once a concern starts flooding it is almost impossible to stop it.

Hon. Mr. QUINN: How would you suggest we get at the source?

Mr. KEYSERLINGK: I think one must not underestimate the primary reason why these people are in business and that is that they want to sell something at a profit. If they are made responsible, even after they have published, and the penalty either through withdrawal of things such as postal rights, or fining or other penalties provided for criminal offences which may be enacted, I think there will just be the necessity for one or two very definite showings that the law is being enforced and there will be a tremendous housecleaning among the publishers. They do not want to get into trouble because they are not going into business in order to crusade for obscenity; they are distributing their obscenity because it happens to be a lucrative field to them. They would just as soon depart from that because catering to the reading interest

of the people is uppermost to them and if they can publish something that does not cause them trouble they would just as soon publish something that does not cause them trouble even, if it happens at first to be a little harder to sell it.

Hon. Mr. McDONALD: I suppose, Mr. Chairman, there would be a hue and cry from a great number of the press that we were curtailing freedom of the press?

Mr. KEYSERLINGK: I think that there is bound to be some. But I think that there is the necessity to definitely counter a certain trend which has been popularized either through loose thinking or else by interested parties trying to have licence hide under the guise of freedom. After all, the individual has had to come up against a number of other activities designated as crimes which, in each case, have in that sense been a repression of "freedom". The proprietary right that is being defended by "restraint" does not give freedom to an individual to take an other person's property.

I personally believe, as a father, that it is just as important for me to see that one of my sons or my daughters is not exposed to that sort of thing any more than they should be exposed to the buying of liquor as a minor or of drugs, that is also a repression of the drug trade which can be completely legal if that same drug is properly purchased at any pharmacy.

There will be that hue and cry and I think the time will come when we have to face it. We are not faced so much with merely the freedom of those to do what they want for their own benefit at our expense. That there is also the question of our freedom to defend ourselves and as an individual today none of us can defend ourselves against some evils unless there is some support from the constituted authority.

The CHAIRMAN: Do you think, Mr. Keyserlingk, that the inquiry is giving any demonstration that there is a wide market for good literature which is not being exploited by the publishers?

Mr. KEYSERLINGK: It has been shown that where there is individual initiative, often at great expense and great sacrifice on the part of the publishers in starting things, I believe it has gone very well. But they are in a class, which I would call the "Johnny come lately" in the field of publishing and today also purely practical problems exist. Let me name one. If you, Mr. Chairman, bring out tomorrow a newspaper, or a comic or another form of publication you have great difficulty in finding room on any newsstand to place it. You take, even today, in the ordinary field of publication the large circulation papers are also fighting for space on the newsstands. They hire at considerable expense their scouts or their fieldmen who do nothing else but travel around to the various newsstands and drug stores to ask: "Where is our publication?" They take it out from underneath other papers and pile it up on top of a pile. That is a very expensive process and I know that as a publisher myself.

We are fighting for space on the newsstands. Unless some effort is made, our paper will go on there and soon another paper will lie on it. That public relations job is extremely difficult. You get the newsstand man who knows that he can sell fifty copies of this and he might sell ten copies of the other and the margin is the same. In some cases I do not think the vendor even reads the thing he sells; he will obviously display that which is more saleable.

To break into the market if you want to start a newspaper today is not like starting a newspaper twenty-five years ago. If you want to start a publication today it is not the same as doing it fifty years ago. Formerly, a man with a small printing press in a place could start going. Now, it takes a man maybe a large printing establishment and in any case thousands and

even millions of dollars. That is why, as long as outlets are cluttered with very saleable and permitted obscene literature, it is very much more difficult for others to break into the market, quite apart from the basic merit of the publication.

Hon. Mr. GERSHAW: This question has been pretty well answered but I would like your comment on the problem that has arisen. Some of the retailers have said that in order to get the publications which they desire to sell it was necessary for them to take from the publisher certain pamphlets and books which they considered definitely undesirable. Can you comment on that? Is there any basis for that?

Mr. KEYSERLINGK: I think that is generally true. To what an extent they are forced to sell is the other question. There are some publications . . .

Hon. Mr. QUINN: They are not forced to sell; they are forced to buy.

Mr. KEYSERLINGK: Yes, but they get refunds again. They are billed with them but they are on a returnable basis.

Now, there are some publications which have established for themselves a very definite market which will not go on a returnable basis. The dealer has to take say ten copies and that is all and if he does not take it on that basis he won't get any. They fight for the privilege of having enough of the copies.

Hon. Mr. McDONALD: That is like the *Saturday Evening Post*, *MacLeans* and publications like that?

Mr. KEYSERLINGK: *Saturday Evening Post* is one of the publications. There are very few of them that are in that fortunate position but the thing that is also happening—and I think should be drawn to the attention of the committee—is that the distribution field is also being tied up today through combinations. The whole field of distribution is changing through the changing of wage scales and things of that kind and where formerly publishers could get people to go out and sell subscriptions, let us say, in the cities of the Maritimes, for example, I understand that today a school teacher who might have spent his summer holidays in former days selling some publication, finds he could make three times the money as a longshoreman. Consequently, he is no longer in the field as a subscription agent and subscription handling has become more difficult because manpower has become more expensive with the result that a lot of the publications are creating new working arrangements.

Ladies Home Journal and other Curtis publications have today subscription agencies and distribution agencies; in other words, they cannot maintain a staff for themselves so they will take certain other publications and create a new unit which sells now that whole group of publications not only their own and there you will sometimes find extremely curious bedfellows in the same business. I have seen such things as combined promotion efforts selling two very wide extremes. I mean, a paper of almost a religious character being linked with papers of a definitely different character, let us say if we follow through the links between magazines, say, of the *Esquire* type being sold in a packet deal and distributed in a packet deal and put on the newsstands in packet deals with some of the most respectable religious publications. We find this condition because of the distribution problem which has become very difficult.

The CHAIRMAN: I notice it has been reported that there are sixteen main distributing companies in the United States. How many would you think there would be in Canada?

Mr. KEYSERLINGK: There are only two or three, let us say, national ones but there are at least, I would say, twenty to twenty-five local ones. We have in Montreal itself a whole group of them. Some of them are only city wide, some of them are only province wide, some of them are nation wide.

The largest one in Montreal from coast to coast is the American News Company and there is the National News Company but then it is very hard to say definitely. You take a distribution company like Benjamin News, for example. They again have arrangements with independent companies so that they set up a national chain in competition. The ownership may be different in the group but they work as one through a working arrangement. Each one is a member of a national chain and each one is a member in its own right and there you find another interlocking exists. It is very hard to say which is the largest one. You might deal with a small agency in a province, but it has a very large affiliation with other companies.

The CHAIRMAN: It is much the same as the system of block-booking in cinemas?

Mr. KEYSERLINGK: Very much the same.

The CHAIRMAN: There is one other question I had in mind, if you would care to enlarge on it. It has been stated that there is a difficulty in defining obscenity. But there are border cases of sex literature and indecent and objectionable literature. Now our laws prohibit the sale to minors of certain things, for instance cigarettes and alcoholic liquors. Would you care to express an opinion as to whether certain provisions of that character should be placed in the Criminal Code for the protection of children?

Mr. KEYSERLINGK: I think that our primary and greatest duty is to defend those who are not yet able through experience to defend themselves. After all, the whole question of parental responsibility and the delegation to the state of some of those rights would be at stake if we could not do these things on the basis of protecting juveniles. We do it in so many instances. Mr. Chairman has just mentioned examples, and they could be added to. So, on issues such as the concept of good and evil, familiarity with crime, and the attraction of the lewd and the obscene—which seems to be particularly strong at these earlier ages—are we, as parents, to say no, regarding any of these particular matters they must develop their own experiences entirely by themselves, with the freedom of a savage? I cannot see the logic of it. They are not free, for instance, to buy intoxicants. Prohibitions to consumers do not always work; they can be evaded. We try to prevent children from getting things which are injurious to them, but it does not always work. But at least we are setting a standard of what we want and what we think should be done; and at least by those standards we make it known that such things are not advisable. I do not believe that in this field of regulations objections could be raised that would be any stronger than those which are advanced to all the other controls which society accepts without any question.

Hon. Mr. STAMBAUGH: To my mind that does not quite answer the question. Would you favour legislation that would prohibit the sale of this type of literature to persons up to a certain age? I think that is what the chairman had in mind.

The CHAIRMAN: Yes, I had that in mind, but I think it was very well answered.

Hon. Mr. STAMBAUGH: Do you favour it or do you not? Put it this way: would you favour that type of legislation?

Mr. KEYSERLINGK: I admit that I am not competent to state whether legislation of that kind would be effective, because I do not know exactly how you could put publications of that character on newsstands and have them available only to adults. It so happens that I have a boy who, though only sixteen years of age, is six foot two inches tall, and would pass for older than he is, so that a vendor might think it permissible to sell to him. There would be, I suppose, technical difficulties of that kind. Action to prevent the passing

of that kind of literature to children should be made particularly effective. whether it should be done through prohibition of sale or, even, prohibition of production, I must leave to more competent, judicial minds, who could decide how to effect the result which is certainly desirable.

Hon. Mr. STAMBAUGH: You do not really care to express an opinion?

Mr. KEYSERLINGK: No. because I am no lawyer.

Hon. Mr. QUINN: It is pretty hard to see how it could be made effective. I know of cases where the father of a family goes to a newsstand, buys one of these large weeklies which contains news and other sections, takes it home, peels off the "comics", and says to his boys and girls "Here you are youngsters." The children cluster around the "comics" and other objectionable stuff, and he takes a chair and sits in the back and reads the news.

Mr. KEYSERLINGK: I think we should not forget the question of parental responsibility. It is very essential that it be emphasized. One effective way of waking the rather negligent parent to the dangers would be by stating very definitely that these things are bad. He may never have really realized that. But if he realizes that it is his responsibility to decide whether he will pass to his children something which he knows has been condemned, he may take the trouble of looking at it; and if even in spite of that condemnation he is negligent, it might be that this would amount to aiding juvenile delinquency. But such cases, I like to think, are the exception rather than the rule. I do not suppose we could have any measure which would not have some margin of indefiniteness; but I think that it would be possible considerably to limit the danger and the evil.

Hon. Mr. QUINN: I am afraid there is too much indifference on the part of parents today.

Mr. KEYSERLINGK: I have talked to many parents, who have mentioned to me, "Well, after all, we have never been told." Whether it comes on the school level or whether it comes on the general level, there is a tendency to take the attitude, "Well, maybe it is somebody else's job to look after this." The aspect of the education of parents is one which, I think, should not be underestimated, and too many parents, probably, are sitting back and expecting someone to give the lead, because they feel their complete impotence to do anything about it today.

There are some of us who are probably extremely old-fashioned in that we do not permit our children to have literature of this kind. By and large, although I am not sufficiently sanguine to suppose that it has completely prevented access to it, that action in my family has cut down the reading of this kind of material: at least it has made my children aware of my personal attitude. But the problem is a very difficult one. I do think that today parents faced with the ramifications which I have mentioned, need some collective and legislative—by which I mean governmental—help and support.

The CHAIRMAN: I must thank you, Mr. Keyserlingk, for an excellent presentation. I am sure it is going to be very helpful; it is a valuable contribution to the minutes of our proceedings.

Hon. Mr. GERSHAW: I move we adjourn.

The meeting thereupon adjourned.

APPENDIX B

The following letters and communications voice approval of the Committee's undertaking, and in many instances, contain worthy and constructive suggestions.

The Canadian Home and School
and Parent-Teacher Federation
Incorporated
National Office,
79 Queen St. East,
Toronto 1, Ontario.

"CRIME COMIC BOOK CHARGE DISMISSED"

Magistrate Rules Magazine beyond Legislation

"A test case to determine whether certain types of detective magazines could be termed comic books, prohibited under the Dominion Government's new crime comic book legislation, was dismissed by Magistrate G. H. Rose in police court this morning.

Hearing on the charges that the detective magazine distributed by Morris Shapiro and Joseph Busheikin came under this heading was held on July 13. Judgment was handed down by the magistrate today.

In his judgment, Magistrate Rose said his own pre-conceived notion of a comic book was the small coloured magazine children were seen reading, but a crime comic book was any book or magazine that depicted crime, real or fictional. The definition made no difference between comic books and magazines.

The cover of the magazine could be described as being lurid and would appeal to certain types of readers, he said. During the first 50 of the magazine's 81 pages it showed pictures, real and fictional, of people involved in crimes.

In more than 50 illustrations three could be said to show people who had committed an offence. The remainder showed people at the scene. Captions to the pictures told what the persons had done or what had happened.

After careful examination of the phrasing of the Act, the Magistrate decided the Act prohibited the publication of pictures of a crime being conducted and not the aftermath.

By its price and heavier type of reading material, the magazine was obviously published for adults and its material covered a type sometimes found in the most respectable of newspapers and magazines".

Nova Scotia Federation of Home and School Associations,
18 Lucknow street, Halifax, N.S.

At a recent meeting of the Board of Directors of the Nova Scotia Federation of Home and School Associations, the action of the Reading Committee of the Canadian Federation in presenting a Brief on Salacious Literature, was unanimously endorsed.

In this connection I was requested to forward you as another Exhibit, the enclosed copy of MODERN SEX LIFE, with particular reference to the Article on Page 39 and the passages particularly marked. It will be noted from this Booklet that the name of the Publishers is given without reference to Managing Officers and without specific street address. Members of our Board were not fully acquainted with the Law in Canada in this connection but did express the opinion that the Americal Law in this respect specifically states that the names of the Managing Officers with specific address of the Company must appear on any such publications.

Miss Grace Wilford,
Corresponding Secretary,
W.M.S.,
St. Paul's United Church,
Milton, Ont.

The increasing exploitation of sex appeal for material gain is a matter of deep concern to Canadian women, and we, the members of the Woman's Missionary Society of the United Church, Milton, Ontario, urge that improved legislation be brought forward to prohibit the importation, manufacture, block distribution and sale of books, magazines, playing cards etc., which poison the minds, and impair the moral integrity of our citizens.

Mrs. H. G. Coulter,
Corresponding Secretary,
Lowville United Church Missionary Society,
R.R. No. 2, Milton, Ont.

I am writing on behalf of the members of the Lowville United Church Missionary Society, requesting that the enclosed resolutions be considered and passed by Parliament.

Commercialized Exploitation of Sex Appeal

This conference of United Church Women assembled in Seventh Annual Conference, representing 30,000 women, noting the growth of exploitation of sex appeal for profits, submit the following recommendations.

1. Resolution to the Senate Investigations Committee urging improved legislation to prohibit the importation, manufacture, (block) distribution, and sale of books, magazines, and playing cards, etc., which poison the minds and impair the moral integrity of our citizens by exploiting sex for material gain.

2. Recommend that United Church Women prepare petitions and send letters to Senators, National Film Board, Municipal Councils, urging co-operation in the struggle against moral deterioration through the objectional use of sex appeal.

3. Urge that United Church Women quietly investigate the type of books and magazines sold in their local book stores, scrutinize the reading material coming into their homes and provide good books and magazines for their families.

Harold C. Pearson,
President,
Rotary Club of Montreal.

The members of our Club are seriously interested in the proper development of the youth of our community and in encouraging any programme which will aid in that development.

The Public Affairs Committee of the Rotary Club of Montreal has asked me to convey to you and to your Committee its deep appreciation of the work you are doing with respect to curbing the distribution of salacious and immoral literature.

Sister M. Bernice,
Secretary,
St. Joseph's Convent,
Brantford, Ont.

The teachers of the Brantford-Paris District No. 21 of the Ontario English Catholic Teachers' Association petition the Government to take steps to suppress the production of all salacious literature, and its distribution among all classes of people, particularly among the young.

S. F. M. Friedrichsen,
on behalf of the Department of Social Action,
of the Committee on Social Missions,
of the Evangelical Lutheran Synod of Canada,

We are indeed in accord with your Special Investigating Committee and wish to go on record that we highly approve of the establishment and work of such a committee. We too, as other Christian citizens, feel that something must be done to curb the spread of indecent and objectionable literature, especially so because of the evil influence such literature has upon the youth of our country. We also feel that we as a Christian Nation must not tolerate the bold and shameless forces of evil propagated by publications of indecent contents of articles, novels and pictures.

May we, Honourable Dear Sir, assure you and your Committee of our wholehearted support in your endeavours to remove such above-mentioned publications from our Canadian Book Shops and Newsstands.

F. W. Patterson,
President Emeritus, Acadia University,
Wolfville, N.S.

I was glad to learn that the Senate had appointed a special committee to investigate the sale of salacious and obscene literature in Canada.

On principle I am opposed to a too rigid censorship, in too many cases by wholly incompetent censors, but I am equally opposed, on principle, to the distribution and sale of much of the so-called "literature" to be found in drug-stores, on newsstands and in many other places. Much of it reeks of moral sewerage, while the front covers seem designed to stimulate the already over-stimulated sexual passions, especially of the young.

I understand that retail vendors cannot select the titles they want but must take what is sent them. The only alternative to exposure for sale is to return those that are not wanted. Thus the vendor who wishes to keep the salacious and obscene off his shelves is thereby handicapped.

I am therefore of the opinion that this menace to clean thinking and living cannot be overcome by legislation directed at the retail vendor alone but must get back to the sources—the publishers (where Canadian) the importers and the distributors.

This is by no means a condemnation of all the inexpensive books found in such places. There are many that are reprints of really important works; while quite a number of excellent titles are written specially for such series.

I shall watch the proceedings of your committee with great interest.

THE NATIONAL COUNCIL OF THE YOUNG MEN'S CHRISTIAN
ASSOCIATION OF CANADA

For your information I am sending you a copy of a resolution passed by the Executive Committee of the National Council of the YMCA's of Canada, at its last meeting held December 11, 1952.

We are sending copies of this resolution to our 96 local YMCAs' across the country inviting them to write your committee, and also take appropriate action in their communities to create public opinion behind the excellent work your committee is doing.

R. S. HOSKING, *General Secretary.*

EXECUTIVE COMMITTEE NATIONAL COUNCIL YMCA'S OF CANADA

Resolution of Obscene Publications

(Adopted at meeting, December 11, 1952.)

Be it resolved (a) that the Executive Committee of the National Council of the YMCA's of Canada commend the Senate of Canada on its appointment of a special committee to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of salacious and indecent publications and periodicals;

(b) that the Executive Committee assure the members of the Senate Committee of its keen interest in the work which they have undertaken in seeking to solve this serious and vexing problem, and that the Executive Committee express its willingness and readiness to support the committee in every way possible;

(c) that while the Executive Committee insists that freedom of speech must be maintained, it would also urge that a proper emphasis be placed upon the observance of the law so as to prevent the exercise of license by the few who would destroy morals for monetary gain;

(d) that in the name of decency and for the sake of a more Christian Canada, the Executive Committee call upon the provincial attorneys general, without whose co-operation no charges against printers or vendors of salacious and indecent publications can be laid, to give their wholehearted support to the enforcement of the law dealing with the publication and distribution of obscene printed matter as it is set forth in Section 207 of the Criminal Code of Canada;

(e) that in the same spirit the Executive Committee address a further appeal to booksellers, drug store proprietors and others to refrain from handling or offering for sale such reading material as tends to pervert the mind.

Mrs. R. Peritz,
Secretary,
The Congress of Canadian Women,
P.O. Box 119,
Station "E", Montreal.

The Park Extension Chapter of the Congress of Canadian Women, representing many mothers and children in our community, wish to place before the Senate Committee, our protest and demands on the question of "comic books" and salacious and filthy literature, now being investigated by the committee.

We protest most strongly against the sale of comic books, which depict scenes of war, murder, violence, brutality and crime. These books, available to all children from the time they learn to read, are a grave danger to the development of young Canadians as good and useful citizens. Many of the crimes depicted in comic books have provided actual inspiration to youthful crime. The brutalization and moral degradation of Canadian youth by this medium must stop.

We protest also the sale of sex comic books, sold under the guise of love comics, which portray women and girls in a lewd and immoral manner. These comic books serve to destroy all respect for womanhood.

We protest against the sale of all salacious and filthy literature besides comic books, available to children and adolescents, at low prices and in great variety. The sale of this literature is an insult to the great cultural heritage of our nation.

We demand that the government institute legislation banning the sale of such literature.

We demand that the importation of such literature into Canada, from whatever source, be banned.

We demand that the plates used in the publication of the aforementioned comic books, and their importation into Canada, be banned. At present this provides an effective loophole for American publishers, in evading the present legislation.

We strongly urge the Senate Committee in their deliberations to consider of primary importance the welfare and development of Canada's most precious resource, her youth.

Your decisions will be of vast importance to the majority of Canadian mothers and fathers.

The extension of the salacious trend in modern literature to advertising of a virulent character finds expression in a letter from Rev. Dr. W. W. Judd, General Secretary, The Department of Christian Social Service, The Church of England in Canada, which is quoted as to its relevant features as follows:—

During the last four days, clergy of our Church and, I believe, clergy of some other Churches have been receiving advertising matter on a book published in the United States entitled "Female Sex Perversion". Its author is a Dr. Maurice Chideckel.

I recognize that this is being sent to clergy and the information is being marked 'personal'. To what other classes of persons it is being sent, I have no idea.

In any event, I do not believe the mails should be used for this kind of advertising except among the most intimately and highly placed scientific men, doctors etc., or specialists in the Ministry, etc.

I think you will agree that the pamphlet entitled "Table of Contents" was not written purely from a scientific point of view, but rather as calculated to arouse prurient imaginations.

The members of the Brantford Catholic High School Alumni Association would be pleased to have the name of their association added to the list of those protesting the sale of indecent and harmful literature in Canada.

We appreciate the efforts being made by you, and by other of our government officials, to introduce legislation which will prevent the sale and availability of such reading matter.

Catholic Women's League of Canada,
St. Thomas Aquinas, Sub-division.
Mrs. J. A. Melanson,
Diocesan Convenor Childwelfare.

In order to protect our youth and help them to become good Canadian Citizens, some drastic action must be taken by the Government of Canada to prevent the sale of salacious literature on our newsstands.

We, the undersigned members of the Catholic Women's League, in the Diocese of Bathurst, are therefore appealing to you as Chairman of the Senate Investigation Committee, to make a very thorough investigation of the literature on our newsstands. We strongly urge and trust your committee will recommend to the Government that the necessary legislation to eliminate this demoralizing type of literature from being sold or displayed in Canada, will be enacted without delay.

Thanking you in advance for your kind personal attention in this matter.

P.S. The above communication was signed by 1,036 adult members of the Catholic Women's League, representing sixteen sub-divisions of the organization. Bronte Woman's Missionary Society

Bronte, Ontario.
Lila M. Flumerfelt,
Corresponding Secretary.

We the members of the Bronte United Church Woman's Missionary Society request the Senate Investigation Committee to improve the legislation prohibiting the importation, manufacture, distribution and sale of books, magazines, playing cards etc., which poison the minds and impair the moral integrity of our children by exploiting sex for material gain.

La Fédération Diocésaine des Liges du
Sacré-Cœur de Nicolet, Nicolet, Que.
Bruno Rivard, Secretary-Treasurer.

We wish to tell you that La Fédération Diocésaine des Liges du Sacré-Cœur de Nicolet is highly interested in the investigation on salacious literature over which you are presiding in a Senate committee.

We wish to congratulate you on your appointment as President of that Committee and we would like to submit the following suggestions which we believe could facilitate the application of laws dealing with literature:

1. That the word "obscene" be defined in order to facilitate the implementing of the act.
2. That the retailers be at liberty to turn down publications which they deem obscene without incurring the risk of being deprived of honest magazines which are handed to them by the distributors.
3. That the reprinting in Canada of publications otherwise condemned by the Minister of National Revenue be prohibited. It does not seem logical that literature already banned on grounds of obscenity can be printed in this country.

Hoping that you will take these suggestions into consideration.

(Monseigneur Albert Valois, p.a., v.g.,)

Diocesan Director of Catholic Action.

Comité Diocésain d'Action Catholique de Montreal.

Allow me to send you a bundle of magazines which no doubt will enlighten you on the problem with which you are dealing.

May I point out particularly "Photoplay" of February, and you could also read the article shown on pages 37-84. This question of sex-appeal causes much perturbation among our young girls and the line of conduct which this actress recommends can only cause them serious harm, induce them to wear the same clothes and consequently delve into vice.

Pocket-books spread salacious literature, and it is claimed that many people have only one purpose: To develop sexual instinct and endanger the virtue of our youth. You will realize this in "Manhunt" which you will find in the same package, and also in scenes taken from "La vie de bohème" (Bohemian Life).

Australia to call a Conference of State Officers

According to advice received from the Australian High Commissioner's office, Mr. Cahill of New South Wales will convene a conference of State officers to examine the possibility of the States taking uniform action to control literature classified as "Children's Comics", but which include such publications as Young Romance and True Love Stories.

The official statement is recorded as follows:—

Australian High Commissioner's Office, Ottawa.

I refer to the High Commissioner's letter of 22nd December, 1952, in reply to your enquiry regarding Australian legislation on the sale and distribution of salacious and indecent literature.

A copy of the Proceedings of a Conference of Commonwealth and State Ministers, to which you made reference, has now been received by this Office. I am enclosing the relevant portion which deals with Children's Comics. You will note from the Prime Minister's statement that the powers of the Commonwealth are limited, in this matter, to imports. However, the States are contemplating uniform action to control literature of this kind.

It is hoped that some detailed information regarding pertinent federal and state legislation will shortly be available, and we shall be glad to forward it to you.

Extract from Proceedings of Conference of Commonwealth and State Ministers held at Canberra, 7th and 8th July, 1952.

CHILDREN'S LITERATURE (COMICS).

Mr. McDonald.—Strong representations have been made in Victoria on this matter, and my proposal is that the States should appoint a committee to examine the problem. The States are not quite clear on all the legal difficulties associated with the matter, but I understand that the Commonwealth has powers of censorship through its customs authorities. I have brought with me for the information of the Conference some examples of the type of literature to which strong objection is taken. I have also received a telegram on this matter which I propose to read. It states—

Censorship of imported comic strips unnecessary as existing customs regulations forbids entry objectional type comic strips. Unfortunately this regulation is not being enforced by Commonwealth Government. Imported comic strips are not being redrawn here by Australian artists

as is alleged by Customs Department. Position is that art pulls of prohibited comic strips are being mailed from America to private addresses of newspaper employees and their relatives. Comic strips imported into Australia in defiance customs regulation should be dealt with same way as any other smuggled goods. You can see examples imported crime and sex comics in newsagents in Canberra and Queanbeyan.

Jeff James, Secretary,
Australian Journalists Association.

This is the first time that the Australian Journalists Association has been in touch with me on this matter. Other organizations that have made representations include the National Council of Women, the Country Women's Association, the Honorary Justices Association, the State School Committees Association of Victoria, and the Australian Council of School Organizations. I believe that the matter is worthy of some close examination, and I suggest that a State and Commonwealth committee be set up to examine what is necessary to prevent literature of this type being distributed throughout the Commonwealth.

Mr. Menzies.—One difficulty, as Mr. Eric J. Harrison pointed out when the matter was before the House, is that this material comes in as first-class mail matter. To control it at this end would involve the censorship of first-class mail which would be highly undesirable if not impossible.

Mr. Playford.—A considerable amount is published in Australia and is registered for transmission through the post as newspapers.

Mr. Menzies.—I think that control can be exercised by the States through their publishing control power.

Mr. Playford.—Unfortunately, it cannot. They are sent to South Australia by post from other States. This publication, the Australian Sunbather, is an example of the kind of thing that is getting into the hands of young children.

Mr. Menzies.—Is it printed in this country?

Mr. Playford.—It is registered in Australia.

Mr. Menzies.—If it is printed in Australia, it is under the control of some State at the point of publication.

Mr. Cosgrove.—This morning, I received information from the Headmasters Association about two publications, Young Romance and True Love Stories, both of which are printed in New South Wales by Rotary Colour Printing Proprietary Limited. They are examples of the kind of publications that we have in mind. The States should pass legislation to compel the proprietors of such journals to submit them to some censorship authority before publication. That would prevent the circulation of books dealing mainly with sex and crime, but not the circulation of amusing comics. Tasmania is prepared to co-operate with any State that will pass legislation of that kind. As we censor films, why should not we censor these comic books also?

Mr. Menzies.—That is essentially a matter for the Premiers. The powers of the Commonwealth are limited to imports.

Mr. Cahill.—If the other States agree, New South Wales will convene a conference of State officers to examine the possibility of the States taking uniform action to control literature of this kind.

Mr. Menzies.—That is a very reasonable proposal.

Œuvres des Catéchismes,
Simone Chicoine, secretary,
4100 Delorimier St.,
Montreal, Que.

We wish to congratulate you for your efforts towards checking the ever-increasing number of obscene publications in Canada.

This is a serious problem, but you may be assured that you have the support of every member of Œuvres des Catéchismes d'Action Catholique (League of Catechisms of Catholic Action).

Jeunesse Ouvrière Catholique
(Young Catholic Workers' League),
3447 St. Hubert St.,
Montreal 24.

We are told that your committee on indecent literature will start its work very shortly.

The diocesan committees and all members of the Young Catholic Workers' League of Montreal, whose aim is to help all young workers of both sexes in this city of Montreal, cannot remain indifferent in the face of such a serious problem.

Therefore, we wish to congratulate you for taking the initiative in this matter, and to assure you that all the members entirely support you.

Micheline Massé,
President.
Catholic Students' Federation,
3834 St. Denis Street,
Montreal 18.

On behalf of the feminine students of the City of Montreal, I wish to congratulate you for your attempts at checking the obscene publications being distributed in Canada.

On behalf of our Federation, I wish to state that you have all our support towards resolving this problem.

The diocesan group of the Catholic Students' Federation.

The General Secretary,
Louis J. Marien.
La Société des Artisans
(A fraternal and cooperative insurance company),
924-930 St. Denis Street, Montreal.

We are told that the Senate Committee created last Spring to study means of checking indecent literature in Canada, has begun its work.

We are also told that Mr. E. D. Fulton, M.P. for Kamloops, B.C., has presented in the House of Commons a resolution to set up a joint committee of both Houses to study this serious problem.

La Société des Artisans, who has 125,000 members, wishes to congratulate you and Mr. E. D. Fulton for your efforts to solve such a serious problem, and also to assure you of our full support.

Germaine B. Joron,
Secretary.
L'Assistance Maternelle
(Maternal Aid),
427 Sherbrooke East,
Montreal.

I have the honour to send you herewith an extract of the proceedings of the last regular meeting of the Board of Directors of L'Assistance Maternelle de Montréal, and on behalf of our members, I wish to congratulate you and to convey to you our most sincere feelings.

L'Assistance Maternelle

Excerpts of the proceedings of the last regular meeting of the Board of Directors of L'Assistance Maternelle, held on Thursday, December 11th, 1952.

"The Board of Directors of L'Assistance Maternelle de Montreal, under the chairmanship of Madame Henri Groulx, has unanimously resolved that a message of congratulations be sent to Senator J. J. Hayes Doone, chairman of the Senate Committee, and also to Mr. E. D. Fulton, M.P., to congratulate them over the attention they are devoting to the serious problem of obscene literature in Canada, and to assure them that all our members support them in the efforts which are presently being made to check the ever-increasing number of such publications which are accessible to everyone and which constitute the worst danger for our youth."

Geo. S. Mooney, Executive Director,
National Office,
Mount Royal Hotel,
Montreal, 2, P.Q.

I have delayed answering your letter of December 15th pending a meeting of the National Executive of the Federation.

I am now able to advise you that, in their opinion, the Federation viewpoint and that of the municipal governments of Canada with respect to the sale and control of salacious literature was clearly and expediently stated in a resolution adopted unanimously at a national conference of the Federation held in Calgary last June, copy of which I enclose.

The resolution summarizes a discussion which took place at the Calgary Conference with respect to this matter and, in a subsequent discussion, during the recent meeting of the National Executive, the resolution was reaffirmed, and I was asked to transmit a copy to you for the records and information of your Committee.

I may say also that a copy of the resolution was transmitted to the Federal Government, through the Prime Minister, on December 5th last.

The National Executive of the Federation are of the opinion that inasmuch as the municipal viewpoint is well and succinctly stated in the Calgary resolution that it would seem unnecessary for a representative of the Federation to appear personally before the Senate Committee. They believe it would be sufficient if the Calgary resolution was written into the records of your Committee as the considered opinion of the municipal governments of Canada with respect to this important matter.

Control of Salacious
Literature

Resolved that this Conference of the Canadian Federation of Mayors and Municipalities record its deep concern and express its alarm with respect to the wide-scale distribution of unsavory and salacious publications throughout the country, particularly with respect to their pernicious effect on Canadian youth.

In this connection, the Conference calls upon the municipal leaders of Canada to inform and arouse public opinion throughout the country with respect to this matter to the end that community opinion may exert its full moral influence in discouraging the local sale of such literature.

Moreover, this Conference urges the Federal Government to enforce strictly the present laws with respect to the printing, display, distribution and sale of such literature and that consideration be given to the amendment or revision of such laws with a view to curbing this vicious influence on our Canadian way of life.

Maurice Ouellette, Secretary,
Federation Des Lignes Du Sacre-Coeur,
Du Diocese De Chicoutimi,
Chicoutimi.

(Federation of the Sacred Heart Leagues)

We are highly interested in the work your Committee is undertaking, since we have been studying this matter for several years.

May we propose the following suggestions:

1. If the word "obscene" were defined more clearly in the Criminal Code, it would be easier to contest such cases in Court. We also believe the Minister of National Revenue and the Postmaster General would be in a better position to prohibit indecent publications.

2. According to section 1201 of the Customs Act, certain publications are prohibited from entering into Canada. The law is being circumvented through-out reimpressions in Canada, and the Minister of National Revenue has no more jurisdiction in such a matter.

3. It seems that the distributors request that retailers accept every publication which is handed over to them, whether such publication is good or bad. This system seems contrary to freedom of trade, and retailers should be at liberty to refuse publications which they do not want when they deem them undesirable.

The Sacred Heart Leagues of the diocese of Chicoutimi wish to congratulate you on your work concerning indecent publications, and we hope your efforts will meet with success.

The Association of the Children of Mary
St-Louis de France.
Montreal.
Fernande Ecrement,
President.

We were pleased to learn about the creation of a Senate Committee to investigate indecent literature, and we wish to assure you of our approval and complete support as regards this important problem.

You may be assured, dear Senators, that thousands of women and young girls are indignant over the attacks directed against the respect to which women are entitled. This is unworthy of a civilized country. If you wonder why they remain indifferent to all this low publicity—which belittles them instead of helping them—it is because in the past, representations submitted to those who were supposed to put an end to such obscene publications apparently met with very superficial success.

We know that your task is immense, but we are convinced that the efforts of your Committee will be successful.

We wish you complete success, and you may be assured that thousands of women will be grateful for your efforts at bringing about the respect to which our daughters, mothers and wives are entitled.

Monseigneur Albert Valois, p.a., v.g.,
 Directeur diocésain d'Action catholique.
 Comité Diocésain d'Action Catholique de Montréal.

The Congregation of the Holy See recently gave a serious warning to all Catholics concerning books and newspapers dealing with obscene matters.

I believe that you may be interested in taking cognizance of this document in relation with the investigation you have undertaken concerning publications, and I take upon myself to send you a copy thereof.

Observing that it was deplorable and painful that authors should be so exclusively interested in the perverse aspects of life to describe abnormal facts and events and immoral incidents, as constituting the sad standard and fatal law of human conduct, the Holy Office of the Roman Catholic Church under date of April 2, 1952, issued a special warning to its church members to refrain from reading books and newspapers dealing with salacious and obscene matters.

It emphasized that the book trade of the world is presently invaded by a great number of immoral books, written by authors in every country, some of which, endowed with a great narrative talent are all the more objectionable owing to the nefarious influence which they exert.

"Le Devoir" under date of July 31, 1952, has the following in relation to the above noted decree:—

This decree is followed by a severe and clear warning (Monito) of the Holy Office, which must be seriously meditated particularly by those who are responsible for the formation and salvation of souls.

The same Congregation—after noting and deploring the huge wrong done by the unrestrained publication of books, pamphlets and periodicals which "openly narrate or depict or teach salacious or obscene matters", together with the irrespressible urge to read indiscriminately everything available, particularly stories and novels, without taking their moral value into consideration—sounds a warning against their serious perils.

Before making any comments on this *warning*, it is appropriate to enumerate the works which it covers: literature of all kinds (books, pamphlets, periodicals, propaganda leaflets, etc.), whether it narrates (as novels and stories, autobiographies, historical narrations, etc.), whether it describes (as numerous so-called scientific works and reviews, which deal openly with sexual intercourse), whether it teaches (as numerous books devote to sexual initiation or other works in which unscrupulous persons set out the various ways of performing acts contrary to the principles of virtue) salacious or obscene matters,

i.e. whose reading, narration or hearing easily incite to thoughts or acts condemned by the sixth commandment. Much of this literature—sometimes clandestine—is presently circulated with impunity, quite often with salacious photos or drawings, and it is freely read even by our young folks.

The Church, which does not condemn, but fosters the dissemination of true culture and learning, cannot ignore the outrage of literature (as herein described) against private and public morality, and this is the reason why the Holy See gave the foregoing warning, namely:

1. It reminds its members that they must abstain from reading and disseminating (including selling and lending) such books and periodicals, in conformity with the canon law which prohibits the publication, dissemination, reading, keeping in one's possession and transmitting to others condemned works.

2. It asks all those whose duty it is to educate our youth, i.e. parents, teachers, educators, directors of colleges and other similar institutions, to keep in mind that they must devote their efforts to the moral and spiritual education of those whom God himself entrusted upon them, and that they must also preserve them against the obnoxiousness of evil literature, which acting as a moral poison, counteracts all their efforts. It is also fit to sound a warning against certain publications which distribute to all, but particularly to youth, the poison of immorality or give a false representation of life, particularly as regards marriage. Parents and other responsible persons are under the obligation of suppressing such literature.

3. It requests public authorities of all countries who are willing to protect and promote morals and moral conditions of their citizens, to prohibit, in as much as possible, even through appropriate legislation, the publication or dissemination of immoral works contrary to the fundamental standards of natural honesty which every normal human being admits as an imperative which he must never transgress. It would be a serious error, which would lead nations to serious disasters, to believe that public authorities are not vested with definite duties in this respect, or that they can freely disregard such duties by neglecting to repress immorality caused mainly by literature in general. The natural and divine laws demand an immediate and courageous action against evil in order to efficiently safeguard civilization.

The warning of the Holy Office is straightforward. It is the duty of all those who are concerned—readers, parents, educators or public authorities—to meditate upon their obligations and responsibilities. The same also applies to authors, publishers, booksellers and librarians.

Everyone must realize that the church decrees, warns and condemns with obvious reasons, knowing that it is her duty and her right to teach and direct souls, and consequently to warn against dangers which could imperil their salvation. The human tragedy consists in refusing too often to abide by the advice of the church concerning the path of good and the dangers of evil. May all honest people unite, particularly those who have faith in Christ and, with a strong and persevering will, may they employ every means in their power in order to oppose the tide of immorality which threatens to upset everything: minds, morals and institutions, thus preparing a dark future for mankind.

(*Le Devoir*, July 31, 1952).

Clippings from various newspapers indicating current thought in respect to subject matter of enquiry.

Saint John *Telegraph Journal*
December 30, 1952

SEES DANGER IN CONTENTS OF SOME PUBLICATIONS

Sackville, Dec. 29—(Special)—Literature being made available to youth should be given a "careful and judicious examination by proper authorities," it was agreed here today at sessions of the Maritime Tuxis and Older Boys, Parliament.

One of a number presented to the group, the resolution dealing with objectionable literature provoked lively debate. It was offered by Ross Thompson of New Glasgow and backed by Norman Byrd of Wolfville.

The preamble said the parliament recognized the need of preserving basic liberties of press and individuals, but "we nevertheless realize the danger to the morals and ethics of individuals and society as found in the contents of some of the literary publications of today."

The New Freeman, Saint John, N.B.
December 13, 1952

COMMITTEE URGED STOP BOOK FLOOD ON SEX AND CRIME

Reams of Filth on Display Before U.S. Congressional Body

Washington, D.C., Dec. 8—A Congressional committee dipped into the reading matter on the newstands of "Every Neighbourhood, U.S.A.," and came up with reams of filth-in-print. Demands were made for immediate action to stop the rising flood of indecent literature.

The special House Committee investigating obscene publications ended a five-day session of public hearings after listening to clergymen, writers, police officials, book dealers and others testify that something should be done to halt the spread of lurid magazines, comics and pocket-size books.

Next step of the committee is to propose means of eliminating the obscene goods on the Nation's newstands.

Testimony revealed that complaints against United State books have been received from foreign countries including Australia, Canada and Peru.

Customs official Irving Fishman of New York reported that attempts to import obscene material are also on the increase. He said that about 200 pornographic items are seized each month in the Port of New York. Mr. Fishman asked for improvements in regulations enabling customs men to stop the flow of such material into the country.

On a national plane, retail dealers reported that lurid books are included in "block" shipments and that they often have no choice as to the type of book they will sell. Some distributors, however, said they have attempted to eliminate books from their stock when objections are made by local civic and church organizations.

The Christian Science Monitor,
December 10th, 1952.

OBSCENITY AND LAW

Under federal law obviously obscene publications are banned from use of the United States mails. But in thousands of drugstores across the land hundreds of cheap, paper-covered books and "girlie" magazines exploiting sex, vice, and depravity are available to any juvenile who wants to spend his pocket money on them.

A House committee, under Representative E. C. Gathings, has been investigating this condition. The testimony of the men who publish this filth has not been reassuring and holds out little hope for effective self-regulation by the industry in the near future.

Much of the material they publish stops short of being so obscene as to come under the federal ban on use of the mails, yet it is obviously a crude, commercial exploitation of sex.

The answer to this problem is not easy to find. Governor Dewey has twice vetoed as too vaguely worded New York State bills aimed at indecent and sensational publications, after the United States Supreme Court had already ruled that an earlier New York law was vague and violated the constitutional guarantee of a free press. All attempts at censorship run up against the fact that, beyond a certain point, the judgment of what is obscene is a subjective matter and that occurs, being human, are fallible.

Some of the publishers called before the House committee argued that there are "obscene" passages in Homer and the Bible, in Chaucer and Shakespeare. This shameless attempt to equate the frankness and many-sidedness of great writers with the sordid commercialism of sensation-mongers illustrates the pitfalls that beset mechanical standards of censorship.

Against the most flagrant of the paper-covered books and magazines local police regulations and citizen protest may be effective within the framework of existing laws. But the Constitution of the United States insures that the main fight against unhealthy publications must be carried on by means other than censorship.

Halifax Chronicle

SAYS BAN ON LITERATURE OTTAWA'S JOB

Action to ban the sale of obscene and trashy literature in Nova Scotia was the responsibility of the Federal Department of Justice, Attorney General Patterson told the Legislature yesterday.

G. I. Smith (PC—Colchester) asked if the Provincial Government had taken any action in the matter. The Attorney General replied it was a matter for the Federal Department of Justice, but that his department was in constant touch with Ottawa and had submitted certain recommendations.

Mr. Smith said Federal Justice Minister Garson had said the provinces "were well equipped under the law to handle the matter."

"We do not agree with that view," replied the Attorney General.

Ottawa Citizen, February 9, 1953.

A POSITIVE SUGGESTION

The debate on obscene literature in the Commons has served mostly to underline the difficulty of dealing with such a problem by passing a law. What is lacking is not law but enforcement, and enforcement runs into the complex matter of drawing to general satisfaction the line on the farther side of which obscenity lies. For good reason, many consider anything in the nature of censorship undesirable, while admitting the possible, if an even stronger word is not in order, harm done by the sort of reading material in question.

One good suggestion, however, was put forward, good because it has a positive rather than a negative content. It is that of the member for Yale, Mr. O. L. Jones, that library establishment should be encouraged. There are practical drawbacks, perhaps, to his idea that federal subsidies might be given, but the thought that access to good reading is the best means of diverting people from bad reading is sound.—*Montreal Star*

Our Sunday Visitor, February 8, 1953

The so-called "girlie" and "comic" books were the target of the recent investigation of the House of Representatives Select Committee on Current Pornographic Materials. These paper-bound books are products of a revived publishing industry that has had phenomenal success in the years following the war. Last year more than 270 million copies of these paperbacks were distributed through 100,000 outlets. The inexpensive, efficient, and widespread distribution of literature to the greatest number of readers is a desirable achievement and could be a splendid means of raising the intellectual and cultural level of America.

Unfortunately some segments of the publishing industry have failed in their responsibility. Behind cover of the Constitutional Guarantee of free speech, they have flooded the country with pocket-size books that are, in the words of the House Committee, "media for the dissemination of artful appeals to sensuality, immorality, filth, perversion and degeneracy."

An aroused America has reacted. Parents particularly have been alert to the dangers to impressionable teen-agers of these easily obtainable cheap books. Father Thomas J. Fitzgerald, director of the National Organization for Decent Literature, charged in his testimony before the Committee that these magazines, "Comics," and pocket-size books result in moral damage and loss of ideals for the young and contribute to juvenile delinquency. Evidence presented by law enforcement officials back up his charges.

The best solution to the problem lies in the recognition by each individual publisher of his obligations to the community, and in imposing stricter self-discipline and self-censorship. It is regrettably doubtful, however, that this will be achieved without stronger continued pressure to clean up the filth at the source, and right down the line through the distribution channels.

Publishers have acted from the profit-eyed motive of "giving the public what it wants." In this matter of salacious literature there is reciprocal bad taste, both on the part of the publisher for printing it, and on the part of the reader for buying it.

Among the authors particularly cited for offensive books by Father Fitzgerald are Mickey Spillane and Erskine Caldwell. The tally on their sales speaks for itself as an indictment of the reading tastes of the public. Erskine

Caldwell's *God's Little Acre* has had the greatest single sale among paper-bound books, having passed the six-million-mark. Mickey Spillane, whom *Time* describes as "a kind of poolroom Marquis de Sade," had 1952 sales of 6,074,135.

In the current controversy two principles are stressed: the right of the publisher to print and the right of the reader to read. But there is no such thing as unrestricted use of a right. The right to read is limited by the duty to read what is right. For Catholics the determination of what is wrong to read is clear and simple: *No one may read books containing lurid passages that may be occasions of sin.*

Self-censorship, coupled with vigilant survey of the newsstands, would quickly purify the paperbacks. The best way to strike against publishers of unsavory pocket books is to hit them in their pocketbooks. Don't buy. Boycott. Publishers will swiftly censor their output at the source and distributors more responsibly exercise their power to select what they will distribute.

Local organizations can make themselves felt by insisting on enforcement of existing Federal and local laws against obscene literature and personal contact with local wholesalers and dealers. As Margaret Culkin Banning testified regarding the groups of citizens that have already taken action: "If they get a cleanup of newsstands without censorship, they will be satisfied. Otherwise, censorship is on its way."

For the use of local groups, following is a list of paperback books found objectionable by the Gathings Committee:

Avon Books: *I Can Get it for You Wholesale* by Jerome Weidman; *The Amboy Dukes* by Irving Shulman; *Element of Shame* by Cicely Schiller; *Star Lust* by Jack Hanley; *Tropical Passions* by Robert Payne; *Seduction* by Leo Guild; *The Servant* by Robbin Maugham; *Millie* by Donald Henderson Clark; *Virgie Goodbye* by Nathan Rothman; *No Bed of Her Own* by Val Lewton.

Bantam Books: *The Wayward Bus* by John Steinbeck; *Don't Touch Me* by MacKinlay Kantor; *Dollar Cotton* by John Faulkner, *Tomboy* by Hal Ellson, *Louisville Saturday* by Margaret Long; *The Hater* by Theodore Strauss, *Cage of Darkness* by Rene Masson.

Dell: *The Harem* by Louis C. Royer; *The Dark Moon of March* by Emmet Gowen.

Fawcett Gold Medal Books; *Women's Barracks* by Tereska Torres, and six others.

New American Library; *Portrait in Smoke* by Bill S. Ballinger, *Woman of Rome* by Alberto Moravia; *The Short Cut* by Ennio Flaiano; *The Snow is Back* by Georges Simenon; *Young Lonigan* and *A World I Never Made* by James T. Farrell; *I, The Jury* and *My Gun Is Quick* by Mickey Spillane; *God's Little Acre* by Erskine Caldwell.

Permabooks: *Journey to Nowhere* by Martin Dibner.

Pocket Books: *Combat* by Van Van Praag; *Face of a Hero* by Louis Falstein; *The Strumpet City* by Don Tracy; *The Build-up Boys* by Jeremy Kirk; *The Witch of Spring* by William Shore.

Popular Library: *Her Life to Live* by Oriana Atkinson, and *The Night and the Naked* by Gordon Merrick.

Extract from comment published by the Canadian Association of Broadcasters and its 117 member stations:—

REGULATION IS DEMOCRATIC, CONTROL IS DICTATORIAL

It is basic that freedoms are inter-dependent and there is no absolute freedom. It was early recognized that publication by printing required a proper degree of regulation in the public interest. Because of this, the results of experience were enacted into appropriate laws, enforced in the Courts. These laws make publishers responsible for what they publish, give individuals a right to compensation for personal damage inflicted and prescribe prosecution for publication considered damaging to the public interest.

Regulations concerning libel, obscenity, treason, misbranding and related matters are part of the law of free countries.

All these regulations are, however, law; enacted by elected bodies and enforced in the courts of the land before independent judges with full right of appeal to assure impartiality and correction of any judicial error. These existing laws already apply to the broadcast form of publication.

If the public interest requires that the broadcast form of publication be subjected to further regulation, it is the clear democratic duty of Parliament to further amplify the laws relating to publishing and publishers, and incorporate into them any necessary additional provisions. If the proposed new controls have merit or are desirable in the public interest they should be enacted as law by properly constituted legislative bodies and enforced through the courts.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 3

Wednesday, February 18, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESSES

Mrs. Fred Drake, National President, The Catholic Women's League of
Canada.

Most Reverend John C. Cody, D.D., LL.D., Bishop of London.

APPENDIX C

Recommendations and correspondence.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman.

The Honourable Senators

Bouffard
Burchill
Davis
Doone
Duffus
Fallis
Farquhar
Gershaw
Golding
Horner

McDonald
McGuire
McIntyre
Pratt
Quinn
Stambaugh
Stevenson
Vaillancourt
Wilson
Wood

Quorum—5; 20 members.

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

"That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perversive tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure such services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate."

MINUTES OF PROCEEDINGS

WEDNESDAY, February 18, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators: Doone, Chairman; Duffus, Fallis, Farquhar, Gershaw, Golding, Horner, McDonald, McGuire, McIntyre, Quinn, Stambaugh and Wilson.—13.

Consideration of the order of reference of December 8, 1952, was resumed.

The following were heard:

Mrs. Fred Drake, National President, The Catholic Women's League of Canada, Regina, Saskatchewan.

Most Reverend John C. Cody, D.D., LL.D., Bishop of London, and National Director, The Catholic Women's League of Canada, London, Ontario.

Recommendations and correspondence received by the Chairman were ordered to be printed as Appendix C to these proceedings.

At 11.30 a.m. the Committee adjourned until Thursday, February 19, 1953, at 10.30 a.m.

John A. Hinds,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Wednesday, February 18, 1953.

The Special Committee appointed to examine into the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. DOONE in the Chair.

The CHAIRMAN: Gentlemen, we have with us this morning His Excellency Bishop John C. Cody, of London, National Director, Catholic Women's League of Canada, and Mrs. Frederick Drake, of Regina, National President of the League. Mrs. Drake, will you address us?

Mrs. DRAKE: I have a brief.

The CHAIRMAN: Will you read your brief, please? You can sit down, if you wish.

Mrs. DRAKE: I would prefer to stand.

Mr. Chairman and members of the Special Committee:

Honourable Mr. Chairman and Members of The Special Committee:

(1) Identification.—Kindly permit us to begin by identifying ourselves. The Catholic Women's League of Canada is a nation-wide organization working "For God and Canada" under the direction of the Catholic hierarchy. With a membership approaching 100,000, it is functioning in some 43 Dioceses and 1,200 Parishes. It has a federal charter and the National Office is at Ottawa. Our authorized representatives on this occasion are the National President, Mrs. Frederick Drake of Regina, Saskatchewan, and the Most Reverend John C. Cody, D.D., LL.D., Bishop of London, Ontario, our National Director.

(2) Appreciation.—Our next duty is to express briefly but cordially our appreciation of the privilege of appearing before this distinguished Committee to present our considered views and suggestions in regard to the national crisis resulting from the inadequate protection accorded Canada's children in face of the ever-increasing tide of salacious and obscene reading material alluringly thrust upon them despite the efforts of conscientious parents. So strong and persistent was the pressure exerted upon the National Officers of the League by its various Provincial and Diocesan Councils to deal with this crucial problem, that at the last four Annual National Conventions, held respectively at Windsor, Halifax, Ottawa and Regina, resolutions have been unanimously passed urging concerted action towards a genuine solution. We gladly seize this occasion to co-operate with our fellow citizens of all religious and political persuasions to prevent further demoralization of Canadian boys and girls. As Christopher Hollis says: "The difference that divides Protestant and Catholic, important as it is, is obviously small in contrast with the gigantic gap that divides both of them from the enemies of Christian civilization."

(3) Present State of Affairs.—Our first intention was to bring here samples of salacious and obscene reading material collected from every one of the ten Provinces; but, we have not done so because we are assured that an ample supply has already been placed at your disposal. It is imperative, however, that we express clearly the conclusions forced upon us by a thorough national survey completed by our various Provincial and Diocesan jurisdictions. Here are the main findings:

(1) Smut peddling is now big business pouring its virus unconcernedly into youth's mental and moral blood stream by means of manifold sexy publications, pornographic pictures, vicious advertisements and lewd recordings directly inciting to lust. Anyone who has not personally viewed the material can have no idea of this perpetual criminal assault upon our youth who, in the words of Disraeli are "the trustees of posterity".

(2) In some types of magazine the actual reading material is less objectionable, but, terrific damage is done by intriguing advertisements offered gratis or almost so, promising to reveal to clients the secrets of sex, Lesbian love, homosexuality etc. We strongly suspect that the white slave trade has an interest in these advertisements.

(3) In some instances, the publishers ashamed or afraid to give their names, supply a box number but if things "get hot" and inquiries are made, we are just faced with an empty box. The putrid stuff will soon reappear in another guise.

(4) We have come upon several instances where the retailer alleged that he did not at all wish to sell certain obscene publications but in order to get the decent ones was obliged to take the others as well. We are convinced that this pressure has been applied at times, but have found it difficult to decide how widespread it may be.

(5) Spurred on by emphatic protests, the distributors in some places have voluntarily withdrawn a considerable number of magazines deemed objectionable. This argues a degree of good will, but sad experience goes to show that as a rule it does not last long.

(6) Many of the vilest types of reading material are made available overtly or covertly in the proximity of schools so as to be sure to get the attention of juveniles. In a supposedly Christian country Christ's sharp rebuke to the scandalizers of children is thus scoffed at, "He that shall scandalize one of these little ones that believe in Me, it were better for him that a millstone be hanged about his neck and that he be drowned in the depth of the sea" (Matt., XVIII, 6). Vigilance committees of Home and School Clubs, and Parent Teacher Organizations are obtaining some good results in school zones but such local victories seem insufficient to checkmate the wily techniques of their children's perverters.

(7) Civic authorities and the police, though beset by so many other problems, are willing enough to exert their influence in defence of youth, but for the most part, take a dim view of getting any durable results under the present legislation. If some issue of a magazine is sharply criticized, it is easy for the publisher to see to it that the next few copies are delightfully clean so as to silence his critics and make them look like old fogies—then gradually the tripe sneaks back.

(8) When public opinion is aroused on a national scale, one can get action, witness the Fulton Bill, but no sooner is a new piece of legislation enacted than the purveyors of filth seek a loophole with the result that in point of fact we may be worse off than ever.

(9) What Catholic youth leaders themselves think of the situation can be illustrated by this list they have compiled of the "ten most dangerous criminals" threatening their interests. The ten are:

1. Proprietors of drug and book stores and concessionaires at bus and train depots or other places who sell or lend indecent or lewd literature to curious or misled teen-agers.

2. Theatre owners and managers who are responsible for the booking and playing of immoral motion pictures and stage shows or who use advertising displays that are immoral.

3. Those individuals who are responsible for televising programs that have flagrantly suggestive scenes and indecent costuming or dialogue.
4. Tavern or liquor store owners who "take care" of certain teen-age "friends" by illegally supplying them with alcoholic beverages.
5. Juke-box owners or radio disc-jockeys and record shops that sell, play, or allow to be played records with indecent or suggestive lyrics.
6. The fashion designers, manufacturers, buyers, and retailers who promote and keep in stock low-cut, scanty and other suggestive feminine styles.
7. The peddlers of dope who prey on human weakness and entice young people to the enslavement of drugs.
8. Advertisers who exploit sex and shock the sensibilities of decent citizens through crudely offensive articles and illustrations in newspapers and magazines and on posters and billboards.
9. Parents and civic officials who fail in their duty to supervise, protect and better the environment of youth.
10. Young people themselves who, through ignorance, weakness, or perversion are guilty of accepting, partaking, supporting, promoting or defending these other current evils or those responsible for them."

Though originally prepared by a group of Chicago students, this list has been widely approved in Canada also.

(4) What general remedies do we suggest? (1) The problem ought to be studied in true perspective, that is as part of a much larger picture: the breakdown of morals due to a gradual rejection of religious principles in public life. *Pius XII* recently issued this warning: "The enemy has worked and is working so that Christ shall be excluded from the universities, from the schools and from the families, from the administration of justice, from legislation, and from the meetings of nations where peace or war is decided." *Dr. Niebuhr*, an eminent Protestant theologian puts it this way: "I think we have to reject the idea that there can be an absolute wall of separation between Church and State. We cannot accept this because the political community articulates the total community in many of its functions. Ways and means must be found in which Church and State do co-operate provided there be no specific advantages to one religion over another". The renowned philosopher and writer *Etienne Gilson* sums up the general situation: "The breakdown of morals is a matter of life and death for the liberal state. After heedlessly squandering the Christian heritage on which it has lived so long a time, the day is now come when it has to make a choice; either to draw from all the sources of religious life and thus to survive, or else to let them dry up, and thus to perish." Note that the answer is not a state religion but religion in the state.

(2) All decent-minded citizens will need to co-operate to solve this problem. It is too big for any one group. Even the best legislation rapidly becomes a dead letter without the support of intelligent and articulate public opinion. Yet some groups undoubtedly have a special responsibility to check the purveyors of filth. Parents have the primary responsibility to defend the morals of their off-spring but they cannot face the task alone. All the churches are deeply concerned, but, as we see, they need the active co-operation of the State. Educationalists must realize that no genuine culture is possible if profiteers are going to entice our innocent children to the garbage can of rotten literature. Legislators, judges, and lawyers must not shirk their duty, for, as Reverend Daniel U. Hanrahan of New York, stated at the Red Mass, "reflect, gentlemen, upon the sacrifices many citizens of this generation have been called upon to make in defense of democracy, and what we are pleased to call our way of life."

"Think of the parents whose sons lie in graves in the South Pacific and on the Normandy coast. Think of the battle-maimed men in our military hospitals.

"If they should learn, from the leaders of your profession, that our God-given rights are but a legal fiction, a bit of verbal hocus-pocus in a game of make believe, would you blame them if they mock the law and the government which imposed such sacrifices upon them?

"If all laws are based on expediency, who can blame the citizen if he lives by expediency? Or that he offers bribes, commits perjury, exploits the greed, the gluttony, the lust and all the other weaknesses of his fellow man when he finds it expedient.

"Where such an attitude would lead us can be seen, of course, in some European lands where democracy has become a byword for corruption and the term politician a synonym for knave.

"There is hardly a class of men who can do more good or more harm than lawyers. In that they are like priests.

"What preserves the priest as a minister of spiritual life is reverence for God's ways and God's law.

"And the same reverence makes the lawyer a defender of the abiding values in civil society."

Finally the secular press has a responsibility too in this matter. Its general standard in Canada offers some assurance that its great power can be enlisted for the defence of our youth. It could certainly do a great deal by avoiding undue emphasis on sex, for as Mrs. Walter Ferguson, well-known Scripps-Howard syndicate writer expresses it in the *New York World-Telegram and Sun*:

"Do you remember the 'Let's-Drag-Sex-Into-the-Open' campaigns? That philosophy swept across the country like a prairie fire.

"Now, we said to ourselves, we'll be rid of the secretive attitudes, the shames and the fears. Tots will be told where babies come from. Youngsters in schools will get full and proper instructions on sex. It will soon become commonplace and they'll lose their curiosity and therefore their interest in it. The hush-hush approach will be dropped and we shall see a moral renaissance.

"During that period newspapers and magazines played up the sex theme. Book publishers promoted authors who knew the four-letter words and could describe orgies in detail. The movies came along with more of the same. We all were determined that if we got sex out into the open and examined it carefully we'd take it more casually and it would lose a good deal of its allure.

"Well, sex has been in the open now for a good many years and, so far, we can't notice much improvement on the moral scene.

"New York is in the throes of a sex crime wave. Women aren't safe on the streets. Illegitimate births are increasing and thousands of our children are sophisticated rakes before they are out of their teens.

"I think it's time to put sex back in the closet with the other skeletons."

The secular press could also render a major service by advocating the National Organization for Decent Literature and its code a copy of which we respectfully submit for your consideration.

(5) What specific remedies do we suggest?—Suggestion (i): Legal Definition of the term "obscenity".

We believe that the term 'obscenity' is capable of legal definition, and we respectfully suggest that immediate steps be taken to include in Section 207 of the Criminal Code of Canada a definition that will assist the Courts in prosecutions having to do with the printing, publication, distribution or sale of indecent or obscene literature. On reading the section in question we notice that it already provides a definition of the term 'crime comic' and that that definition is based upon a purely objective standard bearing no relation to the

sharply divergent notions abroad to-day of what may truly be termed a 'crime comic'. Why cannot a definition founded upon the same standard, be constructed for the term 'obscenity'? Is the task too difficult, or is it that it has been made to sound difficult? By way of answer, may we refer the honourable senators to a rather recent case heard in New York City by Mr. Justice Thomas Corcoran in the State Supreme Court, wherein the publishers and distributors of certain nudist organizations sought to restrain the Police Commissioner and the Commissioner of Licenses of the City of New York from interfering with the sale by news dealers of their magazines. Mr. Justice Corcoran upheld the right of the Commissioners to interfere in such a sale, and in so doing adopted and supplied a test, which for its simplicity and dependability, bids fair, we suggest, to being recorded as a classic among criterions. "Nudity is not necessarily obscene", he said in his long and well-considered decision, "there are situations where no valid objection can be made to it—but where the dominant purpose of nudity is to promote lust it is obscene and indecent." In the case with which he was dealing Mr. Justice Corcoran found that the distribution and sale of the magazines in question was most objectionable. "The dominant purpose of the photographs, he said, is to attract attention by an appeal to sexual impulses."

Here, once again, we have a definition founded upon an objective standard, that standard being the dominant or chief purpose as it is found inhering in the subject matter itself. Mr. Justice Corcoran was not interested in any secondary or other purposes of the photographs in question. After listening to the opinions of anthropologists, sociologists and psychologists, brought into court by the publishers in an attempt to show that the pictures objected to were harmless and unobjectionable from another point of view, he said, "These opinions are not persuasive. They afford us little assistance in determining what is obscene and indecent in the State of New York in the year 1952".

It is our respectful submission that this committee might give more than ordinary consideration to the possibility of having the term "obscenity" defined according to Mr. Justice Corcoran's "dominant purpose" theory. It should not be difficult, we feel, for any Court to decide, upon the evidence adduced, that the dominant or chief purpose of the subject matter is either in furtherance of the arts, medicine or science, or that it is a wanton appeal to sexual impulses.

Suggestion (ii): Stricter Enforcement of Present Laws.—While our organization does not pretend to be aware of all of the legislation designed to protect the people of Canada against the onslaught of salacious and obscene literature, we do know that there is an absolute prohibition under the Customs Tariff of Canada against the importation into Canada of any books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character. (R.S.C. 1927—C.44 as amended by Statutes of Canada 1931 C. 30, Sec. 13) and that any such goods imported are to become forfeited to the Crown and destroyed, and the offender, in each case, is to receive a fine not exceeding \$200.00. Allowing as we must for the element of human error and acknowledging the impossibility of realizing a perfect enforcement of this prohibition, we cannot help but feel, when we find ourselves surrounded on all sides by foreign books, magazines, the leaflets etc. which readily fall into the category provided by article 1201 of the Customs tariff, that this particular prohibition has not been enforced strictly at all times.

We appreciate the fact that law enforcement must on occasions be tempered by departmental policy, especially in the case of first offences or difficult border line cases. But, if we in Canada to-day are the prey of foreign publishers and distributors of salacious and obscene materials, to which earlier evidence in these proceedings, such as that presented by Mr. A. Paquette of Ottawa well attests, some responsibility, at least, rests upon those to whom has been

entrusted the enforcement of the Customs Tariff. At all events we conceive it our duty to see to it that no stone is left unturned to ensure that the moral and spiritual welfare of Canada's youth will not in the future be unduly exposed to outside influences of this kind. To this end we urge the honourable members of this committee to inquire into and examine not only the relevant provisions of the Customs Tariff, but all existing legislation, both provincial and federal, relating to the subject matter of this investigation. If the laws are inadequate, they should be strengthened, if adequate, they should be strictly enforced.

Suggestion (iii): The Appointment of a Competent Board of Censors.—As a preventive and curative rather than a punitive measure we believe that full consideration should be given to the appointment of a competent Board of Censors clothed with federal or provincial authority but effectively embracing the whole of Canada's territory with power to permit or to prohibit the printing, distribution and sale here of all books, magazines, pamphlets, recordings, pictures etc. of an indecent character and contrary to good morals. While nobody likes censorship for its own sake, and while admittedly it does not cover all the facets of this grave and complex problem, it cannot be denied that in the final analysis every law by its very nature places some restraint upon our liberty for the common good. If a Board of Censors can contribute to the common good by helping to stem the tide of immoral reading material, which is to-day contaminating the minds and hearts of our innocent children, we should not scruple concerning the establishment of such a Board. A competent living tribunal of this kind cannot be circumvented, so easily as the dead letter of the cleverest law. It is to be noted that all of the leading jurisdictions of the world have accepted motion picture censorship, which in every case has served to protect the morals of its people. In the Province of Ontario there is a Board of Censors set up for this purpose under the provisions of the Theatres and Cinematographs Act. For some years this Board, aided by the Legion of Decency and the Canadian Council of Churches, has been doing effective work, causing the Hon. Leslie Frost, Premier of Ontario, to observe in the month of June last that "motion pictures in Ontario are free from obscenity, due partly to censorship."

The membership of such a Board of Censors should be of the highest calibre, should mirror our Canadian pattern of life, and be responsible to our elected representatives. It is suggested that among those eligible would be, for instance, a Senator, a representative of the Council of Churches, the Canadian Catholic Conference, the Home and School and Parent Teacher groups, the Federation of Teachers, the Canadian Federation of Mayors and Municipalities, etc.

Mindful of our duty towards the citizens of this Country and, in particular, towards the children, we cannot subscribe to the view of those who hold that it is impossible to legislate against obscenity. We prefer to align ourselves with the view of Professor J. J. McKennirey of Ottawa who in the November 1st issue of *The Ensign* gives the answer to those who pose such questions as "who is to say what is obscene" and "how can we legislate against it?" "The questions sound difficult", says McKennirey, "but they have been made to sound difficult." "Is it not possible," he asks, "for a panel of decent, intelligent people to come into general agreement about most books." "Of course it is," he replies, and continues, "then let the Community legislate against the indiscriminate circulation of books which such a panel deems to be obscene." Since no self-respecting publisher or book salesman would object to such a decision, there should be no trouble with the enforcement of such legislation. As for the publishers and book-sellers who are not self-respecting, the community is better rid of them once and for all.

The Province of Quebec has adopted a mode of censorship along the lines of that suggested by Mr. McKennirey and our organization invites the careful consideration of this Honourable Committee with respect to Chapter 12 of the

Quebec Statutes of 1950 which is called an Act respecting publications and public morals. This enactment provides for the Attorney General of the Province of Quebec submitting any illustration of an immoral nature, including drawings, photographs, pictures or figures, to a Board of Censors for their examination and conclusion, and the Board is empowered to issue an order accordingly, and the order is to be posted in a place where it will receive the public view, and notice of the ordinance is to be forwarded to the publisher and his distributor in the Province of Quebec. A similar notice is to be sent to the Director of the Quebec Police Force and that officer is authorized to seize any publications affected by the ordinance and hand them over to a Judge or Magistrate who, in turn, is empowered to order their confiscation and destruction.

Censorship competently directed towards the common good is not the hideous thing that some people would lead us to believe. It is after all nothing more than an enforced discipline, imposed upon those who for no other reason than ill-sought gain are attempting to sap the moral life-blood of our youth. Self-discipline is of course the ideal remedy, and while it may be too much to expect all publishers, distributors and retailers of youth magazines to come up with a form of self-administered discipline over night, we might point with pardonable pride to the Hollywood Production Code to which most film producers have subscribed, under pressure from the Legion of Decency, and which for some years now has safeguarded in a great measure the moral qualities of films, without hampering the legitimate artistic freedom of writers and producers. All must learn to distinguish between true liberty and its greatest enemy, licence. In the words of Thomas Lomax Hunter, "I do not yield one inch to the modern notion that all we learned at the great school of Mother's Knee should be abolished and abandoned in the interests of larger liberalism and a greater sexual liberty.

Suggestion IV: Retain Special Committee of the Senate.

That the Special Committee of the Senate act as a continuing body until such time as the present crisis has ended and the new legislation, if any, is found to be working smoothly and effectively.

That the work of this committee will prosper for the benefit of the youth of our beloved country is the spirit in which this brief is respectfully submitted.

ELLEN M. DRAKE,

National President, The Catholic Women's League of Canada.

JOHN C. CODY,

Bishop of London, National Director, C.W.L.

The CHAIRMAN: Have the members any observations or inquiries?

Hon. Mr. QUINN: It is a splendid brief, I would say, Mr. Chairman. It must have been well thought out by the ladies of the League. I am pleased to note the recommendation which they make as a solution, namely censorship. Up to the present it is the only possible solution that I have been able to think of. We are very grateful to Mrs. Drake.

The CHAIRMAN: I might say for the benefit of Senator Horner that Mrs. Drake's Saskatchewan throat could not stand the Ottawa weather! Senator Horner, Mrs. Drake is from your province.

His Excellency Bishop CODY: I would like to observe, if you will permit me, Mr. Chairman, that I do not believe we can legislate people into virtue. No matter how effective the laws might be, the question of free will is necessarily to the forefront. But while we cannot legislate people into virtue, I am just as convinced that, by proper and effective laws, we can help people

to be virtuous; and I deem it to be a special duty for us to protect children, because they are not able to know the problems of the day in all their fulness, and their elders should know at least the main angles that are of importance, and provide laws which will restrain profiteers who obviously are on the march to do harm to our youth. Even if they imply certain sacrifices, reasonable sacrifices of freedom are, to my mind, very justifiable.

There is one other little thing. I noticed in the reading of the brief that, while we mentioned this type of salacious literature that comes from the United States, at hearings of their special committee over there they objected to some of the types of literature that come in from Canada. We would not like to take a "holier than thou" attitude. But it does show that the problem is a widespread one. I noticed in the press of London, England, that they had there a very serious problem in dealing with pornographic literature which somehow or other seemed to be circulating most of all on the Lord's Day. It is a strange thing, if you take all the angles into consideration.

I do not wish to burden you. I am sure Mrs. Drake's brief covers all the angles here; but we have ten provinces, and although the Women's Catholic League is a very representative body, spreading all over the Dominion, with a membership of approximately 100,000, as yet, though we have individual members in Newfoundland, we are not organized there as we are in the other nine provinces. Nevertheless we extended our national survey to include that province; and I have here two rather short notes from the Bishop of Harbour Grace, Most Reverend J. M. O'Neill, from which I think you will get the gist of what his thought is. The letter is very short:

Recently I received a letter from Mrs. Drake asking me to forward to you some samples of the salacious literature on sale here.

I think Mrs. Drake, we may as well admit that we were afraid to carry this stuff to Ottawa for fear somebody would find it in our possession.

Mrs. DRAKE: I thought maybe, if I were to die on the way down, and they found it in my bag, they would think we were peddling it!

Hon. Mr. HORNER: What is your opinion of the advertising of beer and liquor in magazines and newspapers? Some people are very strongly opposed to that.

Hon. Mr. QUINN: That does not come under the heading of "salacious literature".

Bishop CODY: I imagine it could come under it if the way in which it was advertised made use of indecent postures of a woman or child, or something like that. But I would be inclined to think that, because the adults concerned were perfectly entitled to use within due reason such refreshments, it would not perhaps be advisable to try to prevent completely that type of literature. If we saw that it was, so to speak, unduly thrust upon the public, that there was an organized multitude of such advertisements, perhaps some limitations could be set upon the amount and type of advertising. I am speaking only for myself, but I would think that is what we would feel—is not that so—?

Mrs. DRAKE: I think so.

Bishop CODY: —in regard to liquor. But all these things you mention do dovetail into one another. Because, likely, in places where salacious literature is purveyed to juveniles, there will be drinks too, and so forth. That is what we mean by "viewing it in perspective." It is a very big problem. I do not know if that would answer the honourable senator's question.

Hon. Mr. HORNER: I know of a certain magazine which, as a father, I do not like to have coming into the house. In many of its pictures groups of society people were shown sitting around tables that were laden with beer and

liquor. I think that that would be just about the worst kind of thing that could come into your home.

Bishop CODY: Our national magazine which we turn out every month definitely does not have any liquor ads whatsoever. It is a ladies' magazine and we feel that it is a better example not to have such ads, although I must say that they are profitable to run. However, we must take a higher motive than the profit motive. On the other hand, when anyone sets out with some objective in mind I think there is always an inclination to push perhaps a little further than is necessary to reach that objective. I do not say that you become a little fanatic but, without realizing it, you go beyond the limits of what might be called for.

To get back to the question of Newfoundland: "To my way of thinking, a casual perusal of the magazines enclosed discloses that the worst feature of them is the blatantly pornographic character of most of the advertisements." This is what the Bishop thinks, that the material is bad but that the ads are still more dangerous. "If for no other reason, these magazines should be banned for that. Incidentally, most of these ads originate in the United States and the books advertised are sent directly through the mails to the customers. It is hard to see how this problem can be attacked. I have been informed by some priests that there is a regular 'underground' peddling immoral books and pictures around the province. These are smuggled in on boats and distributed from hand to hand without reaching the news stands."

When they feel that they cannot take a place on the book stands and they have to smuggle them in by boat and other means, you can infer what kind of literature is involved.

Hon. Mr. QUINN: That has been going on for over fifty years that I can remember.

Bishop CODY: That is right. This letter was dated December 4, 1952. Because we were doing some work in this connection previously we received a letter from him in October 1949, which reads in part:

"Since my return home a sample of the kind of stuff that has been inflicted on our people has come into my possession, and I am forwarding it for your perusal. You will notice that all the harm is in the advertisements. See especially back of front cover and pages 3, 13, 30, 42, 62, 63, 65, 77." These are all objectionable ads found in just a very few issues that he sent me at that time. The letter continues: "You can readily imagine the infinite harm that such publications can do to the young." I am sure the honourable senators noticed through Mrs. Drake's brief that our main concern is the young. We are not trying to tell the adults what they must do and what they must not do. There is no doubt that we could help the adults but our concern is with the young. The letter continues: "Since this book was sent through the mails indiscriminately it was very easy for children and teen-agers to get possession of it without the knowledge of their parents and to send for and peruse in secret the publications advertised therein."

I would point out that such an estimable magazine as *MacLeans* ran an editorial not so long ago which was to this effect: "Well, years ago the parents looked after their children and they saw to it indecent literature did not reach them, and we do not see why that cannot be done today. Therefore you do not need censorship."

I think we all realize circumstances have changed and it certainly is too big a task for the most conscientious parents to accomplish. They need the help of those in higher positions. All the churches have been trying to assist. All churches are of one mind in this respect. But we need more help, the help of the state. For instance, when the matter was clearly put before the House of Commons there was practically unanimity there that something

should be done, and the Fulton Bill was the result. But this did not prove to be effective, and everybody can see that. They just found a new market.

Continuing to read from the letter: "Inside the front cover I see that 'Application for second-class mailing privileges (is) pending with the Post Office Dept.' and that it is printed in Canada. Surely there should be some law to deprive these people of the use of the mails for such purposes. I am afraid that in many cases the harm cannot be undone as these people probably now have the names and addresses of people in Newfoundland and will continue to bombard them with similar allurements."

I just thought the committee might be interested in that letter. I am not going to put all this material in because I think it is well summarized in Mrs. Drake's brief. There is another letter from Windsor which happens to be in the London diocese, and I have had a closer view of things in my own diocese naturally. That is what led me to believe that the local authorities, the police and officials and city councillors, are co-operative when their attention is directed to certain problems, just as Mayor Whitton was co-operative here in Ottawa. In London, Alderman S. Killingsworth got together with various Catholic and Protestant organizations and as a result of their co-operation many of these books were withdrawn from circulation. The same thing took place in Windsor where I believe Alderman Belanger spearheaded the attack against obscene literature. They got certain results in Windsor.

This is a perpetual task. If it was only something that lasted for a week or a month or even a year you could put your shoulder behind it and keep up with it, but when it is done perpetually it is a task which is beyond private citizens. Our Catholic League certainly does not like censorship for censorship sake, but if it is the only answer—and it certainly seems to be one of the most effective answers I can conceive of at the moment—then we certainly should consider it. It would have to be a competent board of censors responsible to our elected representatives. It is something which would make the purveyors of this literature fear for the reason mentioned in the brief—that a living tribunal does not allow for loop holes. The letter of the law may read this way but may be interpreted in another way, but if parliament says, "This is a competent board of censors and what they say is obscene we will take as obscene." They could not find a loop hole then. They would be caught and they would not try it any more. In other words, they would have to observe the law or suffer the penalty.

I have been reading what has gone on in the previous proceedings of this committee and whereas I notice various groups have quite sharply divergent views in some matters, most of them feel that as censorship has worked to some degree in the motion picture industry it should work to a reasonable extent in the matter of obscene literature. On the one hand you have tyranny in various degrees, and on the other hand you have what was mentioned in the brief as license, which is an exaggerated principle which sort of says that the individual must be allowed to do whatever he wants to do regardless of what is for the common good. We cannot follow either course. We have to steer the difficult middle course, and I think that perhaps it can be successfully steered with censorship.

Hon. Mrs. WILSON: May I ask the Bishop a question? The establishment of such a committee mentioned by Mrs. Drake would, of course, put a terrific responsibility on the shoulders of the members of that committee. Is it the idea that that committee would deal only with juvenile literature?

Bishop CODY: To my mind that would be the scope that originally, at any rate, would be covered. It could be tried out and if it proved to be effective we could act accordingly. We would not want to go any further than we should.

Hon. Mr. QUINN: What do you mean by "committee"? Do you mean a Senate committee or the proposed Censorship Committee?

Hon. Mrs. FALLIS: The Censorship Committee which Mrs. Drake spoke of, having on it representatives from the different bodies throughout Canada.

I think, Mr. Chairman, when this committee was established it discussed quite fully the fact that it proposed to deal with juvenile literature; and it was not in the minds of the members of the committee at that time to attempt to tell adults of this country what they should read.

The CHAIRMAN: I think that was in our minds, but I do not know that it was specifically stated in our reference.

Hon. Mrs. FALLIS: The reason I raise that question is that I think there is some misunderstanding throughout the country as to the purpose for which this committee was established. I have seen some evidence of that misunderstanding in the press. Indeed, I had quite an outstanding senator say to me "Don't you people try to tell us what we are to read, because we won't stand for it." I think that perhaps we have not made clear to the people of Canada the fact that we are concerned with literature being supplied to the juvenile element of our population.

While the Bishop was speaking the thought came to me that we would perhaps be performing public service if we made a little more clear the purpose of this committee. Personally, I agree with what the Bishop has said: We cannot attempt to tell adults what they should read or should not read. I think that is beyond the jurisdiction of this committee. Our aim is to try to protect the young people.

Bishop CODY: That is the chief aim. There are some adults, by misfortune, who mentally are still children. That would involve, of course, only a very small number.

There is also the angle, which the senator's remarks bring to my attention, that even though the Board of Censors was composed of most competent people, a better impression might be made on the public if the personnel of that committee were changed from time to time; it might be that the members of the board could be rotated every three years. We know that the task would be a trying one, and it might result in more confidence on the part of the public, if the members were rotated.

Hon. Mrs. FALLIS: If such censorship committee were formed, while it might agree on what was salacious or indecent literature for children, I am quite sure its members could not agree on what was obscene for adult reading.

Bishop CODY: That is true.

You will note that we spoke in our brief about first offences. The statement was compact, but the idea was this: A certain magazine may have had a good reputation—and we are not asking that they all become religious manuals—for four or five years, and suddenly it comes out with something which the Board of Censors deem is reprehensible. I do not suggest that the board should immediately jump on that magazine and impound all the copies of that issue; but the board could point out that if this happened again, some action would be taken. On the other hand, there may be a magazine which has been tripped up several times, and when it offends again it should be dealt with more severely. It is somewhat like the first offender who appears before a judge; he does not get the same treatment as one who has a well recorded life of crime. Any attempt to put this matter in a sort of straight jacket, making it equally applicable to all cases, is going to lead to difficulty. Still and all, the dominant purpose theory is a pretty accurate basis. A competent board looking at a certain matter would quickly determine whether its first and foremost purpose was

to stir up lust, and therefore is not suitable for children. I believe it is workable that way. If it is not workable, then we admit that we are not able to protect the morality of our children.

Hon. Mr. GOLDING: I am sure all the members of the committee are most appreciative of and grateful for the sound, sensible and helpful brief that has been submitted to us today. It is some encouragement to know that we have organizations such as that represented here, whose members are so deeply interested in the welfare of the young people of our country. I am sure I speak for every member here when I say that we will find the information you have placed before us most helpful when we come to prepare our draft recommendation.

The problem, as you know in curbing the distribution of salacious or obscene literature is that if it is allowed to be displayed on stands for adult reading, it is likely to get into the hands of young people.

Bishop CODY: That is true.

Hon. Mr. GOLDING: It is difficult to deal with it on that basis.

Bishop CODY: That is why we said in our brief that it is everybody's problem; if we do not get co-operation from the family group, it is very difficult to deal with the matter, if not impossible.

Hon. Mr. GOLDING: If the books are left on the bookstands, it is impossible to keep them out of the hands of young people.

Bishop CODY: We are very grateful, are we not, Mrs. Drake, for the splendid hearing we have been given today. We do feel that this special committee of the Senate has done something for the Senate and something for the people of the country. There has been a tendency on the part of the public to feel that the Senate was a sort of fifth wheel on the wagon of parliamentary progress. Now you will have noticed by the Gallup Poll the increased popularity of the Senate, as contrasted with that of some years ago. This popularity is, I believe, due in no small measure to a committee such as this, which shows that senators can and will take time to hear various groups and to study a subject of this nature. It could well be a new starting point in the old procedure, using it more effectively. Perhaps there should be more committees such as this to look into phases of our life, which in the rush of events in the House of Commons there is no time to deal with them. The Senate could, if it wished take two or three years to study the subject placed before it, and if it contributed largely to the solution of the problem, it would be a major victory. We are grateful to the committee for the hearing it has given us today.

Hon. Mr. HORNER: And we are grateful to you for those kind words. We do not always hear them.

The CHAIRMAN: If there are no other questions or comments, I would express to Mrs. Drake, and to you Your Excellency the most hearty appreciation of the committee for your excellent brief. It is a valuable contribution and will prove of great use when added to our record.

The committee thereupon adjourned.

APPENDIX C

PROTESTS IN RESPECT TO RELATED MATTERS

1. THE FILMS

Most Reverend Alexandre Vachon, D.D.
Archibishop of Ottawa:

On several occasions, during the meetings of the Committee on indecent publications, reference has been made, not only to immoral films secretly shown at certain gatherings such as stag parties, but also to the motion pictures being show to the general public in commercial theatres. It was pointed out that many of them are obscene and tend to lower the moral standards of the population. Recently, here in Ottawa, the Ontario Censorship Board was impelled, under the pressure of numerous protests, to withdraw a vulgar and indecent film. The same thing happened shortly afterwards in Vancouver, in connection with another film.

It would undoubtedly be easier to control the films coming into our country than the millions of publications of all kinds. The system of supervision is much more effective since every film, before being shown to the public, must be passed by the censors of the province concerned.

It is a fact, however, that too many films, even after being passed by the censorship board still greatly offend Christian morals and even ordinary natural morality. This is particularly true with regard to those films which are clearly immodest or which attack the dignity of marriage and of the woman, or reduce love to a mere physical experience.

It would seem, therefore, that the dignity of man, which guarantees the stability and future of society, is degraded not only by immoral magazines but also by indecent films.

In the light of the foregoing and conscious of the spirit which inspires you and of the earnest desire which you and your fellow members of the Committee have to clean up our Canadian society by ridding it of the features which may harm its traditional good health, I wish to urge the Senate committee of which you are chairman to study also at this time the question of immoral motion pictures now being shown in Canada. Your terms of reference, I know, officially include only publications, but could not the attention of the senators properly be drawn to motion pictures, which are as powerful as the press if not more so and which are closely related to it for evil or for good. Immoral publications will continue to flourish, whatever steps may be taken, in a country where motion pictures which foster the taste for indecency and licentiousness can too easily be circulated.

My suggestion, I know, would undoubtedly increase the work of your committee, but is stems only from my love for the people and from the feeling that I am sure to meet, on your part and on that of the other members of the Committee, with the same understanding of what constitutes the true greatness of Canada.

Mrs. Roch Aubry,
 Secretary, Morality Commission,
 The Catholic Feminine League,
 3 Place Jean Talon,
 Quebec, P.Q.

On behalf of the Morality Commission of The Catholic Feminine League of Quebec, I wish to congratulate you for the wonderful work you are doing in the Senate Committee on obscene literature, even if the work you are performing has reached its end by alerting public opinion. We regret that Mr. Fulton's motion has been defeated on a majority vote. Energetic measures must be taken against obscene publications which I hope have reached their peak in Canada. We are convinced that the defence of morality, which you have undertaken in the Senate, is in good hands, and we wish that you will do all you possibly can to create another Senate committee to investigate Cinemas and to suggest proper means to prohibit immoral films. In so doing, we are happy to support the wishes of His Excellency Archbishop Vachon, of Ottawa.

You may be assured of our total support whenever morality is at stake.

2. RADIO AND CBC PROGRAMS

Broadcast by Mr. R. W. Keyserlingk, publisher of the Ensign, over Station CJAD, Montreal, on Sunday, February 1, 1953.

I have spoken to you frequently about the problems facing us in the international and national field. There is a danger that we divorce these problems from the individual. We speak of a nation doing this or that, planning this or that. It is a convenient but very inaccurate formula, if we forget that it is people, individuals, whom we really mean—not just abstract collectives.

Curiously enough it is precisely those who deny the individual, namely the collectivists, the communists, who often are far more conscious of the importance of an individual's attitude toward certain aspects of society.

While we in the free world are apt to generalize and abstractly talk of freedom or oppression, collective guilt or collective merit, we forget that those things can not be judged collectively. They depend to a very large extent on what the individual thinks or does. We abstractly talk of freedom as something which frees us from something instead of realizing that all freedom is only a freedom of the individual for something.

To-day I want to talk about a very personal matter. I want to talk of something that I as a father, and as an individual, feel affects us all as individuals, as parents, as educators, as citizens and as *responsible members of society*.

Once respect for the moral values of our society no longer exists then loyalty to our society can not be expected.

There, in the realm of loyalty and respect, and in the reasons for them, we find the real battle ground of our political struggle, the struggle between the opposing forces of freedom and oppression.

Communism has seen that clearly. Subversion is not merely the overt act of stealing atom secrets or stuffing cotton waste in turbines. First loyalty to the values or belief in the values, of our society must be undermined. After that acts of disloyalty become easy and numerous. We have just witnessed in the last week the flagrant acts of arson on two large liners. The fires on the Empress of Canada and on the Queen Elizabeth are attributed to sabotage.

But whoever put fire to those ships was destructive because he was or they were serving a purpose opposed to that of our society. It was an act of disloyalty to our standards, because other standards had gained the upper hand first in the minds and hearts of those committing the act.

It again boils down not to a collective abstraction but to a problem of an individual.

Thus the real danger of communism does not lie merely in certain decisions or even acts directed against us. It starts earlier. It lies in the undermining in sufficient individuals, of the loyalty to the society in which we live.

Such disloyalty is not generated overnight. It is not achieved only by the dry and pessimistic teachings of marxist economics. It flourishes there where the individual has lost his faith, and his respect, for the values which society upholds. A vacuum has first been created through the corroding of the moral fibre of the individual. The sense of good must first be destroyed. The repulsiveness of evil must be overcome. Acceptance of objective truth must be replaced by acceptance of relative value. Freedom must no longer mean maintenance of standards. It means rather licence to indulge in appetites, either for power or for selfish gratification. Here the communists have powerful allies. For they benefit not so much from the strength of their own false teachings, as from the loss of faith in the standards and values of our society.

It is for that reason that the concentrated effort, being made to infiltrate your home and mine, not with communist propaganda, but with suggestions to abandon our values, to discard the standards of accepted decencies and norms of morality can be far more sinister than the existence of odd communist cells or political conspiracies.

But these efforts are being made. You and I are not only exposing our family circle to them but we are even paying for them.

Let me illustrate. Here is a dialogue which takes place between a young woman and a young man. Just listen to that and think whether you can discern a not too subtle philosophy being preached:

Hilda: (an unmarried schoolteacher about to be engaged to Wally) "There is something mother doesn't expect me to tell you. I am going to have a baby.

Wally: (the young man) It's a shock Hildy, no use kidding . . . If we got married now the baby'd be early, but that'll happen. If we counted on our fingers every time the wedding bells ring, there'd be a lot of surprises. It shouldn't happen but it seems to. Lots of couples cheat a little on the deadline, so I guess we might get away with it. I'm willing, Hildy, if you are.

Hilda: Are you willing because you really think I was doing right, or just because it happens all the time?

Wally: Same thing. If everybody does it, sooner or later it's alright."

It is close to eleven o'clock and it is safe to assume that I am speaking to an adult audience. But two hours earlier, when many of our young girls and boys were still in the drawing rooms this sort of thing was broadcast over our national Canadian Broadcasting network, paid for by you and me.

I have quoted a passage from Lister Sinclair's play "Hilda Morgan."

Here is a memo I want to read to you given me by The Ensign's managing editor John Thompson:

"Lily's Story," broadcast last Sunday (Jan. 18) was fairly typical. This was a sordid story, told graphically and with extreme poor taste.

"Basically, this was the story: Lily, described by the CBC narrator as "a pale slut", is in her middle teens when a Chinese cook (speaking dreadful "pidgin" English) tries to seduce her by offering her gifts. He gives her silk stockings, for instance, in a public restaurant, makes her take off her old

stockings and put on the new ones while he watches her legs. She agrees to go to his room to spend the night in exchange for a bicycle. Police, looking for a stolen bike, intervene."

"Time of broadcast was 9 to 10 p.m. Sunday, evening when many children were still listening to radios."

Let me now give you a third example. I am going to quote for you from the *United Church Observer* which says editorially:

"The Canadian Broadcasting Corporation production STAGE 53 on Sunday evening, January 4th, was disgusting. It was enough to offend the taste of even the least aquemish listener. The play centred around a Mr. Mulrooney who decided to have his own New Year's party by getting drunk. He got drunker and drunker and drunker as the play went on. He finally landed on top of a garbage can in an alley-way, holding drunken conversation with another drunk. The language was what one would expect.

"The play did not have one redeeming feature. It was not interesting; it took a sheer effort of the will to sit it through. It was not even funny, there was nothing to provoke the shadow of a smile. To be sure, a ghost or some shadowy figure appeared towards the end and had a few platitudes to say about the new world and that sort of thing. But he was dragged in by the scruff of the neck or by whatever part of the anatomy ghosts can be laid hold of. . .

"We have no illusions as to what would have happened in the C.B.C. office had "Mr. Mulrooney's New Year Party" been done by a sponsor."

These three examples from amongst many more that could be given will, I believe suffice, to show you why it is high time that Mr. A. D. Dunton the Chairman of the Canadian Broadcasting Corporation be asked to explain what standards he believes he is serving or what standards are intended to be undermined by this sort of presentation. Please mark well that the hour of presentation is nine p.m. on Sunday evenings. I feel that Mr. Dunton is expanding the idea of radio licenses which you and I pay, to include also license for depravity and filth.

Last year he saw fit to present us with a series of atheistic talks, attacking the concept of morality, of good and evil with such speakers as Bertrand Russel and Brock Chisholm, Dr. Binger and others. Parliament took up the question, and disapproval was voiced by our elected representatives. But what good does it do to lock the barn when the horses have escaped?

It is not only against the individual play but against the tedious repetition of this philosophy, of what Lister Sinclair formulates, that action seems indicated. Let me quote his lines again:

"If everybody does it, sooner or later it is alright." Here you have in a nutshell the gist of that new morality—that disloyalty to a standard of objective right and wrong. We might as well face the issue squarely and ponder the implications.

It is not enough to say—if you don't like it turn off your radio. Radio comes into our homes. We do not know before we have heard the program what will be presented to us. When it has been heard, it has been heard, that is all. These plays are not only immoral. *They are also offensive to the Chinese, for example.*

Are we not aware that a war in Asia is being fought, not only against communist soldiers, but also for the respect and esteem our world hopes to gain from the peoples of Asia? If so, does the representation of a lecherous Chinese, seducing a pale young slut not imply a false impression of our Chinese friends?

Whichever way you look at it, the thing looks bad. Or maybe I am just old-fashioned, and there is no bad or good anymore, just what the CBC thinks should amuse us.

The situation presents a challenge. Each one of us has a representative in parliament. It is not only a privilege but a duty of free citizens to let their representative know when they are being victimized. This situation calls for action—I mean your individual action, alone or with your friends or through your organisations. There is no use arming to defend our borders against an enemy abroad when at home the very fibre of our society is being attacked by those who would have us believe that we no longer have freedom to defend our homes, our family circle against the inroads of this debasing showmanship. Time is running out and we must act now.

The following comments indicate the difficulties presented to law enforcement officers in the prosecution of their duties under the Criminal Code:

(*Regina Leader-Post*, January 26, 1953)

Crime comics case dismissed

Charge against a Saskatchewan news vendor for selling crime comics has been dismissed by Magistrate E. S. Williams, QC, in provincial magistrate's court in Regina.

The charge was laid by the RCMP, acting under the instructions of the Saskatchewan attorney general's department. The case was heard earlier in January and the judgment was reserved at that time.

Under the decision now rendered by Magistrate Williams, the sale of crime comics which do not "exclusively or substantially" depict the actual committing of crimes is not an offence under the Criminal Code of Canada.

The charge was laid against William Tabor of Vibank, Sask.

The crime comics were entitled "Ellery Queen" and were published during 1952.

The charge against the news vendor was for having in his possession for sale "a crime comic, contrary to the provisions of the Criminal Code of Canada."

Legal Description

Magistrate Williams said in his judgment that the Criminal Code under subsection 207 (3) defined a crime comic as "any magazine, periodical or book which exclusively comprises matter depicting pictorially the commission of crimes, real or fictitious."

He said "commission" in this section had been held to mean "committing."

"If the section just covers the committing of crimes and does not pictorially include matters leading up to and subsequent to the commission of crimes, then there has been no offence committed," the magistrate ruled.

He said it would not be difficult to word the section so as to include not only the committing of crimes but the acts before and after which pertained to the crimes.

Magistrate Williams therefore thought he should follow the precedent of an Alberta case which had been dismissed. This charge was against Alberta News Ltd. recorded in Criminal Reports.

"Hence I do not think the magazine substantially comprises matter depicting pictorially the committing of crimes real or fictitious," Mr. Williams said. "The charge is dismissed."

D. V. Heald was defence counsel and R. M. Barr, QC, was the agent for the attorney general.

(*Regina Leader-Post*, January 28, 1953)

More crime comic charges likely off

The provincial attorney general's department is unlikely to proceed any further in pressing charges against news vendors selling crime comics, it was learned Wednesday.

A number of charges had been contemplated, some against news agents along the main line east of Regina, but reliable sources said these probably will be dropped.

This follows the dismissal by Magistrate E. S. Williams, QC, in provincial magistrate's court in Regina of a charge against a news agent for selling a crime comic.

The charge had been laid against the vendor by the RCMP, under instructions of the attorney general's department.

Magistrate Williams ruled that if the Criminal Code section dealing with crime comics just covered the committing of crimes and did not include matters before and after the actual committing, there was no offence in selling them.

He thought it would not be difficult to word the section so as to include not only the committing of crimes but also acts before and after pertaining to the crimes.

Attorney General J. W. Corman said Wednesday that he did not pretend to know whether the evil could be cured by law or by censorship.

"I am no Solomon," he said.

Mr. Corman said that if it could, action would have to be taken at a national level as he had explained to Justice Minister Stuart Garson when the 1949 amendment to the Criminal Code was being considered.

None of the crime comic material was printed in Saskatchewan, he said. All of it came from eastern Canada or from the United States.

In his letter to Mr. Garson in 1949, Mr. Corman said he did not know what had to be done to stop interprovincial trade in crime comics. But he suggested federal law officers consider some action, legislative or otherwise, to keep them out of Saskatchewan.

Education Minister W. S. Lloyd has indicated that he would call a crime comic conference and it is expected this will be called sometime within the next few months.

Some quarters see a major difficulty in dealing with the crime comic problem because of the danger of infringement of the freedom of the press and the problem of censorship.

A difficulty exists in rewording the Criminal Code crime comic section because a redrafting conceivably could take in many of the common comic strips.

The following was submitted by the Canadian Home and School and Parent-Teacher Federation; stressing the influence on youth of crime and horror comics.

RESOLVED that the Canadian Federation of Home and School prepare a brief regarding the publication and sale and distribution of undesirable newsstand publications for juveniles, to be presented to the Minister of Justice, asking for such an amendment to the Criminal Code, Section 207, as will restrain the making, manufacturing or selling or exposing for sale to the public view, such publications.

The arguments in support of this resolution are based on the following facts:

(a) "Reading is the great educational tool. The primary purpose of reading in school is to extend the experience of boys and girls, to stimulate their thinking powers, and to elevate their tastes. The ultimate end of instruction in reading is to enable the reader to participate intelligently in the thought life of the world and appreciatively in its recreational activities.

This objective emphasizes the importance of the content of what is read and attaches new significance to it."—(Programme of Studies for Elementary Schools of British Columbia.)

(b) The comic book combination of picture and text makes ideas and information easy to absorb. This teaching medium was widely used during the war in the education of the armed forces.

(c) "At least one-third of school students are non-verbal. These pupils are slow readers who have a low facility for gathering ideas from the printed page."—(Dr. G. M. Weir, Minister of Education for British Columbia.)

Such children turn to the comic magazines for their recreational reading because it is easier for them to grasp the story content of the comics and there is not the feeling of frustration brought about by failure to comprehend readily the less lavishly illustrated text. Therefore the contents of the comics should be carefully prepared.

(d) Crime and horror comics have been proven harmful to maladjusted youth, for whom they provide a pattern for anti-social behaviour.

"It seems to me just as inexact to say fiction has no influence at all on people's actions as to blame crime on such fiction. Apparently anti-social impulses do not originate in that way. But when they once exist, added impetus may be given them by way of identification with a fictional scene."—(Hilde L. Mosse, M. D., New York.)

Reading that is harmful to disturbed, unhappy children can be of little value to more fortunate young people. Indeed, the increase in the nation's state of anxiety that has been reported recently by the Department of Health may be caused in part by the bombardment of violence in this type of reading as well as radio programmes and movies of like caliber.

Teachers maintain that the literary style of the comics "provide a barrier for the cultivation of good habits in writing, speaking, and reading the English language."

Many generations of children grew up without benefit of the crime comics; also without the tendency to violent behaviour found in even the very young of today.

References:

Letters from—

Judge Lorne V. Stewart, Toronto Family Court

H. E. Clague, Secretary Vancouver School Principal's Association

G. M. Kirkpatrick, B.A., M.D., Psychiatrist, Child Guidance Clinic

Boys' and Girls' Industrial Schools, and

Borstal Institution of British Columbia.

(e) Because these publications claim to be stories of real life, they can not be classed with fairy tales or tales of fantasy, which the child recognizes as make believe.

In reference to fairy tales "the child may identify himself with the persons or animals in this fantasy world, which he makes his own. There he may allow his fancy to soar as he wishes; it is his private empire in which he reigns. He knows the difference between the real and the imaginary, there is no attempt to bridge the gap."—(Johann G. Auerbach, M.D.)

(f) Horror, violence and crime are found in certain children's classics but the number of such books read by any one child is so small as to be of no account. It is the tremendous volume of crime comics available to every child that constitutes a problem with which the individual home or school is powerless to cope.

"It is emphasized that the basic difficulty does not flow from a single or even a few such presentations but rather that the public and especially the young people are being subjected to a mass assault and constant bombardment of such forms of entertainment. This complicates immeasurably the problem of law enforcement. It is more the quantitative factor that is important. People, especially the young, come to believe that the commission of crime, cruelty and sadism is the ordinary pattern of life. The inevitable consequence has been a lowering of standards which has resulted in callousness toward law enforcement, and imitations of crime seen, heard, or read about. Cases are cited of delinquents who have followed the exact pattern of offences depicted in these media." (James V. Bennett, Director U.S. Bureau of Prisons.)

(g) Classic Comics reproduced stories like Alice in Wonderland and Huckleberry Finn. By the end of 1945, 100,000,000 copies of twenty-eight titles had been sold. Such a lucrative field caught the attention of the publishers of violence, and now all the most violent of the children's books of the last two centuries are being condensed into eight-page picture sequences, omitting every literary element and squeezing into fifty pictures or less all the violent scenes that can be found anywhere in the three hundred or more pages of the original classic.

Historical figures have not escaped similar treatment. The life of Alfred Nobel is depicted in eight pages of dynamite explosions, that of Florence Nightingale in eight pages of Crimean war horror, and the story of Jesus Christ consists mainly of Him flagellated, on the cross, dripping blood.

(h) Cases have been brought before the courts in which crime comics have influenced young people to commit crime.

Howard Lang, Chicago, thirteen years of age, murdered Lonnie Fellick, age seven, in Thacker's Wood, on October 18, 1947.

"Evidence was further given on the habits of the defendant, his constant reading of the "funnies", mystery books, murder and horror shorts, twenty-six in number being produced for the Court's observation, all marked, showing the homicidal, near homicidal and brutal attacks upon the persons of the characters depicted. By means of knife, guns, poison, arrows and darts, rocks off cliffs, etc. It was testified that the defendant had read or observed the books since before he could actually read.

The judge, Hon. Daniel A. Roberts, stated in part:—

"The case at bar evidences an abhorrent, gruesome, hideous murder which, if committed by an adult, would merit the extreme penalty of the law . . . The court has had its attention called to certain publications that were read by the defendant, his many school chums who testified for him, and they reveal books and periodicals that are startling in the extreme, and nauseating and degrading to the moral sense.

The crime and horror comics are extremely ugly in appearance, caused by the diabolical twist of mind of the creators, and coupled with language which is, in most instances, a perversion of the good language that we hope to teach our children.

It is difficult to understand how a child can learn to spell correctly in school when he finds the same words written in different letters in his most used Primer, the comic book.

The books are full of righteous conclusions and sentiments where right triumphs and wrong is punished; but right always triumphs by force, right triumphs by the fist, the gun or knife. The impact of the fist on the jaw is the horror creator's law. Thus the genuine law is made crude and slow moving while the speedy law of the jungle or the gangster is made to take its place.

It has been shown by competent authority, that over sixty million comics or horror books are read by children monthly. The authorities say that the comics are here to stay. The answer then is that something must be done to make them wholesome, by law, if their publishers will not properly censor their own work". (Transcript of evidence, Trial of Howard Lang.)

"We have in one of our institutions a boy who carried out a kidnapping plot following out the precise pattern he had read about in a comic book called "Crime Does Not Pay." Not only did the boy confess that he got the idea from the crime comic, but the facts surrounding the crime bore out his statement. There are a number of other cases which indicate strongly the influence of comic magazines on the young boys who commit crimes, notably in Ohio where two boys attempting a kidnapping shot and killed a citizen." (James V. Bennett, Bureau of Prisons, Washington, D.C.)

The facts surrounding the murder of James M. Watson of Dawson Creek, British Columbia, by two boys aged eleven and thirteen, are well known. At the trial evidence was submitted to show that the boys' minds were saturated with crime comic book reading. One boy admitted to the judge that he read as many as fifty books a week, the other thirty.

Mention was made on the Citizen's Forum programme of January 21st of the recent scissors murder in Philadelphia, and many more instances could be cited where the evidence supports the claim that the reading of crime comics was a contributing factor to the crime.

(i) From time to time and as the public disapproval of their product is made more evident, publishers of comic books have declaimed a 'Code of Ethics.'

The Association of Comics Magazine Publishers announced on July 1st the adoption of a code of minimum editorial standards. It was pointed out, however, that comics magazines are usually prepared at least three months before issues go on sale, so that practical application of the Code might not be evident for a number of months. Some sixteen firms adopted the Code, several of whom, as Parents' Institute Inc. were already publishing acceptable material. To date, no improvement can be seen in the output of the other firms except that many of the magazines are more plentifully bespattered with such slogans as 'Crime Does Not Pay', usually in conjunction with a story in which crime pays big dividends in wealth and excitement ending in the last picture as the centre attraction of a scene of violence.

(j) Members of the B.C. Pharmaceutical Association have agreed not to handle undersirable periodicals and the distributors are co-operating with the druggists. While such action is a step in the right direction, one poor result is the diversion of trade to nearby retailers who make no attempt to check the magazines put on their stands by the news agent. Block booking is still insisted on in some localities where there has been no open discussion of the practice and its legality. Many conscientious retailers remove from their stands for return those publications that they consider harmful. However, the number who do so is small, even when a concerted drive is being made to have the retailers undertake such action.

Local authorities in over fifty communities in the United States have instituted local controls in many different forms.

Detroit has a Censor Bureau in the Police Department.

Los Angeles has a County Board of Supervision and an ordinance providing a \$500.00 fine or six months in jail for selling crime comics to children under 18.

Bellingham, Washington, has a Censor Board acting at the request of the Mayor that rates all periodicals according to a set standard. Bellingham distributors have agreed not to handle magazines that fall below a certain rating.

Section 207 of the Criminal Code as it now stands, does not adequately cover the situation because the magistrates before whom violators are tried are not willing or are unable to decide which magazines "tend to corrupt public morals."

"A short time ago this Department initiated some prosecutions in Toronto and had a solicitor from this Department attend on the prosecutions. This resulted in an acquittal.

(C. R. Magone, Deputy Attorney General, Ontario.)

Conclusions:

The comic book format is an excellent teaching medium. It appeals mainly to the slow reader who seldom reads any other kind of book.

Where anti-social tendencies exist from any cause, crime comics provide a pattern of behaviour and a text book in crime.

Violence is the main theme of the crime comics and is being introduced into other types of comics, perhaps as the result of the public disfavour of the avowed crime comic. The constant bombardment of this type of reading on all children while not inducing them to commit crime may have much to do with the increase in the nation's state of anxiety that has recently been reported by the Department of National Health.

Those authorized who are actually working with youth are of the opinion that crime comics should be kept from our children by legal means.

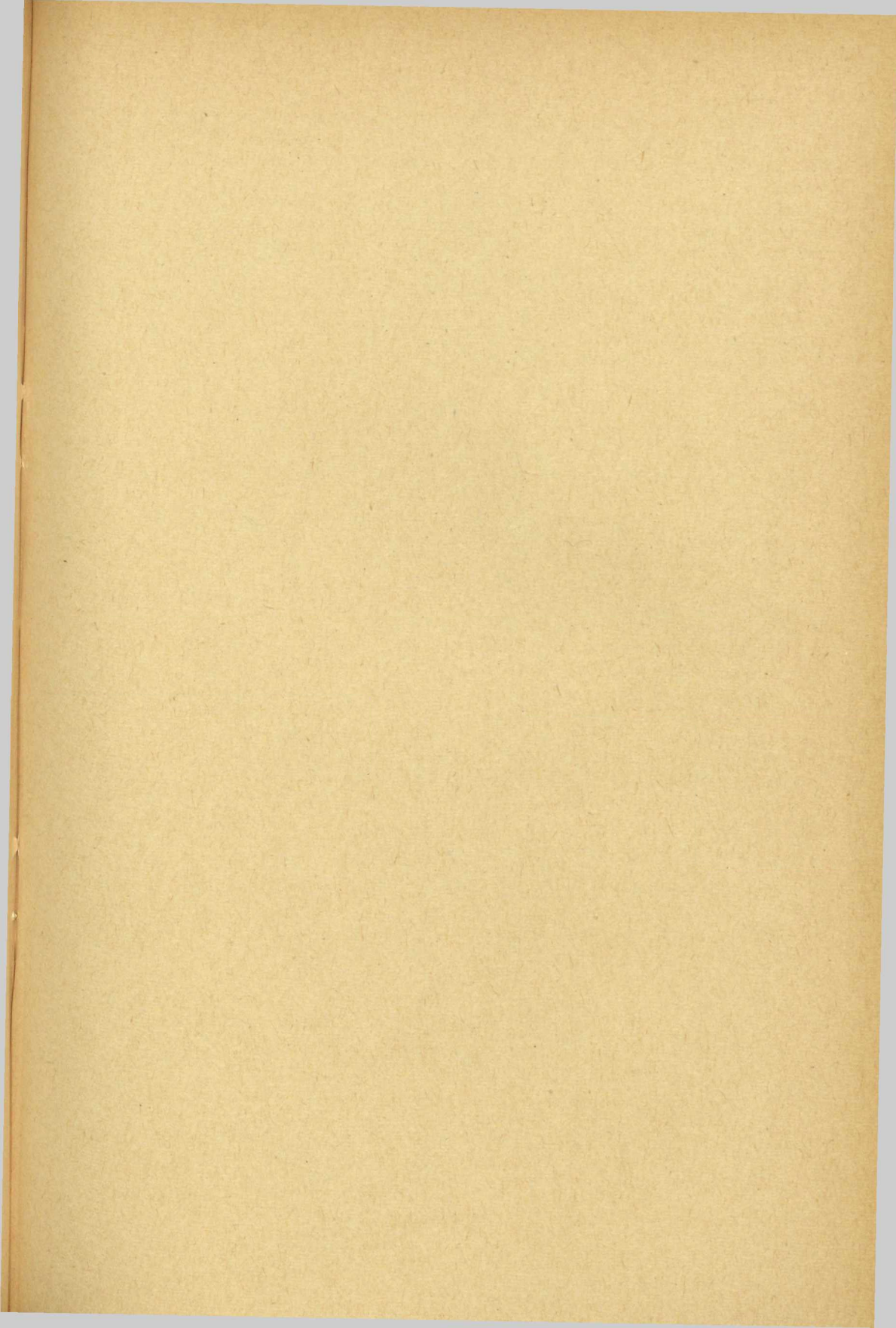
Few adults are aware of the contents of the crime comics. An understanding of the nature of the problem frequently brings a change in attitude in those who are not at first inclined to approve drastic measures.

"Control of any kind of reading would necessarily involve censorship in one form or other and it is not the present intention of the Public Library Commission to enter into that question."

(C. K. Morison, Secretary Public Library Commission of British Columbia. October 25, 1948.)

"The Commission again discussed your objective of suppressing such literature as 'Crime Comics' and I was directed to advise you that they are entirely in favour of suppression by proper legally constituted authority. Failing the present existence of such adequate authority, they would favour your approaching the government or governments with a view to establishing such authority."

(C. K. Morison, Secretary Public Library Commission of British Columbia. November 16, 1948.)



1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 4

THURSDAY, FEBRUARY 19, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESSES

Mrs. J. D. Taylor, President, The Ontario Federation of Home and School Associations, Inc.

Mrs. Uriah Jones, Convener of Children's Reading Committee of The Ontario Federation of Home and School Associations, Inc.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman,

The Honourable Senators

Bouffard
Burchill
Davis
Doone
Duffus
Fallis
Farquhar

Gershaw
Golding
Horner
McDonald
McGuire
McIntyre
Pratt

Quinn
Stambaugh
Stevenson
Vaillancourt
Wilson
Wood

Quorum 5

20 Members

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

"That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure such services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate."

MINUTES OF PROCEEDINGS

THURSDAY, February 19, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators: Doone, Chairman; Davis, Duffus, Fallis, Farquhar, Gershaw, Golding, McDonald, McGuire, McIntyre, Quinn, Stambaugh, Stevenson and Vaillancourt—14.

Consideration of the order of reference of December 8, 1952, was resumed.

The following were heard:—

Mrs. J. D. Taylor, President, The Ontario Federation of Home and School Associations, Inc., Hamilton, Ontario.

Mrs. Uriah Jones, Convener of Children's Reading Committee of the Ontario Federation of Home and School Associations, Inc., Oshawa, Ontario.

At 11.45 a.m. the Committee adjourned until Wednesday, February 25, 1953, at 10.30 a.m.

Attest.

JOHN A. HINDS,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Thursday, February 19, 1953.

The special committee appointed to examine into the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. DOONE in the Chair.

The CHAIRMAN: Honourable senators, we have with us this morning Mrs. J. D. Taylor, the president of the Ontario Federation of Home and School Associations. Mrs. Taylor comes from the city of Hamilton. She is accompanied by Mrs. Uriah Jones of Oshawa, who is chairman of the Reading Committee of the same organization.

Mrs. J. D. TAYLOR, president of the Ontario Federation of Home and School Associations: Honourable senators, I wish to present the following brief:

The organization on whose behalf we appear—The Ontario Federation of Home and School Associations—has in Ontario approximately 1,000 associations with some 85,000 members: mothers, fathers, teachers, all of whom are interested in the welfare of children and youth. Our membership is a fair cross-section of the province.

For some time now, one of our chief concerns has been to find out what can be done for youth and reading. We set up special committees to assist in promoting a study of the question. Quite early in our investigations we were agreed that our best service would be to consider positive rather than restrictive action.

Our first concern, we decided, would be to find out and to make known the ways of bringing children and books together. In order to acquire essential background information, our local associations have been discussing such questions as—How do children learn to read? What are some of the difficulties of this learning? How many children are being stimulated to read books, and to make progress in their reading? Are there ways of leading children from poor books to better?

We have made a sincere effort to bring to the attention of parents, the importance of their children learning to read for pleasure as well as profit, and of the part they as parents must play in promoting this learning. Among the practical measures we have taken were the publication of book lists arranged under such headings as age and interest, for reading aloud in the family circle. We have made a survey of children's reading habits. We have promoted book displays and have published in our magazine, series of articles by members of the children's section of the Canadian Library Association. At every point of contact with parents—at our convention, in district conferences, at association meetings—special emphasis has been given to this theme. We believe it is the kind of program in which we must always be interested. As parents and teachers we are not trying to delegate or to avoid any part of our responsibility in the matter of children's reading.

Objectionable Advertising

During this time we have been uncomfortably aware of the increasing flood of publications spread in front of young people with "come-on" covers, whose obvious intention is to purvey sex and even perversion. The notion of human dignity is quite absent. The constant reader of these publications would find no encouragement in the belief that our society is founded on faith in God and the moral responsibility of man. To prove such stories obscene might be difficult, but it is worth more than passing interest to note that many of them portray objectively and in almost photographic detail, those crimes for which the law in Articles 143 to 145 of the Criminal Code, lays down such stern penalties.

The first obligation of a free people is to understand thoroughly the decisions they make and to accept responsibility for them. The question for us as Canadians to decide is, what to do? Our Federation believes there is no easy answer here. We do not expect to see a single simple solution, but the difficulty of the question must not deter us from a most painstaking investigation and study.

We realize that we cannot rely too heavily on the law, for laws are not designed to inspire virtue. Gibbon the historian says: "The operation of the wisest of laws is imperfect and irregular—for they seldom inspire virtue and they cannot always restrain vice. Their power is insufficient to prohibit all they condemn, nor can they always punish what they prohibit". However, the Minister of Justice assures us that the present law is adequate, (although it has not been tested often enough so that a layman could judge.) At the moment its enforcement seems to have had little restraining influence—whether due to some inadequacy of the law or to lack of support in public opinion for its enforcement, we do not know. This is a proper matter for inquiry, we suggest.

Again we emphasize that there can be no one solution, but we offer the following recommendations for your consideration:

Re Library Services

We believe that a more determined effort should be made to bring books, a trained children's librarian, and Canadian children together. At this moment there are not nearly enough trained children's librarians. These are the people who can entice children to read. If we could bring good books to children, we would have less reason for alarm. We are aware that library services are the responsibility of the province, but in recognition of a national need—for reading is basic to our national culture—it should be possible for the Federal Government to provide:

1. Grants-in-aid of the recruiting and training of children's librarians.
2. Scholarships for those training for children's work in the library schools. (They have been provided for other kinds of education.)
3. Grants-in-aid of extension of library services.

Re Sales Tax on Books

We believe that the levying of a sales tax on books, while exempting magazines, is discriminatory. It acts in favour of these publications of very doubtful worth.

Some questions have occurred to us during our deliberations.

1. Is it ethical for the stations of our national railway and the Trans-Canada Air Lines to serve as easy outlets for questionable publications? It is expected that homes maintain certain standards. Should not a democratic government be expected to maintain standards too? The responsibility for

selection should be placed on the supplier—a system that is working with considerable efficiency in certain large department stores. Under such a system Canadian magazines might also receive a fairer share of support.

2. Is it tolerable that dealers, in order to get the magazines they desire, must also accept a consignment of the questionable ones? One of the safeguards to freedom of the press is the operation of a large number of outlets. Statements already made before your Committee would indicate that a few distributors are acting in an arbitrary fashion regarding “package deals”—wherein dealers cannot get the good magazines unless they accept for display, the undesirable ones. This seems to us a serious accusation—one with which the government is equipped to deal.

3. Is it not possible to fix some personal responsibility for this depraving of national taste? We suggest it might have a salutary effect to require all magazines to carry the names of their executive officers and distributors. Reputable magazines are proud to do it.

Our approach as you have seen is positive. We expect the solution to be found in bringing more children into contact with better reading. Our practical suggestions have been directed to this end.

The CHAIRMAN: Are there any inquiries or comments on this portion of the presentation?

Hon. Mr. STAMBAUGH: I believe that the suggestion of having the names of directors and the controllers of magazines printed on each copy, is a good suggestion.

Hon. Mr. QUINN: Is that intended to be on the acceptable magazines, or only on the questionable ones?

Hon. Mr. STAMBAUGH: On every one. That information is printed on the good ones now; but I think there well may be people who support and make gain from certain types of magazines who would not care to have their names printed on them.

Hon. Mr. DAVIS: I believe it is a matter of law in the United States that any national magazine or publication has to carry the names of editors, stockholders and so forth.

Hon. Mr. STAMBAUGH: That is on the national magazines.

Hon. Mr. DAVIS: They are international in scope.

Hon. Mr. STAMBAUGH: These magazines, the type of which we have in mind, do not contain that information.

Hon. Mr. DAVIS: There was a time when all magazines were owned by big interests. Now we have the problem of checking on the contents, not the ownership. But in order to get at the control of the contents, we may well have to know who the owners are. It is not a matter of law in this country that their names be printed, but perhaps a change in that regard would help to correct the present problem.

Hon. Mrs. FALLIS: Mr. Chairman, I should like to compliment the witness for the positive approach she has made to this subject. So often we have witnesses appear before us who offer no remedy at all. This witness has, on the other hand, taken a positive approach and has made some very good suggestions. One that particularly appealed to me was the need of making readily available better literature for our children; in that way we would be trying to fill the vacuum with good ideas, and not leaving a place for the undesirable to creep in. The suggestion of having more trained librarians specializing in children's literature, is an exceedingly good suggestion.

Hon. Mr. STAMBAUGH: I quite agree, Mr. Chairman. I think that the type of brief presented to us during our meetings this session has been of very high quality. We do not need to have proven to us that there is a distribution and sale of salacious literature. During the past session you will recall that nearly every one who appeared before us set out to prove to us that there was wide distribution of lewd and salacious literature. But we know that.

Hon. Mr. QUINN: Now we are after the remedy.

Hon. Mr. STAMBAUGH: That is so. The type of brief we have heard today gives us some suggestions which may help towards finding a remedy.

Hon. Mr. DAVIS: I think the problem is one of policing the contents of literature, and of keeping the undesirable publications off the newsstands. I am of course in favour of more and better librarians—I use the library myself—but I do not think that would be getting at the seat of the trouble. There are many school children who on their way home from school stop in at the corner store and get a supply of literature, conceal it somewhere and read it at home. Those children never go to a library. In my opinion, the matter of regulating accessibility to undesirable literature is a policing operation; only in that way can we prevent it from reaching the innocent children of our country.

Hon. Mr. GERSHAW: Mr. Chairman, would it not be wise for us to try to encourage the schools to have libraries. As the senator has said, a lot of children never go into a public library, and yet they go into stores where this undesirable literature is available. I have in mind some districts where the service clubs have taken on the work of providing a library for every rural school in the neighbourhood. Of course the books of a library are carefully selected, and especially in rural homes they are read extensively. It seems to me that if that activity could be carried on more than it is, and extended over the whole country, the children would have better literature made available to them. Of course it must be literature of an interesting nature; but it seems to me that desirable literature could be made available by that method.

The CHAIRMAN: I believe the Independent Order of the Daughters of the Empire are trying to meet that need, are they not?

Mrs. TAYLOR: Yes, I believe they have done some work on it, but we cannot work quickly enough in a voluntary organization. It needs a little more support than that.

Hon. Mr. QUINN: It is a very commendable suggestion that we should supply good literature to the young people, but that is not getting rid of the bad. There is a tremendous amount of salacious literature, as you know, on the market today, and it is increasing all the time. I think our problem is to find ways and means of getting rid of it, and to first prevent it from being forced on the public. It is being placed on the newsstands; indeed, the dealers have it thrust upon them. They must take the bad with the good. A dealer may handle such good quality magazines as Toronto "*Saturday Night*", "*Macleans*" and "*Colliers*", but at the same time he has thrust upon him copies of the indecent stuff, and the publisher insists that he take it. We had evidence of that placed before us.

Hon. Mr. GOLDING: But the dealer can return the undesirable literature if he does not sell it.

Hon. Mr. QUINN: I thought that he was compelled to buy it.

Hon. Mr. GOLDING: No.

Hon. Mrs. FALLIS: We had a witness testify to the fact that the dealer may place that literature under the counter, and return it if it is not sold.

Hon. Mr. QUINN: Some may put it under the counter while others may sell it.

Hon. Mr. DAVIS: I think the method of distribution to a small store, is that the unsold magazines are replaced by new ones. I know that the manager, for instance, of a small store does not really know what is contained in his display of magazines. He has not personal knowledge of what he is offering for sale. He may have a cigar stand, and a lunch counter and have not time for reading these publications. I know a small operator in Winnipeg who has no knowledge of what is in his racks; he only knows that the old magazines are replaced by new ones, and he makes money out of the sale of them.

Hon. Mr. QUINN: That brings us back to the evidence we heard yesterday, that a censorship board be set up. If there were a board of censors in each province they could go to the different news dealers, pick out the undesirable magazines, and prohibit them from being displayed. There might have to be a law enacted covering that situation, but that would be one way of prohibiting undesirable literature from being offered for sale.

Hon. Mr. DAVIS: This literature for the most part comes from the United States, and I think it should be policed at its source. Perhaps the proper word is "censor" instead of "policing"; be that as it may, something should be done at the source of supply.

Hon. Mr. QUINN: To censor them is getting at the source; you would prevent the literature coming into dealers' hands.

The CHAIRMAN: If there are no further comments we will hear Mrs. Jones.

Mrs. JONES: I should like to mention that in connection with the rural schools we feel the lack of adequate reading material. As an organizer I have organized several rural schools in Ontario county and so on, and I inquired about the library, and I found that no new books had been bought for some time. They are just careless and indifferent. They do not make the use they could of the travelling libraries of the Department of Education. I feel that it is important to give more help to the rural schools, because the education of children there is just as important as education in the cities, and the cities are much better looked after, because there we have started the morning story hour, to which the children can go, and in some cities the library goes to the school in question, there is a library period once or twice a week, books can be loaned to children for a two-week period, and advice about libraries is available. But in the country schools these things are lacking. So I feel that something should be done along the line suggested, for the rural schools. I remember one school, not far from Oshawa, where we were meeting to discuss this subject, and the question arose as to what literature was in the library. The suggestion was made to look in the children's desks, because I said, "I suppose this salacious literature has not got out to this public school"; but there it was, in every desk in one row in which they looked. There is not sufficient good reading in the public schools provided in Ontario. It is true that there are travelling libraries that they can make use of, but it is left to the teacher to promote interest in them. Perhaps she is changed each year, and she does not bother. So unless children in the rural areas live near enough to a city or town which has a good library, and the parents are interested enough to drive them, they do not concern themselves with it.

Hon. Mr. GOLDING: That is really after all a provincial matter.

Mrs. JONES: Yes, it is a provincial matter, but if we had more trained librarians and more scholarships, the rural areas would benefit.

Hon. Mr. DUFFUS: I would like to ask the lady just how that particular literature got into the school. Does she know?

Mrs. JONES: I would not know, any more than that many of these people travel to the city of Oshawa to do their buying, and so on, and perhaps the children go with them. In these days children have more spending money than they had a generation or two ago; and the parents are so busy that they do not give much thought to what the children read. They give attention to what their children eat, but as to what children read, there is not much thought given to it; and they read this salacious stuff. We know that children are affected by what they read, and they should be safeguarded from this literature. In other words, more efforts should be made to have right literature placed before them at an early age.

Hon. Mr. STAMBAUGH: Mr. Chairman, we are receiving requests from various provinces for federal aid to education. Of course what they expect is cash grants. We might suggest that if we give any federal aid we give it in the form of books or libraries for the country schools. To furnish libraries to these country schools would not be very expensive.

Mrs. TAYLOR: Mr. Chairman, I wonder if I could say something about this fixing of personal responsibility for the perversion of public tastes? The magazine I hold here, which is one whose disappearance, I think, would be no great loss, hides behind a company name. Now, what some of our druggists have agreed to do is this: they will accept a business responsibility about this, and their name appears as one of the distributors. A druggist has accepted responsibility for what he is selling and for what profits he is making on it. But back of him is a whole list of people that you could not name, that would be very difficult to find, and it seems to us most unfair that people are making money out of this and we do not know who they are. If under the law they could still do this but had to have their names published, that would be another thing. But they should not be permitted to hide in this fashion. It is a question of business ethics and business should accept some responsibility for what it sells, as good business has always done.

May I say one more thing? Getting books to the children would be one thing, and perhaps the first thing that we would suggest should be done. But there is something else. There needs to be skilled contacts. We are just as concerned as anybody about this awful stuff that appears on the newsstands, and we have read a nauseating share of it. But if we just remove it, that will not do what we set out to do, that is to get children interested in good reading. What we are concerned about, is, how to do it. How do you fill up the gap that would result from taking away all this stuff? If it were possible to decide what is obscene, I think we might be able to agree privately that some of these publications could be removed without any great loss; but to prove obscenity is another thing. I have lived with young people long enough to believe that the better course is to supply a good substitute rather than just to forbid. We have to direct these young people into better days. Providing good books would be one thing, but along with these good books they need someone skilled in selling books to children to know how even the very poor readers can be directed to better reading. There are those who, if a child can read at all, know how to so use the "comics" as to progressively improve that child's taste from poor to better to best. Only a skilled librarian or a very unusual person has that particular training. So I think we need to do more by way of concerted effort to get good books and children and the skilled person together. We won't get all the people that way, but I am afraid we are missing a great many of our young people whose tastes could be directed into more suitable lines but who are now being perverted by the wrong type of reading. If this is their only reading material I am afraid they are going to have some very erroneous ideas as to what they believe our standards in this country to be.

Hon. Mr. QUINN: I agree with what Mrs. Taylor has said about educating our children to better things, but I think what we should be most interested in is getting the undesirable literature away from their reach. That is why I agree with the idea of setting up a censorship board. It might even be wise to have such a board set up in each city and town. A great amount of this work could be done voluntarily by organizations such as the Home and School Association and the Catholic Women's League, and so on. Committees belonging to these organizations could censor these magazines and periodicals and report the undesirable ones. Then steps could be taken to have them taken off the market so that they will not be available to our children on the corner newsstands, and so on. Children are subject to temptation. After all, we are all humans and all tainted with the result of original sin. Children as well as grown-ups are subject to sin, and a great many of our children enjoy getting hold of salacious literature and pornographic articles, and so on. Let's get this stuff out of their reach, and at the same time we could educate them along the lines suggested by Mrs. Taylor.

Mrs. TAYLOR: I would hope that that is what we could do.

Hon. Mr. McINTYRE: It is my opinion that the children of the rural areas of this country are not subjected to the sale of salacious literature as much as are our children in the urban areas.

Hon. Mr. DUFFUS: Hear, hear.

Hon. Mr. McINTYRE: I would say that in the rural sections of our provinces the school children up to a certain age, after their school hours are over and their homework is finished, don't care about reading any kind of literature. They would rather get out and play. It is when they go into the cities to attend colleges that they get hold of indecent and salacious literature.

Mrs. JONES: I would point out to the honourable senator that in this present day and age with easy transportation facilities a good deal of this reading material is made available to the news vendors of the rural areas. The point is that the choice of reading material is left to a great extent to the children themselves. Of course, it is probably true that to some extent the children of the rural areas are not subjected to the sale of indecent literature as much as are those of the cities and larger towns.

Hon. Mr. McINTYRE: It has been my experience that when children are at a certain age they do not want to read anything at all after they get home from school and finish their homework. I think the danger to them comes when they leave their homes and enter the cities to attend college. That is when the censorship should come into the picture.

Hon. Mr. STAMBAUGH: Senator McIntyre, I would say that practically every small town in this country gets this packaged literature. The hamlet in which I live has only about 150 people, and I know that the newsstand in one of the stores carries practically every publication you will find in big city stores. This newsstand is about eight feet long with three shelves.

Hon. Mrs. FALLIS: Senator Quinn has suggested the idea of establishing censorship boards in every city and town. Would not the first step be to educate public opinion along that line? I think we have found out that public opinion is pretty solidly against censorship programs or other kinds of restrictions. I think it would be up to each community to develop public opinion along these lines and make people's minds receptive to the establishment of a board of censors. Mrs. Taylor, in your meetings of your Home and School Association do you find that the parents as a whole are very much disturbed over this trend?

Mrs. TAYLOR: Yes. We have protested this vigorously and tried to find out what to do.

Hon. Mrs. FALLIS: I mean are the parents themselves sufficiently concerned to take the initiative in their communities to help to mould public opinion towards the idea of censorship, if this is thought to be desired?

Mrs. TAYLOR: Over the last five years we have made quite a drive to have people realize their personal responsibility in this regard.

Hon. Mr. QUINN: I would rather think that the type of parent who would attend your meetings would be disturbed. Those parents would belong to the better class.

Mrs. TAYLOR: Well, I think we represent a cross-section of people. Parents belong to the Home and School Federation if they have children attending school. I am afraid that what has brought this about has been the fact that some of our members have seen their children reading this material.

Hon. Mr. QUINN: Well, I believe the people who belong to your Home and School Association would be conscientious; otherwise, they would not be taking an interest in your association.

Mrs. TAYLOR: We do have to take some responsibility for what the children in the neighbourhood read, and we have been trying to do that. That is why we would suggest that before some of them start reading this material we get to them first and endeavour to develop their taste for better literature. They may have a natural inclination towards undesirable literature, but let us educate them along a different line. If I could take a broom I would be very happy to do so and sweep the shelves clean, but it is so difficult for us to decide what is obscene. It is a very difficult thing to do. We change our minds as to what is obscene about every ten years. In the case of undesirable advertising, I think we have laws on our statute books now that could be used to suppress some of this advertising. I think as citizens we have not done enough to bring cases to court.

Hon. Mr. DUFFUS: Are you referring to provincial laws?

Mrs. TAYLOR: No, federal laws.

Hon. Mrs. FALLIS: I think Mrs. Taylor has just put her finger on a very important and interesting part of this discussion, when she suggests that we probably change our minds every ten years as to what is obscene and what is not obscene. For instance, the members of this committee are perhaps not directly in contact with young people. Our families have grown up and are living away from us. Most of those people who have presented briefs here have been past their first youth. In view of these facts, I wonder if it would be possible to bring some younger people before this committee. I am thinking of the leaders in schools and colleges.

Hon. Mr. QUINN: Youth organizations?

Hon. Mrs. FALLIS: Yes, youth organizations—and have their opinions on what they regard as obscene literature.

Hon. Mr. QUINN: That is a good suggestion.

Hon. Mrs. FALLIS: Up to date we have not yet really had an expression of opinion from the people whom we are trying to protect. I am wondering if it might not be a good idea to have the leaders from some youth movements in the country appear before us.

Hon. Mr. DUFFUS: Mr. Chairman, I am very much interested in the act which the lady mentioned a few moments ago. If that act is available, we should have a copy of it here.

The CHAIRMAN: It is a federal act and is incorporated in the Criminal Code.

Hon. Mr. STAMBAUGH: Mr. Chairman, true it is a federal act, but it must be administered by the Attorney General in each province.

The CHAIRMAN: That is true; the enforcement of it lies within provincial jurisdiction.

Mrs. TAYLOR: Sir, I referred to section (c) of 207 of the Criminal Code.

Hon. Mr. QUINN: Mr. Chairman, is there not some conflict of opinion amongst the attorneys general?

The CHAIRMAN: Yes, there is.

Hon. Mr. QUINN: And have you not had some correspondence with them?

The CHAIRMAN: We have had some correspondence. Moreover, we in our province had four or five years ago decided to take measures to restrain undesirable literature; but the fact of the matter is that after notice was given to our legislature, we had to back away from the idea because our law officers advised us that they weren't satisfied that they could define obscenity with sufficient definiteness to bring their charges effectively and proceed to conviction.

I notice by the press that the Attorney General of Ontario, Mr. Dana Porter, has made an observation of a like nature. I have had a letter from your Ontario Premier, Mr. Frost, who is greatly disturbed about the situation. I have not the least doubt of his sincerity. I know that Mr. MacNair when he was Premier of New Brunswick, was deeply concerned. I have not addressed the new government in the latter province since it came into office, but I know Mr. Fleming's feelings. He is a family man, and has a great interest in children. I do not know just what is the thought of the present Attorney-General; but generally throughout Canada we have discovered that there is a reluctance to proceed under the present legal structure.

Hon. Mr. GOLDING: But, Mr. Chairman, there was a conviction obtained in the courts here last year.

The CHAIRMAN: Yes.

Hon. Mr. GOLDING: And a definition of obscenity was given then.

The CHAIRMAN: Yes. I do not know just how heavy the fine was.

Hon. Mr. GOLDING: We do not know what the eventual outcome of that case will be, because it has been appealed; but the fact of the matter is that a conviction has been obtained and a definition has been made.

The CHAIRMAN: Of course we must view one case in the light of the fact that prosecution was in respect to a certain specific book. This book may have been particularly obscene—I believe one by this author was very much so, and the author was prosecuted in the United States, where a conviction was also secured. Perhaps in that case there was a definiteness that we do not generally get.

Over and above that some of the books on which a conviction was obtained were adult reading. According to my understanding our concern here is with the protection of children, and not with what adults are doing or propose to do. As I listen to the discussion around the table I gather that our concern is with what the child is reading.

The suggestion made by Senator Fallis appeals to me very much; however, there is this to be said that the group with which we are concerned are perhaps younger than any group which might be able to come here and properly and actively express itself. My personal view is that our concern is not at the college level. Speaking for my own community I think young people at the college level are a little beyond this sort of thing, and I do not think this problem is affecting them.

I had an amusing incident in connection with some correspondence with the President of one of our universities, and a former classmate of mine. He is an outstanding educationalist, and I thought perhaps because of his wide general knowledge he might be able to make a considerable contribution. In answer to a letter from me he wrote that in passing some of the book stalls he was half shocked at what he saw. His reply was quite amusing to me because I thought if he were to see what we see here he would be totally shocked. All of which goes to indicate that men at his level do not run into this type of book.

Hon. Mr. QUINN: They don't come in contact with them at all.

The CHAIRMAN: You would be surprised at the number of people who have no contact with undesirable literature.

I received a similar reply from one of the outstanding educationalists at McGill University. He had intended to appear before us and testify, but he finally came to the conclusion that we knew more, or that the people who were coming here knew more about this thing than he did, all of which indicates that there would be some difficulty in eliciting at the college level any information that would be of value to us.

Hon. Mr. DAVIS: Do you think this applies to the high school level, or the college level?

The CHAIRMAN: To the college level only, I would say.

Hon. Mr. QUINN: To come back to what Mrs. Taylor said to us about the difficulty of arriving at a definition of obscenity, and that ideas about it seem to change every ten years, I would remind you, Mr. Chairman and members of the committee, of a statement made yesterday by a witness that if censors were appointed they could make their own definition of obscenity and they would not be far astray.

Hon. Mrs. FALLIS: But would they all agree?

Hon. Mr. QUINN: Not necessarily. You might have one definition in Ottawa and another in Toronto.

Mrs. TAYLOR: Is not one of the difficulties that we might agree on a definition, but when we took some books and prepared to present our case before the Court, what could we prove? All we could prove is that they are borderline. Certainly, in our thinking, some of these publications are terrible and disgusting, and such that nobody has any business to print or to make money out of, and that we do not want our children to see. But to actually prove obscenity is another matter. It is the border cases—and there are all kinds of them—that bother us. These people seem to be very skilled in operating just within the law. I wonder whether the same difficulty might not occur with committees or others charged with dealing with this subject. I think they would find great difficulty about borderline cases.

Hon. Mr. QUINN: They can arrive at decisions, whether they are right or wrong. If a Board of Censors made a decision that a certain magazine or a certain story was salacious or undesirable, their decision would be final. No harm can be done. They are not going to condemn anything which has a tendency to be decent or desirable, but only the undesirable.

The CHAIRMAN: Do you think, Mrs. Taylor, that the censorship of films has tended to improve the situation? I do not say it is the very best that could be done, but has the tendency been to effect improvements?

Mrs. TAYLOR: Yes. That is a simpler problem, though, is it not? There is a practical difficulty about this that bothers me. I go through one of the big stations almost every day of my life, and I see rows of publications offered for sale. One wonders how it is possible to catch up with them all. If we had to do it that way do we have to take up every list? Do we have to examine

every issue? Would we ban certain publications? Suppose a publication changes its name next week, or a month from now, could we always put our finger on the parties responsible? It is such a tremendous job.

Hon. Mr. QUINN: If you dealt with one a day you would do a good job.

Hon. Mr. DUFFUS: This is going to be a long-drawn-out affairs. It will take years to get the public mind aware of all these facts; and then, as it seems to me, the remedy will have to be sought by a municipal law, or be taken care of by municipal law officers. I am speaking more particularly with reference to the cities and urban municipalities. It seems to me that the police and municipal officers who will be in touch with this situation all the time will perhaps be the most effective way of combatting it. You, Mr. Chairman, are entitled to a great deal of commendation for initiating the committee; but, as I have said, this thing is going to take a long time. I believe these meetings will arouse public opinion to the extent that it will be easier to take care of this matter later on. In the meanwhile a tremendous amount of work will have to be done. I do not know whether the ideas we have heard can be put into effect or not, but as I say, I am afraid we are going to have to work a long time.

Hon. Mr. QUINN: I agree that it is going to take a tremendous amount of work. Looking back some sixty years—for I am now a pretty old man—I can remember, Mr. Chairman, ladies and gentlemen, that in my boyhood we were swamped with all kinds of indecent literature, picture, photographs, and all the rest of it. Today, of course, printing and publishing facilities make this sort of thing much simpler and easier, and therefore an even greater quantity of salacious material comes on the market.

Hon. Mr. DUFFUS: In the meantime, no effort has been made to take care of it or compete with it in any way,—or at least not very much, at any rate not until recently.

The CHAIRMAN: I believe that, in the submission from British Columbia by the Parent-Teacher and Home and School Federation Incorporated, the statement was made that Plato reminded parents to exercise control over what children were reading. The idea goes back that far! But we must admit that within the last five years the condition with respect to pornographic material has shown a disturbing growth. In the inquiry by a select committee of the House of Representatives of the United States figures were given indicative of this fact. The other day I asked Mr. Keyserlingk if he thought that a figure of 70 millions would represent the output of comics published each week. He told me he thought it was an underestimate. I read of one case where a firm started in this field in 1939. The first year they had a circulation of something over one million copies, but within a period of some five years it had increased to about 400 millions. This is the situation with which the world generally is faced. Ours is not the only committee of inquiry in existence. Inquiries are being conducted almost on a worldwide scale. One, I believe, is going on in England; there is the committee operating in the United States; recently the premiers of the Australian States conferred with the federal authority; and I believe another conference is to be held to try to grapple with the problem with which we here are presently concerned.

The authorities in the Philippines are protesting the fact that the armed forces are bringing this type of literature into their country. As a matter of fact, there is a protest from the Navy itself about this material getting into the hands of its servicemen. This is certainly not a local problem.

Hon. Mr. GOLDING: Mr. Chairman, I think we should express our thanks and appreciation to Mrs. Taylor and Mrs. Jones for having come here and submitting their brief and for making the recommendations which they have made to this committee. The question of what the committee will do is a big

one and I do not think we should spend too much time discussing it in the main committee. I should like to say to Mrs. Taylor and Mrs. Jones that we do appreciate very much their coming here and submitting their brief and recommendations, and I can assure them that they will certainly help us to bring in our final report.

Hon. Mr. DUFFUS: Senator McGuire is a wise legal man. Perhaps he would have some idea as to how we could initiate what I have in mind.

Hon. Mr. FARQUHAR: I would point out that we have a small sub-committee of which Senator McGuire is a member. He is working along that line now and will bring in a report to us later on.

The CHAIRMAN: Yes.

Hon. Mr. MCGUIRE: I do not think we should spend too much time at these public meetings discussing whether a certain set of facts will cause a conviction in a court. Also, I do not think it is wise for us to take up time discussing the idea of a censorship board. We all know that if we can get by without censorship we will certainly do so. Because these two ladies have a knowledge and experience of schools and their management I should like to ask them a question. Do you not think it would be wise for teachers to question the school children during the course of the school term as to what they read? I think the teacher should suggest to the children that they read at least one good book of literature during the school year. It is quite evident that our language today is drifting more all the time into slang. For instance, you will hear supposedly educated people these days saying, "I'll tell you my thinking". One hears all kinds of absurd expressions like this. I think the teachers would be surprised to find the results if they were to speak to pupils about what they read, and offer to lend them good books. The children would tend away from reading rubbish from that time on. They would get a taste for good literature. I think a lot of our schools rather discourage the children from reading good literature. They give them their homework to do by a certain time, and they do not seem to want the children to even look at the newspapers or take any time for any other reading. The pupils such as the ones to whom Mrs. Jones referred are not reading anything except what they are told to read in connection with their school lessons. When they go into the corner stores they see these flashy pictures on the newsstands and that is what they want and that is what they buy, and thus they are gradually taken over by the people who print this rubbish. Some of our members think it is only in the larger cities that you find this literature, but I do not agree with them. I see a certain delivery truck leaving Toronto every day. It is loaded down with this rotten literature and it heads east out of Toronto for the rural districts. I am willing to wager that they sell this stuff to anybody or everybody who will take it.

Hon. Mr. QUINN: Do they retail it?

Hon. Mr. MCGUIRE: Yes, retailing is their business. The Chairman will have some of those vendors here at some time, but there is no hurry about the matter because it will continue indefinitely.

Hon. Mr. QUINN: Senator McGuire, have you considered how difficult it is to get children to read good literature at home these days? They have a hard time to concentrate with radio programs and television programs and so on. They can read this other stuff easily though under any of these conditions.

Hon. Mr. MCGUIRE: They carry them around in their pockets.

Hon. Mr. QUINN: But they won't carry good literature around in their pockets.

Hon. Mr. McGUIRE: The young people who are to grow up, be educated and become competent will learn to do the hard things.

Hon. Mr. QUINN: You are talking now about the better class of people.

Hon. Mr. McGUIRE: I think it will be necessary to get the teachers, especially those in smaller schools, to experiment with some of their pupils to see if it is not possible, by getting them to read one piece of excellent literature, to become interested in good literature generally.

Mrs. JONES: My experience with teachers is that they are sympathetic with the matter of teaching children to like good literature, but that the trouble is that the children have become exposed to salacious literature before they reach the influence of the school teacher.

Hon. Mr. McGUIRE: Then if they cannot be reformed at the age of 10, 11 or 12, they cannot be reformed at 50. They are the people who at 50 are carrying around this type of literature and read it before they go to sleep at night—they are beyond redemption.

Hon. Mr. QUINN: But we are not dealing with adults.

Mrs. JONES: More emphasis is being placed on the teacher, and on libraries being made available to children.

Hon. Mr. McGUIRE: There are libraries in some schools which are not used. Indeed, I have known schools where the books were locked up, the children had no access to them.

Mrs. JONES: Terrible.

Hon. Mr. McGUIRE: But I think the teacher should experiment with one child for instance, and have it read one small book of good literature. One would be surprised to see how quickly such a child's taste would be influenced for good literature and against bad. I mention this matter because I think your organization is the one which could influence the teachers in that way.

Mrs. JONES: We do attempt to make available good books for children and to draw their attention to them.

Hon. Mr. McGUIRE: As you know, there are publishers in Toronto who are very business-like people; they have their trucks out every day, and are looking for places here and there where they can sell the stuff which we are against. It is one thing to reach that type of person through the courts; but the personal effort made by people is much more effective.

Hon. Mr. FARQUHAR: Mr. Chairman, I move that we adjourn.

The CHAIRMAN: Before we adjourn, may I say to Mrs. Taylor and to Mrs. Jones that we appreciate the fine brief that they have presented to us; also, your supplementary remarks have been most illuminating and instructive. Your presentation is a valuable contribution to us.

Whereupon the committee adjourned.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 5

WEDNESDAY, FEBRUARY 25, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESSES

- Right Rev. R. Jefferson, B.A., B.D., D.D., Bishop of Ottawa.
Rev. Canon W. W. Judd, General Secretary, Dept. of Christian Social Service, Church of England in Canada.
Mr. D. A. Croll, M.P., representing Periodical Distributors of Canada.
Mr. J. D. Geller, President, Periodical Distributors of Canada.
Mr. W. G. Burns, Past President, Periodical Distributors of Canada.
Mr. J. Victor Cartier, Q.C., President, The Diocesan Committee of Catholic Action of Montreal.
Mrs. Julia Richer, Co-editor, *Notre Temps*, Montreal.
Mr. F. Desroches, President, Morality Committee of the Knights of Columbus.

APPENDIX D

MISCELLANEOUS DOCUMENTS

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman,
The Honourable Senators

Bouffard
Burchill
Davis
Doone
Duffus
Fallis
Farquhar

Gershaw
Golding
Horner
McDonald
McGuire
McIntyre
Pratt

Quinn
Stambaugh
Stevenson
Vaillancourt
Wilson
Wood

Quorum 5—20 Members

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

“That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature:

2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;

3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

(a) Sources of supply of the above noted items;

(b) Means and extent of distribution thereof;

(c) Relative departmental responsibility for entry or transmission;

(d) Sufficiency of existing legislation to define terms in relation thereto;

(e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure such services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate.”

MINUTES OF PROCEEDINGS

WEDNESDAY, February 25, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators Doone—Chairman, Bouffard, Davis, Duffus, Fallis, Farquhar, Gershaw, Golding, Horner, McDonald, McIntyre, Quinn, Vaillancourt, Wilson and Wood—15.

Consideration of the order of reference of December 8, 1952, was resumed.

The following were heard:—

Right Reverend R. Jefferson, B.A., B.D., D.D., Bishop of Ottawa, Church of England in Canada.

Reverend Canon W. W. Judd, General Secretary, Department of Christian Social Service, Church of England in Canada.

Mr. D. A. Croll, M.P., representing Periodical Distributors of Canada.

Mr. J. D. Geller, President, Periodical Distributors of Canada, Windsor, Ontario.

Mr. W. G. Burns, Past President, Periodical Distributors of Canada, London, Ontario.

Mr. J. Victor Cartier, Q.C., President, The Diocesan Committee of Catholic Action of Montreal.

Mrs. Julia Richer, co-editor of *Notre-Temps*, Montreal.

Mr. F. Desroches, President, Morality Committee of the Knights of Columbus, Montreal, P.Q.

A brief filed by Mr. J. Victor Cartier, Q.C., and extracts from correspondence received by the Chairman, were ordered to be printed as Appendix D to these proceedings.

At 1.00 p.m. the Committee adjourned until tomorrow, Thursday, February 26th, at 10.30 a.m.

John A. Hinds,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Wednesday, February 25, 1953.

The Special Committee appointed to examine the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. Doone in the Chair.

The CHAIRMAN: Honourable members, we have a quorum. I think we will call this morning as the first witness The Right Reverend R. Jefferson, Bishop of Ottawa, representing the Church of England in Canada. My Lord, would you come up here, please?

Right Rev. R. JEFFERSON, B.A., B.D., D.D., Bishop of Ottawa: Mr. Chairman and friends, we are here representing the Church of England in Canada, and Canon Judd, who is our General Secretary for the whole Dominion, will present our case, which will be very brief; we will not take up much of your time.

It may interest you to know, however, that many years ago in this city, when I was rector of a large church, I had a parishioner who was censor of literature for the Customs Department; and I have never forgotten the rules he told me he applied regarding the admission of literature. One was, whether any statement was made in the literature derogatory of God. That was his first point. Secondly, whether there was any glorification of vice. He said that if he found either or both of these statements in a book brought in, he banned at once. I think that is a very good rule to make.

I have just given that as a sort of introduction. I will call upon Canon Judd to present our case.

The CHAIRMAN: Thank you, my Lord.

Canon W. W. JUDD: General Secretary, Social Service Department, Church of England in Canada: Thank you. May I speak at the end of the table, so I can see both sides?

The CHAIRMAN: Wherever you wish.

Canon JUDD: Mr. Chairman, gentlemen and honourable sirs, we hardly need to present this brief formally, because it has already been presented to you, by letter, last June, and I believe has been written into your permanent records. See page 125, *Proceedings No. 4, June 19, 1952*. However, in the letter which I wrote, and in the form that I wrote it, it was at that time without the complete authority of the church behind it, because I could not convene a meeting even of my executive committee, which had members across this Dominion, and I could not have complete authority. Since that time, sir, this matter has been presented not merely to an executive committee but to the General Synod of the Church of England in Canada, in September, at London. They know what we are about, and they have had reports from year to year on this matter of salacious "literature", so-called—salacious "publications" might be better—and therefore, sir, though the brief is still in your records as a letter from me as General Secretary, it does now have the added weight of the church's authority behind it. The Bishop of Ottawa, Right Rev. Bishop Jefferson, is the Chairman of the Executive Committee of the Council for Social Service, which is the department of the General Synod

which looks after these matters. Therefore, sir, we make official what appeared to be possibly only a personal representation. That does justify us, perhaps, in appearing before you.

I do not intend to read this brief—it is four and a little bit more pages of single-typed work—but I should like to speak today, if I may, and briefly.

First of all, we have assumed that you are investigating the publication or importation and sale, etc. of these kinds of magazines and other publications, the cheap magazines which very often carry pictures of semi-nudes, suggestive skits, short stories, and jokes relative to what the Bishop has generally described as “vice” or vicious material; magazines carrying such pictures, and in particular those which are obviously published in order to create more and more sales. It seems to me that there, sir, lies a very particular emphasis that a committee of this kind has to regard. I know, as you know, that you cannot ultimately define the word “obscenity” because of the development of the subject in the book, but what you can know is that it is published in order to sell for a particular purpose; and thereby one finds a very deep principle that a committee of this kind should have regard to. Thirdly, there are advertisements which occasionally get into good magazines, which have to do with the sale of this literature, which have to do with the sale of physical appliances relative to sex; and very often advertisements which are couched in language aimed to invite a certain group of society, including younger people, to answer those advertisements. Some circulars, in the fourth place, that get into the mail which have to do with this kind of thing, and, again, which have been published, an authority of the postal department told me not more than a month ago, in order to create sales. Books, mostly novels, sometimes expensively produced, more frequently cheaper, with lurid titles and covers suggestive of sex. And then—a very troublesome group—educational books on sex problems, many of which may be good and intended for high educational purposes, and many of which are allegedly so only, and many of which are not educational at all.

It seems to me, sir, these are the materials your committee must be dealing with, from what I read in the public press, and from what I know of the terms of reference given to your honourable committee. We have to make two or three remarks regarding this.

First of all, there are two sources of supply in the Dominion of Canada for this kind of thing I have been talking about. One is that which is imported from outside and that which is published within Canada. If I may venture to say anything, I would say that the easier of these to manage is that which is important; and certainly it has been found so in my experience over the last sixteen years in watching some of the vicious and ugly publications which have come, for example, from known addresses in the city of Toronto. You can get at one but you have to put a scare into the other before you do so. Both of these classes of literature, of course, are vitally affected by what the laws of the land allow, and that becomes pertinent to your responsibilities. Regarding importations I want to say that over the years we have had very fair co-operation with the Department of Inland Revenue and the sub-department of that organization which is responsible for this kind of thing. When we have made representations to them they have taken some steps to debar the entry into Canada of that which is directly salacious and ugly and which has been devised, as I have said before, in order to create sales of this sex material. We have had very fair co-operation with them. That, of course, is a matter of censorship, and in the end of this brief I express the hope that something will be done to tighten that up and in the right directions. Please note what I say—“in the right directions”. I know you cannot do everything about censorship or you would lay yourself open to serious charges from all decent citizens.

Hon. Mr. McDONALD: Canon Judd, would you mind enlarging on what you mean by the words "in the right directions"?

Canon JUDD: I would say that the right principle here is this. "Is this stuff written in order to create sales to a certain group or is it written for high educational purpose?" I think that is a direction, sir, which needs to be clearly defined for censorship purposes. That is exactly the statement made to me by an official of the Post Office Department less than four weeks ago relative to a certain publication that I had sent them. I believe that is a right direction, senator. Then I think that one has to have specific regard to the mails. I have almost encroached upon that at the present moment. A vital responsibility in this matter does lie with the Postal Department. Once again I would say that we have had very fair response from the postal authorities when we have actually produced something that is obnoxious along these lines. We have had very fair response and co-operation with them.

I should like to say as a citizen to you—and I believe you would agree with me—that at the present time the place where direct action is needed is in the local scene more than even on the level of government in Ottawa. I should like to say that. We have found from our experience that a body of citizens going to drug stores, local cigar stores or what you will and putting a proposition up to them about this kind of thing will get immediate results from most of the dealers. I could name three or four towns across Canada where this has been found to be true.

Hon. Mr. DAVIS: Are you speaking of the retail stores or the distributors?

Canon JUDD: I was speaking of the retail stores. I shall have something to say later about the distributors. I feel that more might be done there and without any change in the law at the present time. I must modify that last statement to this extent. The authorities in the local area are afraid of taking action because they know what difficulties they can encounter in getting favourable decisions through the courts.

Hon. Mr. DAVIS: May I interrupt to ask a question? Artists deal with human figures in the nude, both male and female. How would you differentiate between salacious material and that which is published for the purposes of art? How would you differentiate on a visual basis?

Canon JUDD: I have already said this. "Is the material which you are looking at put forth in order to create sales to a limited group of people or is it there for higher purposes than that?"

Hon. Mr. DAVIS: You mean is it there in order to increase sexual reaction?

Canon JUDD: May I illustrate? I do not think I can answer your question, and I do not think you could answer it yourself in the terms you have put it, if I may say so. Four or five weeks ago I received through the mails addressed to me as a clergyman from the United States a series of pamphlets on female sex perversions. That was the exact title. It is in your files, Mr. Chairman, because I sent you a copy of it after I dealt with the Post Office authorities. Now, there is a beautiful figure of a woman appearing in one of these pamphlets but, sir, I venture to suggest that you would be the first to say that surrounded as it is by that type of literature, and appearing in the particular way it is drawn, it was done for a particular purpose, and not for the purpose of true art. We have this situation and I cannot tell you definitely how it is to be met. What is good for one may be evil for another, but I do believe there are ways at least of telling what is intended.

Hon. Mr. DAVIS: In other words, it is a matter of intention or purpose?

Canon JUDD: Yes.

Hon. Mr. DAVIS: If it is intended to incite sexual reaction, then it can be classified as one type of literature? I am sorry to have interrupted you.

Canon JUDD: No, I am glad you have done so because I can be more useful in that way. I was saying that on the local level much more can be done even without any change in the law, though it is true as well that the police are very often apt not to take action because they are afraid of the results of court action at the present time. I think we all recognize that.

I come to what is to me and I think to most church people, the nub of this problem—the relationship between good educational literature in the matter of sex and the good ways of using and displaying that literature on the one hand, and the large spate of other material and publications which are directly intended for other purposes. I should like to read this. There is one section of this field that puzzles us probably more than those I have dealt with, and yet it is one in which I do not know how government or police can act, except in rare cases. That is, with the spate of books, educational and instructive concerning sex and marriage, or allegedly so, which is displayed on respectable book counters as well as in the back street dives. Much of this, and certainly the best of it, has been produced as a result of the acknowledged need of instruction regarding sex and marriage, and all that goes with that subject. But there is so much of it, and it is displayed so abundantly, that it tends—to the say the least—to break down all modesty, a first step, I believe, towards the breakdown in morals. In addition, the need for the good publications among them lends a cover for less desirable ones. There should be some restriction on the publicity—this is a definitive statement of my own—given this kind of material. To illustrate, the availability of the famous Kinsey Report on the sex habits of the American male should be limited to the Medical Profession. Good books on sex and family life should be made available under decent restrictions. Any other material for serious students—such as the medical profession—should be restricted to channels which would convey them to such groups. This, I presume, could only be done by the censoring authority on imported publications, and by restrictions imposed on Canadian firms publishing them here. This, we realize, is a major consideration for your committee. It presents a dilemma to you, for you stand between the need for just and proper educational matter and the ever-present desire of some to exploit that need in wrong directions.

I do believe that something should be done in that direction. I leave that paragraph in your written report for your consideration.

Another delicate question arises for you in the publication of cheap novels which have come out, selling at 25 cents and 35 cents. I have had to examine a good many of them; and as you already know the covers are the worst part of most of them. There are a few which are really bad. Without naming the book or the publisher—although he is a churchman, a member of my own communion, and a citizen of Winnipeg—I know a man who had published one of those cheap paper covered books with one chapter devoted to the details of a rape scene. The publisher did not know that chapter was in the book—I believe the plates came over from the United States—and the book was immediately withdrawn. I have not seen a copy of the book for a long time. you can see what the problem is: I don't know how you are going to deal with it.

The ultimate fault is with the reading public. It is most unfortunate that so much cheap stuff is being made available when, for instance, in England, one can see exhibited on the bookstalls many, many copies of fine literature at 6d and 18d and so on. But that is not your fault, so much as it is the fault of the reading public, and as well, up to the extent that churches, schools and families are responsible.

To sum up, sirs, if I do not presume too far, I would suggest that your committee make an endeavour to do five things at least:

1. Secure such publicity for this problem as will impel citizens to take more notice of, and more action in, the matter.

I think you have already done a great thing, and there will be good reaction in the local field.

2. Advise upon a more definite wording of the law, to permit of more specific action by police authority and in the courts.

I dare not tell you lawmakers how to do that. I recognize the delicacy of the problem of putting into law what I have been talking about. Nevertheless in our opinion, it has to be done.

3. Secure through the offices of the Provincial Attorneys-General more unified and co-ordinated action across Canada.

There is more hesitation on the part of some than of others to issue authority for action; and some local police groups are more hesitant to take action than are some others.

4. Revise the method of censorship and advise upon the appointment of a suitable panel of persons for it.

Perhaps I ought to enlarge on that. I intimated at the first of my presentation that I realized—and my church as a whole realizes—the grave delicacy of too much censorship. We believe in this matter one person should not be made responsible, whether in the Department of Inland Revenue or anywhere else. He would be under far too great a pressure from both sides, or if I may use the term, the rightists and the leftists in this matter of salacious literature. He may be confused by pressure put upon him, under the garb of salacious literature, to be dealing with other kinds of things, political, economic, etc. No one person should be placed under too much pressure. Therefore, we believe that at stated periods a panel should be called in to consult with him on what has been done in the past month or three months, and what should be done in the future. In that way we believe that we would get better judgment on what the public needs, and have a better method of safeguarding the public official from pressure that must be there. That is the suggestion we make in greater detail in our written statement.

5. Consider and advise regulations designed to protect minors from undesirable literature by restrictions regarding its display and sale. This is most necessary.

I do not know whether your committee can do anything to strengthen this situation, which is almost local in character, but it is the very genus of the thing. I can walk down Queen Street in my own city and look in the windows of three or four places and see one or two good books on sex instruction, marriage and so on, but I can also see the things that are intended to force sales along certain lines and to certain groups. They are always displayed there. Surely there can be some kind of police action—let me use the phrase—to put a scare into those people. I have found when a scare is put into them, it will last for at least a season without any change in the law. They come back under other garbs and in other ways, but I believe in the local field that is the thing that should be attempted. If your committee, sir, can devise any ways and means of strengthening the hands of local authority to do that, you will have done a great thing indeed. That is where the ruination of certain characters is occurring.

I should like to add—as I know people will say, if this gets any publicity, “Well, the church has not done very much, the school has not done very much, the parents have not done very much”—this one paragraph:

I have here said nothing about the responsibility of the home, the school and the church. The greatest responsibility lies on them for positive teaching and training. This we acknowledge, but at the same time we pray that both the legislative and executive arms of governments do all in their power to attack the evil by appropriate methods.

With these remarks, sir, I present our brief to you anew,—this time, with the authority of the church behind it, as last time it had only a partial authority. I will be glad to answer any other questions, if I can.

The CHAIRMAN: Are there any inquiries to be directed to Canon Judd?

Hon. Mrs. FALLIS: Yes. In speaking of the enforcement locally and the difficulties encountered, we had in connection with the work here representations from the Parent-Teachers Association and the Home and School Associations of Canada, and we were dealing particularly with the literature that is designed to attract teen-agers and the suggestion was made by some of the witnesses at that time that a local censorship board be set up in each municipality or each city to deal with this. What would be your reaction to that suggestion?

Canon JUDD: I think it is a very delicate one, and rather dangerous. It would all depend on how that is chosen, and its relation to executive authority of government. If it were not carefully chosen and if it did not realize its responsibility and its members had not a knowledge of the law, I think that the situation would be pretty difficult and delicate.

Hon. Mrs. FALLIS: That suggestion was made from time to time with regard to juveniles, but not pertaining to adults.

Canon JUDD: That comes very close to what I was saying about local authority and the local interest of good citizens. I think there is a general idea among the ordinary run of good citizens as to what is intended and what is not intended to be salacious, even though the material may be "artistic", etc., and that general public can act, and I have seen them act. I can name three or four towns across Canada where a group of men have gone to the local dealers and they have got them to eliminate the books and magazines and cheap stuff which is ugly, or to put it in the background where the teen-agers and others will not see it.

Following that, may I answer the gentlemen along here, as I forgot to say this. It has been alleged—I am being very careful—that the wholesalers enforce a quota of every kind of magazine on the local dealers. It has been so alleged. I have believed it to be true in times past. If that be the case, it seems to me that you can do something to prevent it under the heading of—what is that big word in government circles?—"monopolies". It is of the nature of that, and I should suppose you could do something there.

My local druggist, in Rosedale, Toronto, would not put it out for anything. Teen-agers are there every day to get their pop and ice cream and so on; and he has got a lovely store. But there are other ones who want to do it, and there are many more that can't help themselves, except that they do their best to put it in the background. That is the situation. I think you can do something about that. That is a long answer, madam.

The CHAIRMAN: Thank you. Are there any other inquiries? If not, my Lord and Canon Judd, I must thank you for your brief and for your explanatory remarks. Both were excellent, and I am sure that the committee will feel that they will be of the greatest value to us in the conclusions and recommendations that must be drawn.

Bishop JEFFERSON: Thank you very much.

The CHAIRMAN: Now we have a further delegation. There is Colonel David Croll, M.P. Accompanying him is Mr. J. D. Geller, President of Periodical Distributors of Canada, and Mr. W. G. Burns, past president of the same organization. Whom would you wish to have heard first?

Colonel CROLL: Mr. Chairman, may I be heard first?

The CHAIRMAN: By all means.

Colonel CROLL: Mr. Chairman and senators, I am appearing on behalf of the Periodical Distributors of Canada, I have here with me Mr. Geller, of Windsor, who is the president, and Mr. Burns, of London, who is the past

president. You have the brief. I am afraid I am going to have to read it. I apologize for doing that, but it is the first of its kind that you have had before this committee, and I do not think it would suit your purpose if I merely filed it and then asked for some questions, because you may not be fully cognizant of its contents. I want first to assure Canon Judd that the distributors do not enforce a quota on their retailers and do not force their retailers to handle any publication that they do not wish to handle.

Hon. Mr. McDONALD: May I interrupt, and say that we have had a number of people here who have said that that had been done.

Colonel CROLL: My brief will speak of that, and it will be covered in it. I wanted to first assure Canon Judd, who bears such a high reputation in my community, about that aspect of it. But we will deal with the brief and you will hear the two men who are most concerned.

The CHAIRMAN: Has there been any recent change in the policy of the distributors to force the retailers to handle publications?

Colonel CROLL: No. If I may say, I read the evidence of the gentleman who said that, I noticed he changed his story before he finished his evidence. As a matter of fact, I will refer to it later on. The two gentlemen appearing here are businessmen. They are your next door neighbours, they are the people who make it possible for you to obtain your morning paper, your magazines, and periodicals. They wanted me to make sure to tell you that they are not purveyors of French postcards. Their submission is that when you pick on the distributor you have the wrong man before the court of law and before the court of public opinion, here is the reason:

The Periodical Distributors of Canada is an Association of 55 independent wholesale distributors of periodicals and magazines carrying on business in the Dominion of Canada.

Hon. Mr. DAVIS: What do you mean by independent?

Colonel CROLL: An independent businessman.

Hon. Mr. DAVIS: Is he tied up with the producer of this literature?

Colonel CROLL: There will be something on that in the brief.

The association was founded in April 1942 and through its members is responsible for approximately 75% of the total distribution of periodicals, magazines, newspapers, and pocket sized books, in Canada to more than 10,000 retail book sellers and newsstand proprietors across the Dominion.

2. The wholesale distributors occupies a position between the publisher and the retail book seller and newsstand proprietor. The wholesaler is granted a territorial franchise by the publisher to whom he assumes the responsibility of providing adequate retail distribution of the publishers' periodicals and magazines, and pocket novels. At any given time, the average wholesale distributor carries in his warehouse a minimum of a thousand different titles of magazines, periodicals, and pocket novels which may emanate from hundreds of publishers both Canadian and foreign.

3. It is important to appreciate that the wholesale distributor is not consulted in any way about the editorial or reportorial content of the magazines and periodicals which he distributes. He does not create them; it would be impossible for him to read even a fraction of them, furthermore, he is not culturally qualified to evaluate the nature and quality of their content. He is, what his name suggests, that is to say, a distributor. His function is, in effect, that of a sub-circulation department for the various publishing houses, both domestic and foreign, whose publications he handles.

4. The wholesale distributor does not pick and choose what publications or periodicals he will distribute. He operates on a franchise, buying en bloc

from the publishers and distributing whatever is allocated to him. It may be that certain publications, because of their limited appeal are not profitable for him to handle; but if he wishes to distribute profitable items such as national publications, he must take the others as well. The system is akin to that which is known as block-booking in the motion picture industry. In order to enjoy the privileges of distributing what he would like, he must also distribute what he may not like. We would emphatically like to point out that the retailer is not subject to bloc buying as is the distributor. Granted the retail dealer may receive many different titles in one bundle, but any title he does not wish to handle for any reason may be returned for full credit without question.

Hon. Mr. DAVIS: The retailer is in the same position as the distributor. He cannot read all the material that comes in a bunch. He does not know whether it is good, bad or indifferent. He has hundreds of these things. Somewhere or other someone must be held responsible.

Colonel CROLL: We have a suggestion.

Hon. Mr. DAVIS: All right.

Colonel CROLL: In addition, a simple letter or phone call to the distributor, and he may cancel delivery of future issues of any title he does not wish to handle, without fear of curtailment of class publications. The distributor does not have this privilege with the publisher.

5. The wholesale distributor did not create this system whereby the distributor buys en bloc. But unsatisfactory though it may be, it is the system which prevails and if the wholesale distributor wishes to continue in business he is obliged to conform to it.

6. In fairness it should be admitted that the system has the merit of insuring the widest distribution of all periodicals, which would not be the case if the distributor were able to handle only those periodicals which he chose or which were most profitable to him.

7. This situation of the importation of objectionable material is not without adequate remedy. The Canadian Customs authorities, in administering the provisions of the Customs Act and Regulations, can and do prevent many books, periodicals and publications from entering Canada.

8. The Customs Service has had long experience in this connection, and there has never been any suggestion that they have been remiss or lacking in the performance of their duties. The proper place to stop objectionable publications from entering Canada is at the border, and the proper persons to conduct such an operation are the trained and qualified personnel of the Customs Service. It should be their responsibility to prevent the entry into this country of all things which may be contrary to the laws of Canada or deleterious to the welfare of Canadians.

9. We humbly submit that once periodicals or publications have passed the Customs authorities, we should have the right to distribute them and the news dealers the right to sell them without further hindrance or liability before the law. If however a novel or magazine is banned by Customs, and is then printed in Canada, it is not the doing of the distributor. We feel that in such cases, the plates also should be prohibited entry. If the plates are made in Canada, we feel that the printer, which is the source of the material, should be accountable, and not the distributor.

10. We are opposed to censorship, and we are opposed to being placed in the position where each individual wholesale distributor must act as his own censor, as is actually the case to-day. Such a situation is neither feasible nor

practical and would never provide the solution to this problem. We further submit that the Publisher should be held responsible for the contents of magazines, books etc. which are printed in Canada.

11. It is our submission that the Canadian Customs Act as it presently exists, affords an adequate safeguard to any actual or apprehended danger which may arise from the importation and distribution of literature in Canada, if strictly enforced by that department, with the following recommendations:

- (a) That all questionable periodicals, magazines and pocket novels, be examined by this department, and authority to, or banning of importation of such material be made by them.
- (b) That when such material is banned by them, that the plates also be barred importation into Canada, and strictly enforced.

It is also our submission that the provisions of the Canadian Criminal Code afford an adequate safeguard for those publications printed in Canada, if the legislation be directed to the source of the material, rather than at the distributor and retail dealer. We recommend that if a prosecution is to be launched, it should not be launched against the distributor in any individual community. He is not the source of the material, nor has he knowledge of the contents. Prosecutions should be launched against the source of the material, which is the Canadian Publisher, the Canadian Printer, or against the Canadian office of the foreign Publisher, all of whom by necessity must know the contents of the material, they publish or print.

12. The Periodical Distributors of Canada wish to make it abundantly clear that they held no brief for offensive or obscene material nor have they any desire to protect or further the distribution of such material. They are not merely an association of business men who are anxious to preserve their general reputation and the sound economy of their business. They are also members of the various communities of Canada in which they reside and as such they are fully aware of the need to maintain established standards of decency and morality. Through no fault of their own however, they find themselves in a situation where they and their retail dealers are subject to invidious comment and attack.

Hon. Mr. DAVIS: Colonel Croll, you said a distributor does not pick and chose what publications or periodicals he will distribute; that he is under franchise. Who gives him the franchise?

Col. CROLL: I will ask Mr. Geller to answer that question.

Mr. GELLER: We have our franchise or contract with the publishers or national distributors. They give us the right to distribute in a certain area.

Hon. Mr. DAVIS: In a local area?

Mr. GELLER: We are local independent distributors.

Hon. Mr. DAVIS: In various towns throughout Canada.

Mr. GELLER: We usually take in a county. In the west it takes in a larger area. There are only 55 independent wholesalers in Canada.

Hon. Mr. DAVIS: The publishers give you these books out in block?

Mr. GELLER: Yes.

Hon. Mr. DAVIS: At least, so the brief presented by Colonel Croll said.

Mr. GELLER: Yes.

Hon. Mr. DAVIS: Do you get various blocks from various publishers?

Mr. GELLER: Some publishers may have only one magazine; some other groups, what we call national distributors, may distribute from ten to fifteen different publications. Anyone may have from one to ten publications.

Hon. Mr. DAVIS: The national distributor is at another level?

Mr. GELLER: The national distributor is a source of supply.

Hon. Mr. DAVIS: And the periodical distributor in Canada, that is another level of distribution.

Mr. GELLER: Perhaps I should clarify that point. In the first place, you have the publisher who may sell direct to me as an independent distributor in Essex county. If that publisher does not have a sufficient amount of circulation or volume to maintain us in our national distribution, he will give it to what we call a national distributor. That national distributor may represent ten or twenty different publishers, and I deal with that national distributor.

The CHAIRMAN: How many national distributors are there in Canada?

Mr. GELLER: In Canada there are now two.

The CHAIRMAN: Who are they?

Mr. GELLER: There is the Curtis Distributing Company; that is, the Curtis Publishing Company which publishes the *Ladies Home Journal*, the *Saturday Evening Post*, *Jack and Jill*, the *Country Gentleman* and *Holiday*. They in turn take over the distribution of some other publishers. In Canada that company is known as the Curtis Distributing Company; the parent company in the United States, is the Curtis Publishing Company. But they give to other publishers the facilities of their organization for distribution of their publications. That is what we call a national distributor.

The CHAIRMAN: What about the second one?

Mr. GELLER: I am just reminded that there are four companies. There is the Colonial Distributing Company, which has a unique situation in Canada insofar as they are local distributors in Toronto and also distribute nationally in Canada.

Hon. Mr. DAVIS: For whom do they distribute?

Mr. GELLER: A number of publications, none of them very important. Then there is the Trans-Canada Company which is a subsidiary of McLean-Hunter's Publishing Company. McLean-Hunter Publishing Company publishes *Macleans*, *Chatelaine*, *Mayfair*, *Canadian Homes and Gardens*, and *Financial Post*. They also distribute for a few other publications, although there are very few of them.

Hon. Mr. DAVIS: We now have three companies. What is the fourth?

Mr. GELLER: There is another one; it seems that everybody gets into the act. It is known as the Modern Distributing Company, and represents a number of publications; they are national distributors.

Hon. Mr. DAVIS: Curtis Publishers would handle four magazines; how many would Trans-Canada handle?

Mr. GELLER: We don't know the number they handle; the number varies from week to week.

Hon. Mr. DAVIS: There are thousands of these things come in: I want to know who brings them in. How many publications of the pocket book is handled?

Mr. GELLER: Trans-Canada handles no pocket books. The publications are Pocket Book, Bantam, Pelican and recently White Circle.

Hon. Mrs. FALLIS: Are those all published in Canada?

Mr. GELLER: Pelican is published in Canada; White Circle is published in England; and the Bantam is for the most part imported.

Hon. Mr. McDONALD: Did I understand you to say that the periodical distributors, distributed all over Canada?

Mr. GELLER: We are independent businessmen, in our own community.

Hon. Mr. McDONALD: Give a little more detail, please. Do you cover all Canada?

Mr. GELLER: No; I cover only Essex county; we have another wholesaler who covers Kent county and another for Middlesex.

Hon. Mr. QUINN: May I ask the witness a question? You have heard it suggested that a censor board, both locally as well as provincially, be appointed; yet, in your paragraph 10 you say "We are opposed to censorship". You do not tell us why you are opposed to censorship.

Mr. GELLER: We do not think we are qualified to be censors.

Hon. Mr. QUINN: No, not you.

Hon. Mr. BOUFFARD: If there was a censor board established, you would agree to that? That is, a local censor board.

Hon. Mr. QUINN: Both locally and provincially.

Mr. GELLER: May I say what we mean by that statement? We are opposed to censorship as a matter of principle; we believe it is a bad principle. In any event, we follow it up by saying that we are not qualified to do it and should not be asked to do it.

Hon. Mr. BOUFFARD: Who do you suggest should do the censoring?

Mr. GELLER: We say that if censorship is being carried out, let it be carried out by boards, or let the law of this country be enforced—that is the law in the Criminal Code.

Hon. Mr. QUINN: If there were censor boards, they would see that the law was carried out.

Col. CROLL: It must be remembered that censors are just people like you and I—they are fallible; and what may appear to be proper to one person may appear improper to someone else.

Hon. Mr. QUINN: We all agree on that.

Hon. Mr. HORNER: There is a type of censorship applied by the customs officers; they are fallible too.

Col. CROLL: Yes.

Hon. Mr. BOUFFARD: You are favourable, I take it, to the customs officers censoring the books that come in. Why then do you oppose a censor board?

Col. CROLL: We oppose censorship in principle. We say that there is a law of the land, and we will live according to that law. If the law decides that there must be a censorship of material, then we agree with it and we will go along with the idea. But, we say, qualified people should do that task rather than leaving it to us. We have trouble enough distinguishing sin personally, without reviewing it in the broader sense.

I believe, Mr. Senator, you asked me a question a few minutes ago. May I just say that on June 3 a gentleman by the name of Mr. Wilfred Grenier, an accountant and magazine retailer appeared before this board. I have before me a newspaper report of that hearing of the committee, in which these words appear:

"There is no binding contract between the retailers and the wholesalers," Mr. Grenier said, and he added, "but we have to take the whole bundle or none at all."

Senator Iva Fallis asked if the retailers could return unsold magazines to the wholesalers. He said "Yes, but we lose through finding a place to keep them, depreciation and above all loss of sales."

I don't quite know what Mr. Grenier meant by those words, but he did not make that statement—at least, if he gave that impression to the Senate committee the two gentlemen that are here today, Mr. Geller and Mr. Burns, have their brief in which they say emphatically that is not so.

Hon. Mr. WOOD: In other words, if a news agent took magazines that he did not think he should sell, or salacious magazines, and kept them in the back of his shop, and returned them, are there some objections to that, too, by the distributors?

Colonel CROLL: No, none at all, sir.

Hon. Mr. WOOD: You mean to say you would put in a hundred pocket magazines of a certain type that were considered indecent, and if this man said, "I am not going to sell them"—what would happen then?

Colonel CROLL: He turns them back.

Hon. Mr. WOOD: But what would happen ultimately? Would he get the whole package that you are talking about if he returned some publications of which he did not sell any at all?

Colonel CROLL: Quite right, sir.

Hon. Mr. WOOD: I don't think he would.

Mr. GELLER: I might elaborate on that. As the publisher knows, the magazine or ordinary periodical is one of the most perishable of commodities. The figures we keep on publication and distribution amount to what is virtually an inventory of periodicals from the time that they leave the publisher until the time that the dealer does not buy it. We have a record of the dealer drawing X magazine, and drawing X copies. Our men are in there perhaps three times a week, or twice a month, or once a month, to check the flow of the magazine. We have what we call a red figure, and if the figures of sale show that in fifteen days he should have sold half and has only sold three, say, out of nine; in other words, if he is not selling these particular magazines, they are automatically cut off. We bring the magazines in our place, we distribute, we deliver, and we check it; we give the dealer credit for it, we ship returns, send the covers back and get credit, and if the returns exceed a certain figure it is economically unsound to send him any more. That is what happens with a lot of these publications that we hear talk about as "flooding the newsstands:". Eventually they fall of their own weight because there is no demand for them.

Hon. Mr. WOOD: That does not answer my question entirely. Supposing the dealer put them in the back of the shop would you take them back?

Mr. GELLER: We take back anything he doesn't want, but if his returns are too heavy we automatically cut them down, because it does not pay us to continue delivering them.

Hon. Mr. QUINN: How does it affect this special make-up of his bundle?

Mr. GELLER: Each particular magazine is recorded, and we reduce his draw.

Hon. Mr. BOUFFARD: On the whole?

Mr. GELLER: On the publication.

Hon. Mr. BOUFFARD: But do you reduce his draw on each publication?

Mr. GELLER: Each dealer is known by a number to us. We have a set of sheets for each publication. They are not billed in bulk.

Hon. Mr. BOUFFARD: So if there were some magazine that he could not sell very easily, but he returned to you, say, a set of books continually, from week to week, he would be cut off the magazines that he could sell.

Mr. GELLER: No, I did not say that at all. Each publication stands on its own. We have records for it. Suppose X dealer draws two copies; if he sells out we automatically send him more; but if then he has two over we cut him down; and if at the end of three weeks he has not sold any of a publication he is cut down to zero. But that applies only to that magazine. Six months

from now we may draw him again. It is a highly scientific method of distribution, it is not just hit or miss. It is confusing, I imagine, to a retailer or to you gentlemen, but to us it is a specialized business.

Hon. Mr. BOUFFARD: Supposing in the bundle you send him there are *Ladies' Home Journals* and there are also five of another publication which is not so sound, morally-speaking. If he puts that last magazine in the back of his store and returns it to you would he be cut down or cut off on the *Ladies' Home Journal*?

Mr. GELLER: Absolutely not. The Curtis Publishing Company would not stand for us using their magazine as a whip. Further, as to these magazines being stocked in the back of the store, I have not heard of it and I have been in the business all my life.

Hon. Mr. WOOD: Supposing this fellow should fear prosecution, if there is a law that you cannot sell indecent literature.

Mr. GELLER: All he has to do is to tell us he doesn't want it.

Hon. Mr. WOOD: He can tell you that?

Mr. GELLER: Certainly. We shall be very happy to be told.

Hon. Mr. WOOD: That is what I wanted to know. You said they have to take a bundle.

Mr. GELLER: Yes.

Hon. Mr. WOOD: But the dealer can say "I won't take a certain magazine"?

Mr. GELLER: Absolutely.

Hon. Mr. McDONALD: Is that the policy of other distributors, as far as you know?

Mr. GELLER: That is the normal policy of the distribution business, yes.

Hon. Mr. WOOD: I think that is all right.

Hon. Mr. BOUFFARD: Is it the same thing when it comes to the pocket-book?

Mr. GELLER: That he can take what he wants?

Hon. Mr. BOUFFARD: Yes.

Mr. GELLER: Oh, yes. If he does not want them he need not take them.

Hon. Mr. BOUFFARD: I know, but supposing in the pocket-books you send him there are some books that he wants and some others he doesn't want. Can he return those he does not want?

Mr. GELLER: That is right.

Hon. Mr. BOUFFARD: And he will not be cut off from the others?

Mr. GELLER: Absolutely not. We can't cut him off. First of all, it would probably be restraint of trade. I have not gone into that.

Hon. Mr. QUINN: Would you eliminate these objectionable publications from future deliveries.

Mr. GELLER: We will not deliver them.

Hon. Mr. QUINN: What would happen to them?

Mr. GELLER: We take the magazines and send them back to the publishers for credit.

Hon. Mr. QUINN: They will give you credit for them?

Mr. GELLER: Yes.

Hon. Mrs. WILSON: We had one witness who said that you could return these publications to which you objected, and he had done so, but he said he found then that he was cut down on other publications and I remember him mentioning the *Reader's Digest* particularly.

The CHAIRMAN: He informed us that he could not get more than one copy.

Mr. GELLER: I do not believe that. From my experience with the business, the people who own the *Reader's Digest* would come in and inspect our records, and if that man was not selling their magazine they would jump on the distributor. I would take issue with that statement. The man does not know what he is talking about. It isn't true for the *Reader's Digest* and I might mention the *Saturday Evening Post*, which is having such a big sale with the Bing Crosby series. The publishers did not anticipate such a demand. Everybody is hollering for more copies of the *Saturday Evening Post*, but we can't get them, because everybody is buying the Bing Crosby series.

The CHAIRMAN: There is one point I would like to have clarified. You stated that you represented Essex County Distributors?

Mr. GELLER: Yes.

The CHAIRMAN: I was under the impression you were appearing here as president of the Periodical Distributors all over Canada.

Mr. GELLER: I am.

The CHAIRMAN: How do you reconcile the two statements?

Mr. GELLER: I am president of the organization. I am also a wholesaler in Essex County, Mr. Burns is in Middlesex, and we have other men in London, Toronto, Nova Scotia, Newfoundland, British Columbia.

The CHAIRMAN: You mean that as a single independent dealer you represent Essex County?

Mr. GELLER: That is right.

The CHAIRMAN: But as president of the association you represent—

Mr. GELLER: All across Canada.

Hon. Mr. McDONALD: Who is your representative in Nova Scotia?

Mr. GELLER: H. H. Marshall Limited, who have been there for many years. They are a very reputable firm.

Hon. Mr. QUINN: I know them very well.

Mr. GELLER: They have Nova Scotia and also Newfoundland.

Hon. Mrs. FALLIS: I would like to ask Mr. Geller a question. When you are speaking about being so opposed to censorship, I go along with that a great distance in regard to adult literature. But what this committee has been concerning itself with very largely is what we consider indecent literature pertaining to teen-agers. Would you go as far as to say you would object to censorship of these pocket-books that we do not consider fit for teen-agers, and that any people, looking at them, could see were indecent?

Colonel CROLL: All I can say, and I think I speak on behalf of the publishers, is that we share your view, Senator Fallis. The distributors are anxious to stamp out the traffic in obscene literature. They do not like handling it and would rather not do so. They look upon this as a matter which should be treated with great seriousness.

Hon. Mrs. FALLIS: The reason I asked the question is that in their brief they state they are opposed to censorship.

Colonel CROLL: They are opposed to censorship in principle because they feel they have been made the object of the censorship. They said they were opposed to it in principle, but they are not opposed to the government taking whatever steps it can through the Criminal Code or through the Customs Department to stop the flow of this literature. They are not in a position to say what is obscene and what is not obscene. They have difficulties in this matter as do the courts, legislatures and senators.

Hon. Mrs. FALLIS: Yes, in regard to adult literature, but have they ever given an opinion as to the literature which is printed just for teen-agers?

Colonel CROLL: What do you mean by giving an opinion?

Hon. Mrs. FALLIS: I mean under the Criminal Code.

Colonel CROLL: A man was convicted in Ottawa recently on such a charge. There were opinions on the court's ruling from very eminent lawyers who felt that the conviction was bad. They felt it ought to be appealed, and in fact they are appealing it. They are doing it in order to clarify the law as much as anything else. They want to know what the law is and what it means. I should like to get across one point to this committee. No one has questioned on it, I wonder if I made it effectively or not. The source of the material are the publishers. Why do you reach beyond the publishers to my clients and the drug stores—that Canon Judd patronizes in Rosedale. The drug store is selling magazines for your convenience. The profit is not great on the whole. It is just a matter of convenience to you. It is the same as selling stamps. I maintain that you have a method of getting at the source.

Hon. Mr. WOOD: What would you do in the case of the United States?

Colonel CROLL: I suggested it in the brief. We thought of that. We thought that that question would arise. You could have a representative in Canada—

Hon. Mr. WOOD: You would have one representative who would go all over the United States?

Colonel CROLL: I am speaking of someone who would be a legal representative. Americans who incorporate themselves for the purposes of doing business in Canada may merely have a charter; they may be doing their business outside, but they must have an office where one can make legal service.

Hon. Mr. WOOD: It would not be necessary for them to have a corporation here in order to send books in through our customs.

Colonel CROLL: No, but they could have John Smith who is their representative for legal purposes in Canada.

Hon. Mr. WOOD: You mean the publishers?

Colonel CROLL: Yes.

Hon. Mr. WOOD: If they think it is necessary to do so, I presume they feel their books have some questionable features about them.

Hon. Mr. DAVIS: Would these national distributors represent the publishers?

Mr. GELLER: I should like to say that the national distributing companies distribute for the publishers. They do not publish themselves. I should like to answer the question about the relationship between a publisher and a national distributor. The publisher has a contract with his national distributor in which he protects the national distributor against various possible legal matters. One of them, of course, is the question of libel, and the national distributor is relieved from this responsibility in his contract. We have been fighting this sort of thing for the thirty-four years that I have been in the business, so it is nothing new to us. Now, in this whole matter, we want to be taken off the hook. That is what we want. In case a publication is found objectionable in any part of the country, we don't want to be held responsible for it.

Hon. Mr. WOOD: I do not think that answers my question, because the reason this committee is sitting is that there is a lot of indecent literature coming into the country.

Mr. GELLER: I agree with you, but the Customs Department can stop it.

Hon. Mr. BOUFFARD: Do you think the Customs Department has the organization to do it?

Mr. GELLER: Yes. They have done it for many years, and very effectively.

Hon. Mr. WOOD: Well, it is still coming into the country. What is the answer?

Hon. Mr. HORNER: What about the publications that come in by air mail and are put on the newsstands?

Mr. GELLER: Not to a wholesaler.

Hon. Mr. HORNER: I understand that a territory is allotted to each one of you distributors?

Mr. GELLER: Yes.

Hon. Mr. HORNER: And other distributors do not infringe on your territory?

Mr. GELLER: That is right.

Hon. Mr. HORNER: I like the part in your brief where you still recognize the name of the country as being the Dominion of Canada.

Some Hon. SENATORS: Oh, oh.

Hon. Mr. HORNER: But the question in my mind, and in the minds of other members of this committee, is this. We have been given evidence to the effect that after sending your bundles of publications to certain newsstands, you may get a large number of returned copies. Now, following sound business sense you would then enforce the person who refused the literature to take it the next time or you would not give him a sufficient number of copies of more desirable magazines, particularly if there was a shortage of them. For instance, if there was a shortage of the *Saturday Evening Post*, you would certainly not give extra copies of that publication to a news dealer who was returning you a large number of copies of other magazines. Business methods would force you to take such an attitude.

Mr. GELLER: I have not made myself clear on it.

Hon. Mr. WOOD: I think you have.

Mr. GELLER: Do you mind if I restate my case?

Hon. Mr. HORNER: No, not at all.

Mr. GELLER: First of all, the *Saturday Evening Post*, for example, is what we call a strict publication, and unlike any other manufactured product, it sells for less than the manufacturing cost. Now, the only reason a publisher can stay in business is because he has another source of revenue—advertising. It costs the publisher 54 cents for a copy of *Saturday Evening Post*, and yet you can go down to the newsstand and buy it for 15 cents. The publisher has to make up the difference from advertising revenue. Now, that is a highly perishable item and the publisher must have some control over it. Now, the number of returns on the current issue of the *Ladies Home Journal* is about 3 per cent. I do not know the national picture, but because of my experience in the business and the content of the book, I would say it is 3 per cent and I would bet you that I would not be out by more than $\frac{1}{2}$ per cent one way or another. Now, no dealer comes to me. We do not go around with a set of samples, no more than do the publishers.

Hon. Mr. HORNER: You spoke some time ago about your man going to the dealers.

Mr. GELLER: That was for check-up purposes. Let us say we give the dealer ten copies of the *Ladies Home Journal*. We know at the end of eight days he is going to sell 50 per cent of them. So we have a red figure, which is five, and we go to that dealer and he has seven copies left. We will pick up

two. Now, then, if he has only three left then we will give him two because we want to level it off to meet his demand. We will bring him up, and any wholesale company will show the figures: A dealer may be brought up from ten to twenty or thirty publications. The dealer never completely enters into the picture. That is our job. It is a highly scientific method: There is more or less a perpetual inventory on his stand. We regulate the orders from time to time with the publishers; in some cases we can't do that.

Hon. Mr. WOOD: Personally, I cannot see why there is any blame attached to you for the distribution of this literature. I think that somehow or other the responsibility must be placed somewhere else. After your evidence, I fail to understand why you have any responsibility in the matter; as I say, it must be placed at some other source. You distribute what is given to you, and if you do not sell one publication, you will probably sell a few extra copies of some other publication. People can only read so much, and if four or five magazines are deleted, it would make very little difference to the distributor. That is my point.

Hon. Mr. BOUFFARD: In some cases publications are put out under a cover which is absolutely indecent. In those cases I wonder why the distributor agrees to handle those books.

Col. CROLL: Do you judge a book by its cover, honourable senator?

Hon. Mr. BOUFFARD: No, I do not judge a book by its cover but the cover introduces the book; if the cover is of an indecent nature, I don't think it is necessary to read the book.

Col. CROLL: Canon Judd said that in many cases it was not the book that was bad, but the cover.

Hon. Mr. BOUFFARD: Be that as it may, some of the books offered for sale have an absolutely indecent cover which is designed to sell the book.

Hon. Mr. WOOD: Incidentally, I have even seen some of our senators with books with indecent covers.

The CHAIRMAN: Would you tell me where the American News Company and the National News Company fit into the picture? These two companies have been mentioned in the evidence given here.

Mr. GELLER: There is a distinction between the two. There is the independent distributor, who deals directly with the publisher and the national distributor. The American News Company is a—I hesitate to use the word—a sort of trust company, or, to use the more modern term, a combine. They buy the total output of a publisher, and in turn send it to their 400 branches in the United States and Canada. That company is controlled from New York, and the individual branches are under a manager.

The CHAIRMAN: Does that company distribute in Ottawa?

Mr. GELLER: They distribute in Ottawa. They are in Ottawa, Hamilton, Windsor—they have probably 20 branches in the country.

The CHAIRMAN: What portion of the trade do you think they would have?

Mr. GELLER: As we said in our brief, 25 per cent. When I started in business I had nine magazines, and they had all the rest; but with the evolution of individual enterprise and by reason of local ownership, the positions have been changed. Now we have 75 per cent and they have 25 per cent.

The CHAIRMAN: In fairness to Mr. Grenier's statement, which has been questioned, he said that he received his supply from one of those two companies. I suppose you would not know their practice?

Mr. GELLER: Yes. I read Mr. Grenier's statement.

The CHAIRMAN: He is not receiving from your organization?

Mr. GELLER: Oh yes, he is. He said he received them from the National News Company, Ottawa, and the American News Company. He also said their headquarters were in New York; the National News headquarters is in Ottawa. I believe the average retailer in a little confused about this whole matter.

Hon. Mr. McDONALD: Mr. Chairman, could I ask Mr. Geller how his profit is made? If you don't mind telling us, what is your compensation on the *Ladies Home Journal*, *Macleans* or *Saturday Night*, as compared with the compensation you get for selling some of the indecent magazines?

Mr. GELLER: I want to get back for a moment at something Mr. Grenier said; I think it will show the ridiculousness of his statement. He said that we put the better books at the bottom of the bundle, because they would be more difficult to get at. I happen to have been very close to the cost of operation, which is one of the fundamental factors in our business, and I know that we put the large magazines at the bottom of the pile so that we can pile the others on top of them. But Mr. Grenier thinks we put them there to make it more difficult to get at. That shows how ridiculous his statement is.

But getting back to the question asked by the Senator, as to the margin of profit, I will hazard a guess that the so-called alleged indecent literature does not sell as many copies in a year as the *Saturday Evening Post* sells in two weeks. A sale of this matter is somewhat restricted; I do not need to go into the economics of it, but if you take a silver dollar and divide into the various segments of family costs—so much for food, housing, clothes, medical supplies, amusement, taxes—you get down to the very small fraction which is spent for reading matter. I was at one time familiar with these figures but with changing circumstances I have got away from them. However, I know that the amount of the dollar spent by the average household for reading material—including the amount spent by teen-agers—gets down to a very small fraction. If we had an economist to work it out for us, it would amaze you how small it is.

Hon. Mr. BOUFFARD: If it is for indecent literature, it is too much.

Hon. Mr. DAVIS: Senator McDonald was asking you with reference to your profits on decent and indecent literature.

Mr. GELLER: It is the same relative profit.

Hon. Mr. DAVIS: But how much is it?

Mr. GELLER: I would put it this way: the profits on magazines are more or less uniform—you make on one magazine about the same as you make on another. There is no premium because a magazine is what you call obscene.

Hon. Mr. WOOD: But you would get a larger mark-up on magazines that sell only once a month, than on magazines that you sell perhaps a hundred copies a day?

Mr. GELLER: No; it is relatively the same margin of profit, whether you sell a million copies or 10,000.

Hon. Mr. QUINN: But the extra volume makes a difference.

Mr. GELLER: We are dealing with it copywise.

Hon. Mr. BOUFFARD: It does not matter how much the average family spends on literature—certainly they can't spend as much on it as they do on potatoes which they eat three times a day—but if whatever they are spending goes to buying indecent literature, it is too much. I should like some of the indecent magazines which have been exhibited here to be shown to you. On the face of them, many of them are absolutely indecent. It is for that reason that I fail to understand why you would make a distribution of such publications, when obviously they are of an indecent nature.

Mr. GELLER: In other words, you want me to be the censor?

Hon. Mr. BOUFFARD: No; there is no need for censorship, in some of the cases we have had before us. Quite obviously, the publications are obscene.

Col. CROLL: Senator, I think we have made it abundantly clear that we are in the hands of somebody else, in the same way as we are in the hands of the Senate committee today. If we want to stay in business—and these are business men who handle a very small portion of the objectionable magazines—we are forced to buy them. We leave the problem with you. We say that we will distribute whatever is in the interest of the Canadian people to read, but we want you gentlemen to be the judges of what that is.

Hon. Mr. WOOD: You want us to find a way to censor?

Col. CROLL: We want to distribute only what is in the interests of the Canadian people to read.

Hon. Mr. BOUFFARD: Do I understand you to mean that you would like to get rid of the indecent literature, but the only way you can do so is to be forced to take it out.

Col. CROLL: Speaking for Mr. Geller and Mr. Burns, the President and former President of this company, representing 75 per cent of the publishers across Canada, they do not wish to handle obscene literature or magazines.

Hon. Mr. BOUFFARD: But they have to do it?

Col. CROLL: That is exactly what I have said, they have to handle it. It is not for us to judge what is obscene and what is not. We do not look at the magazines the same way as you would look at them. These distributors are quite prepared to get rid of the undesirable literature tomorrow; they are not interested in profits from them, but they are interested in keeping their franchise.

Hon. Mr. QUINN: Still they are opposed to censorship?

Hon. Mr. BOUFFARD: If you were forced to take out those magazines, you would not be interested in selling them?

Col. CROLL: That is correct.

Hon. Mr. DAVIS: You say the national distributors are the Curtis Publishing Company, the Trans-Canada, the Colonial, and the Modern: since then have been added American News and National News. Are these the total?

Mr. GELLER: You mean, operating in Canada?

Hon. Mr. DAVIS: Operating in Canada.

Mr. GELLER: There is Benjamin News of Montreal has one publication they distribute nationally.

Hon. Mr. DAVIS: We are trying to get to the publishers through their representatives.

Mr. GELLER: The distributors are as follows: Curtis Distributing Company, Modern Distributors Limited, Trans-Canada, and Colonial Distributors.

Hon. Mr. DAVIS: American News?

Mr. GELLER: American News. Of course we do not look upon American News as a national distributor.

Hon. Mr. DAVIS: You call them a combine.

Mr. GELLER: Call them anything you wish.

The CHAIRMAN: I notice that Mr. Grenier, in his statement, mentioned the National News and the American News, whose headquarters are in Toronto.

Mr. GELLER: Benjamin is the national distributor for one publication I know of in Montreal, but he is an independent wholesaler as much as I am. He is just doing somebody a favour.

Hon. Mr. DUFFUS: The name has been offered here by Mr. Grenier as a national distributor.

Mr. GELLER: You mean Benjamin?

Hon. Mr. DUFFUS: Benjamin, yes.

Mr. GELLER: Yes.

The CHAIRMAN: Senator Quinn has been trying to ask a question.

Hon. Mr. QUINN: Coming back to censorship again. If we have provincial-government-appointed boards of censors and municipally-appointed boards of censors we must assume that they will be qualified people who will comprise these boards. If they censored the undesirable literature and had it eliminated, would not that be a great help to you?

Mr. GELLER: We are not concerned with the modus operandi of this. All we want to do is be taken off the hook. We do not want to be censors.

Hon. Mr. QUINN: Do not misunderstand me. I do not say for you to be censors. I said, have boards of censors who would censor for the general public and would eliminate the necessity for you handling this indecent stuff altogether.

Mr. GELLER: Well, if I were a member of a legislative body and had the experience of how legislation is ultimately developed, then, I think, maybe I could answer your question. But, not knowing what is the machinery behind the development of legislation which ultimately gets on the statutes, I do not think I can answer what you want me to answer.

Hon. Mr. QUINN: But could you not answer me this? This seems to me to be a simple question. If the censors decide that such-and-such a production is undesirable and should not be marketed, should not be handled by you at all, should be eliminated, taken away from you, that relieves you from the necessity of handling it at all, and means that all your publications are clean and desirable literature. Would not that be a great relief to you?

Mr. GELLER: Yes, I do not care how you do it.

Hon. Mr. QUINN: Why, then, are you opposed to a censorship? You say so here, in clause 10, that you are opposed to censorship.

Mr. GELLER: I am opposed to censorship in principle, for the same reason I was in World War II, because I was opposed to things people were trying to jam down our throats, and I fought for what I believed, then; and basically, I cannot feel that I can tell anybody, or censor what they should or should not read. Personally, I am not qualified to say what they should read.

Hon. Mr. GOLDING: That is basically the principle.

Mr. GELLER: Basically the principle. However, we say that we as distributors do not wish to carry that ball. If you want to set up censorship I have no quarrel with it, but I am opposed to censorship the same way I was opposed to the things the Nazis stood for. Now I am opposed to things that Communism stand for; and I would get into uniform again and fight against those things.

Hon. Mr. QUINN: So, although you are opposed to it, you say it would relieve you of a great many difficulties.

Mr. GELLER: I would quote Voltaire's saying "I will defend to the death your right to go ahead and say what you want to say."

Hon. Mr. DAVIS: You say in your brief you represent 75 per cent of the total distribution of periodicals, that is the periodical distributors of Canada. Do you get all these periodicals and books for national distribution from Curtis Publishing Company, Modern Distributors, Trans-Canada and Colonial Distributors and Benjamin, or do import directly from the United States?

Mr. GELLER: We import most of them direct.

Hon. Mr. DAVIS: They do not go through these channels at all?

Mr. GELLER: No, outside of Curtis, the rest are just minor distributors.

Hon. Mr. DAVIS: From whom do you import?

Mr. GELLER: There are some twenty-odd sources. There is the S. M. News Company—we could give you them—it is quite an involved process, because we have some twenty.

Hon. Mr. DAVIS: You are speaking of your associates. I want to know from whom you import from the United States.

Hon. Mr. WOOD: Did you not answer that before, when you said, I think, probably there are four hundred dealers who will handle Curtis and a number of other lines, and they are the distributors, not all publishing companies in the United States. Did you not say that before?

Mr. GELLER: Of course you have got the four hundred, that is the American News Company's branches, but we import from, for instance, S. M. News Company. They are national distributors in the United States.

Hon. Mr. WOOD: They distribute, not for one publication, but for dozens?

Mr. GELLER: Yes. They have the *Reader's Digest* and many others. Then there is the Cable News Company, which have a number of publications.

Hon. Mr. DAVIS: For your whole association, not for yourself personally?

Mr. GELLER: What I handle the rest of the wholesalers handle.

The CHAIRMAN: For fear people might think we agree with you on this matter, do you not think that Voltaire is a very poor man to quote? Do you not think that France would have been better off if he had never lived?

Mr. GELLER: There, again, I am not qualified.

Colonel CROLL: Mr. Burns the former president of Periodical Distributors of Canada, and a very distinguished citizen of London has just a word to say.

Mr. W. G. BURNS (Past President of Periodical Distributors of Canada): Mr. Chairman, honourable senators, I listened to the discussion today, and I have also read up on the previous meetings which were held. I just have a few remarks which, I think, more or less summarize some of the questions that have taken place.

Hon. Mr. Quinn asked a question about what our position would be, and if he is referring to a board of censors which is an arm of government, that board would have the complete co-operation of all the distributors of Canada. Is that the question he wanted answered?

Hon. Mr. WOOD: In other words, these chaps would all co-operate?

Mr. BURNS: With respect to the allegation which was made that distributors or retailers are forced to place on sale and handle books which they consider objectionable, I refute completely, as a general trade practice. There may have been an isolated instance or instances where that may have taken place. With relation to the testimony of the witness Grenier, I consulted with the distributor, the National News Company of Ottawa. Incidentally I think you are still under the impression that this company is a national distributor. It is not. The name is somewhat confusing. The company is a local distributor for the city of Ottawa only. It is an incorporated company doing business in Ottawa. The manager of that company told me most emphatically and reassured me that never at any time had he endeavoured to force Mr. Grenier to take or keep anything that he did not wish to keep. All he had to do, if he found anything objectionable, was to place it in his return bin—and I think that has been confused with the term "back room" which suggests something shady.

Hon. Mr. WOOD: I should have used the word storeroom. I am sorry.

Mr. BURNS: If he had anything objectionable all he had to do was put it in his return bin and it would be picked up the following Monday or on the regular pickup day.

The CHAIRMAN: In fairness to Mr. Grenier, I think he said he would send it back the next week.

Mr. BURNS: I would like to give you an illustration to show how illogical his statement is. We represent a considerable number of national distributors who, in turn, distribute nationally for the publishers whom they represent. These national distributors distribute publications which are in competition with each other. For instance, there is the *Ladies Home Journal* and there is another fine book, *McCall's*. They are in a competitive market with each other, and yet when it comes to the local level there is only one representative for each publication. Now, in fairness can you conceive whereby the Curtis Publishing Company would let us use the *Ladies Home Journal* as a whip on a dealer and deliberately cut their sales to enhance the sales of the competitor's magazine? It does not make sense at all. Let us say you have a river with a series of tributaries. If you find pollution in the system and you discover that the pollution comes from the main river itself, then, it is only logical to take action at the source. By correcting the action at the source you correct it for all the tributaries. We think the place for correction here is at the border. The Customs Department have the qualified personnel—they may not have enough of them—to control the literature that comes into Canada. As far as the literature which finds its source in Canada itself, there is the Criminal Code. We maintain that the publisher and printer has knowledge of what is published. For instance, a man buying editorial material is not buying a pig in a poke. It is our contention that this should be stamped out at the source. Thank you very much.

Colonel CROLL: Thank you, honourable senators, for having given us this hearing.

Hon. Mr. VAILLANCOURT: It may be difficult for a local censorship bureau to determine what is decent and what is indecent literature, but I think it would be an easy matter to censor the covers of these magazines.

Hon. Mr. BOUFFARD: That is why I want to make it clear that it is the national distributors who oblige the dealers to take all the magazines that they distribute.

The CHAIRMAN: We have a further delegation here from Montreal. They just arrived by the noon train, and as they have come a long way I think we should hear them at once. First of all, we shall call upon Mr. J. Victor Cartier, Q.C., President of the Diocesan Committee of Catholic Action of Montreal.

Mr. CARTIER: Honourable senators, I shall speak in English because I understand that for the most part you are English-speaking people. I should like to start off with the thought "Don't shoot the pianist, he is only doing his best". The Diocesan Committee of Catholic Action of Montreal is preparing a report on obscene literature that will be forthcoming within a few days. (See Appendix D). I am President of the Diocesan Committee of Catholic Action of Montreal. In that position as President and Director of the committee we represent approximately 300,000 persons.

Hon. Mr. WOOD: What is meant by the words "Catholic Action"?

Mr. CARTIER: That is the participation of the lay persons, in support of the action of the Bishop.

Hon. Mr. WOOD: Are you a sort of crusading organization?

Mr. CARTIER: Yes; and we represent movements of Catholic action, service of Catholic action, and associations.

The CHAIRMAN: I think, Senator, the name is set out on the letterhead: The Diocesan Committee of Catholic Action of Montreal, representing 60 Catholic associations, six Diocesan Services and seventy-five Parish Councils.

Hon. Mr. WOOD: I was just trying to get an interpretation of it.

Mr. CARTIER: I do not wish to read my report, but I shall give a resume of it. As President of the Catholic Action Committee and as a lawyer, I should like to review my report, and if you have any questions to ask I shall be glad to answer them.

The CHAIRMAN: Go ahead.

Mr. CARTIER: My first point is, we are in favour of having a clear definition of the word "obscene". We know it is hard to define, because it covers a multitude of things, but it must be defined in such a way as to have some kind of limitation. Of two evils, I think we must choose the less dangerous; and I prefer the risk of having an imperfect definition, to the risk of having no definition at all.

I go further, I believe that the complete absence of a definition of the word "obscene" or of "immoral" makes us think there is no offence being committed. I think it is logical to say that what is not defined cannot be understood; if that is so, there cannot be any basis for a complaint. We should, therefore, have a precise definition.

In the name of Montreal and in the name of all Catholics, I congratulate the committee on the fine work it is doing for my province and for the rest of Canada. But first, we need to have the tools to work with. The first tool is a definition of "obscene". As I have said, it may not be a perfect definition, but it can be amended as the months and years go by. It must come from the men who are experienced in law making.

The second point I wish to make is the need for an amendment to article 207 of the Criminal Code. I do not wish for a moment to scandalize anybody here, but I maintain that ignorance on the part of a retailer of what he sells is not an excuse. There is an old principle of trade that the man who sells should know what he sells. Of course there are some objections raised; they receive these magazines in a bundle, and they say they are under some obligation to take the good with the bad.

Hon. Mr. WOOD: How could a retailer read all the periodicals that come to him; they are pushed in on his counter, probably dozens at a time, and it would be impossible for him to read them all over. I think you have to get at the source of the trouble.

Hon. Mr. QUINN: But they are not in favour of censorship.

Mr. CARTIER: It is impossible to suggest a correction for the Code today, but later on, when a censorship has been established, amendments to the Code will be suggested. Then I do not think they will have any reason for selling the undesirable magazines and reviews. The censorship would not be carried out by one person, such as a judge, but by a general board, receiving and giving out information in different places. In that way we would be able to go to the source and kill the harmful thing before it reaches the reading public. I am sure we would welcome the opportunity to suggest amendments to article 207 of the Criminal Code, so that those who pretend that ignorance on the part of the retailer of what he sells, will no longer be an excuse.

Hon. Mr. BOUFFARD: You would like the word "knowingly" to disappear from that article?

Mr. CARTIER: Yes.

Hon. Mr. BOUFFARD: The publisher, of course, always knows what he writes and what he publishes.

Mr. CARTIER: Yes; he should be presumed to know. He will be educated by the censorship board; he will be helped, but he must do something to help us at that time. As I say, I do not propose an amendment today, but in the near future, when a censorship board has been established, an amendment will be proposed. We in Montreal are in favour of a censorship board; though it may not be perfect, and I realize it is perhaps a big undertaking, we feel there is much to be gained by it.

Hon. Mr. BOUFFARD: You have a censorship board in Quebec now?

Mr. CARTIER: Yes. We have had it for two years, and it has done much good. Of course it is not perfect either, but it is becoming better every day. Already, it has succeeded in preventing the distribution of sixty-two publications; of course, some of these reviews are changed and come out under different names, but when we have succeeded in putting the first one off the market, we go after the second one. We kill them as soon as they appear.

Hon. Mr. WOOD: You would have to have a lot of censors, I would think. Take the *Saturday Evening Post*, for instance, and the *Ladies' Home Journal* and many other magazines. Almost all of them are published the same day; I think they arrive on Thursdays. *News Week* is another.

Hon. Mr. BOUFFARD: What they do, senator, is this: if a review is published that has some indecent literature or some indecent pictures, they prohibit the review immediately. They do not prohibit the one issue; I think they prohibit the entry of the review itself in the province of Quebec.

Mr. CARTIER: I think it would be essential that the new board should have very extensive powers, that is executive powers, if in their judgment it were necessary to go forward and to stop printing at the press.

Hon. Mr. WOOD: That is in Canada. You could not go to the United States and stop it.

Mr. CARTIER: No, but we would go to the Customs.

Hon. Mr. QUINN: Prohibit the entry.

Mr. CARTIER: Forbid the entry, to save our people. I believe that if censors were appointed and granted by the government those broad and general powers, most of these obscene publications would disappear in a few years. At least that is my personal opinion. I have two friends here: Madame Julie Richer and Mr. Desroches.

Hon. Mr. QUINN: You believe sincerely that you would gradually weed them out?

Mr. CARTIER: That is my conclusion.

Hon. Mr. BOUFFARD: So you have found in Quebec a great improvement since the board has been established?

Mr. CARTIER: Extraordinary.

Hon. Mr. VAILLANCOURT: Two magazines which have been prohibited in Quebec are *Focus* and *Men*.

Hon. Mr. BOUFFARD: In your memo you have a list of these publications, at the end of your brief, comprising, as of January 22, 1953, about forty magazines. Are these prohibited in Quebec.

Mr. CARTIER: Yes.

Hon. Mr. BOUFFARD: Those are the ones that the Board of Censors in Quebec have prohibited?

Mr. CARTIER: I think there are, up to date sixty or sixty-two.

Hon. Mr. DAVIS: How about these pocket-books? Are the pocket-books censored too?

Mr. CARTIER: No. They do not have really enough people to read them, and this sort of publication is printed too quickly; it comes too often, you see. The board is not adequately equipped to follow, under the authority given to it, these pocket-books.

I thank you, gentlemen, for your kind appreciation of what I have said.

Hon. Mr. BOUFFARD: Merci beaucoup, Monsieur Cartier.

Mr. CARTIER: I thank you very much.

The CHAIRMAN: Thank you indeed, Mr. Cartier.

We will now hear from Mrs. Richer, journalist, of Montreal.

Mrs. JULIE RICHER (of Montreal, a member of the staff of *Notre Temps*): Honourable members of the Special Senate Committee on obscene literature:

I would like to congratulate the Honorable members of the Senate to have instituted this special Committee which will study the numerous aspects of the publication, importation and distribution of obscene literature in Canada. This is a very important and urgent task for which those who devote themselves should be well congratulated because in doing so they look upon the moral protection of our population, particularly, our young people.

I also thank very much the honorable President of this Inquiry Committee to have invited me to express my opinions and those of "Notre Temps", weekly social and cultural Montreal newspaper, which I represent.

I am perfectly in agreement with those who, presenting a report on the question, insisted on these different points:

1. The importance of prohibiting the reprinting, in Canada, of all the foreign publications that the Federal income tax Ministry refuses to accept here.

2. The importance of restraining, by definite regulations, the distributors of magazines and newspapers, to impose to the owners of restaurants and newspaper stands all kinds of publications.

3. The evident harm caused by these obscene magazines and newspapers to the mentality of our population, young and adult.

I would like now to explain what is, in my opinion, an obscene publication. In this matter, a very controverted one, the more precise and simple definition is the best.

An obscene publication is one that, by picture or text, arouses and keeps sexual thoughts and desires. There is, of course, in this matter, place for personal and subjective interpretations. I am, nevertheless, of the opinion that it would be possible to make up a definition that would represent the general opinion.

Many reports have been presented on the subject of obscene literature by different associations. I would, for my part, and with the permission of this Committee, limit myself to one recommendation.

It seems that very much importance is given to obscene magazines and newspapers that enter Canada through United States and France particularly. It seems that a thorough cleaning here in Canada, should be done in the first place.

Anyone who goes frequently to restaurants and newspaper stands knows very well that we publish in Canada, for instance, weekly newspapers that make the most of assaults, divorces, homosexuality stories. I will name only a few of them:

- Justice* (weekly, published in Toronto)
- Exposed!* (monthly, published in Toronto)
- Flash* (weekly, published in Toronto)
- Hush* (weekly, published in Toronto)
- Rocket* (weekly, published in Toronto)

Hon. Mr. WOOD: Are they banned in Montreal?

Mrs. RICHER: No, they are not banned in Quebec.

I name only these. No doubt that there are other publications in the same category. All these publications have two characteristics in common:

1. They seem to make the most of trials gone through justice courts (the question is to know how they get all these revolting details);
2. They seem to manage very well what it seems to be a blackmail formula of some sort. I do not say though that the editors of these papers are guilty of blackmail.

For these two reasons I am of the opinion that these publications should be suspended or that personal obligation should be given to their editors so as to modify the character of such publications.

On the subject of censorship of obscene literature we know that both legislative and administrative authorities in Canada are concerned:

(a) Federal authorities by their Income Tax Department, Postal Department and Transportation Department;

(b) Provincial authorities by censorship already working on films and publications and bus, trucks and private car transportation.

Would it not be possible, for these two authorities, federal and provincial, to formulate, after conference and study, similar laws and common regulations that could be applied with vigilance?

Actually the mail is used to violate the provincial rules of censorship; and trucks and private cars are used to violate the censorship of the Postal Department. That is to prove the urgency of a federal-provincial understanding.

Before closing this report I should like to offer again my thanks to the honourable members of this committee for having permitted me to express my opinions.

Hon. Mr. VAILLANCOURT: Who, in your opinion, is responsible for the contents of these periodicals?

Mrs. RICHER: I do not think it is the distributor or the second handler of this literature. I think it is the people who publish it. In the case of newspapers I think the editors should be held responsible.

Hon. Mr. QUINN: Censorship would drive these publications back to the publishers.

Mrs. RICHER: Yes.

Hon. Mr. DAVIS: How about our Canadian newspapers as a whole? What about their headlines?

Mrs. RICHER: Yes, the headlines are always the worst thing.

Hon. Mr. DAVIS: I am speaking of the daily newspapers.

Mrs. RICHER: There is not much obscenity found in our daily newspapers. Once in a while there may be something that is out of tone, but I do not know that it really can be called indecent or obscene.

The CHAIRMAN: Honourable senators, the next witness is Mr. Desroches, President of the Morality Committee of the Knights of Columbus.

Mr. P. DESROCHES, President, Morality Committee of the Knights of Columbus, Montreal: Mr. Chairman, and honourable senators, the Morality Committee of the Knights of Columbus, of which I am the president, was founded at the request of the ecclesiastical authorities of the Montreal diocese to assure better standards of conduct on the part of couples attending moving picture shows in the city and also to clean up all the immoral literature which we have in large quantities, in our newsstands and in the 2,700 restaurants of the Metropolis. This committee meets once a month at the Archbishop's Palace

in Montreal and is made up of about fifty fathers of families frightened by the enormous harm caused to our youth and also to adults by these magazines and pocket books in which you find all kinds of provoking nudes.

Mr. Chairman and honourable senators, we have checked as to why these newsstands and restaurants in Montreal handle this material, and we have been told that they have to buy everything that is given to them or they cannot get any of it.

Hon. Mr. QUINN: You are referring to the city of Montreal alone?

Mr. DESROCHES: Yes.

Hon. Mr. QUINN: That has been contradicted by other witnesses. You insist that these publications are more or less forced upon the retailers in Montreal?

Mr. DESROCHES: Oh, that is true. If they do not buy all the publications they will not get the good ones.

Hon. Mr. DAVIS: You are sure of that?

Mr. DESROCHES: Yes.

Hon. Mr. DAVIS: That fact has been contradicted this morning.

Mr. DESROCHES: The two distributing companies in Montreal to which I refer are the Clington News Company and the Benjamin News Company. I might say that we made an investigation in Lachine to find out how a certain restaurant there was getting hold of these books. Our investigation disclosed that the books were being delivered to this particular restaurant during the morning church service on Sundays. These books were coming from a private house in Lachine.

From one meeting to another, the members of our committee, helped by their brother Knights, try to discover these magazines, etc., in which you find that the publishers are using obscenity to attract the public, also to increase their revenues, in developing an immoral appetite in the population, specially in the youth.

This literature and these pictures are brought in to the committee and are afterwards forwarded to the civil authorities. It was through the work of this committee, assisted by the Diocesan Committee of Catholic Action, that a censorship board could be obtained from the provincial government; the board has already prohibited the circulation of nearly 65 of these publications.

Our committee has learned with great pleasure the formation of a Senate Committee to investigate obscene literature which is causing such disturbances in the minds, souls and hearts of our children. We are hoping that very strict laws will be enacted by our government against these filthy publications and that severe penalties will be applied to those infringing these laws.

I was appointed by His Eminence Cardinal Leger to express an opinion in the name of our committee, and also in the name of all the parents of Montreal, on this very important question, I beg the Senate Committee, of which you are President, to take firm action against this devastating plague, of our best values.

To save the cattle of Canada against a recent fever, Ottawa did not hesitate to take some very drastic measures. What must not our representatives do to eliminate this poison which threatens to contaminate the youth of our country! When you travel by streetcar, as I often do, you are shocked to see so many young men and women fascinated by these photographs, pictures or literature which should indignately any respectable persons.

Honourable Senator, please give your kind consideration to this request which is presented to you in behalf of all the parents who are anxious to protect the morals of their children.

As to the question of juveniles, we made an investigation in 1949 and found out that 15 per cent of the youngsters below the age of twelve were reading pocket books and other kinds of similar publications. They were buying these at the ridiculous price of 5 cents each. They were sold by men who bought them at 25 cents each, and when they got hold of a lot of it they were being distributed by fifteen-year-old children who were selling them at 5 cents apiece. These were publications similar to the ones I see before me on the table here. We made an investigation at St. Vincent de Paul and at the Bordeau Prison and there we found the prisoners had large supplies of undesirable magazines. Now, gentlemen, think of the effect such reading would have on a man who may spend five or six years in jail.

As Mr. Cartier has pointed out, on behalf of the Catholic Action Committee, our censorship board in Quebec has already succeeded in banning 65 magazines. We lost some cases because of our inability to have a clear definition of "obscene". As Mr. Cartier has suggested, we want a clear definition of what is obscene and what is not obscene. We could perhaps do a great deal of work by way of prohibiting magazines and pocket books, not only in our own province, but for the protection of the whole of Canada.

Hon. Mr. QUINN: Mr. Desroches, I was interested in what you had to say about the dealers being forced to take objectionable publications in order to get a proper supply of the standard and better publications. I am sorry you were not in the committee earlier today to hear what these gentlemen had to say about the statement made by Mr. Grenier. The witnesses today say that it is not true, that the dealer has to take the bad with the good.

Mr. DESROCHES: I am sorry I did not hear that part of the proceedings, but I can give you proof that that is the fact.

Hon. Mr. GOLDING: Is it not true that they can take the undesirable literature, but they do not have to sell it, and they may return it?

Mr. DESROCHES: They do not have to sell it, but they lose their trade.

Hon. Mr. HORNER: What we are trying to get at today is whether if they return a large number of the undesirable magazines, that they will then be refused an adequate supply of the better magazines?

Mr. DESROCHES: Yes.

Hon. Mr. HORNER: Do you believe that?

Mr. DESROCHES: Yes, sir.

Hon. Mr. QUINN: Their supply would be cut down?

Mr. DESROCHES: Their supply would be cut down.

Hon. Mr. GOLDING: And do you have proof of that?

Mr. DESROCHES: Yes, sir.

Hon. Mr. HORNER: It would be useful to this committee, if that proof were supplied to us, and we were satisfied on that point.

Mr. DESROCHES: I can prove it any time.

Hon. Mr. DAVIS: Will you undertake to provide proof on that point to the committee?

Mr. DESROCHES: Yes.

Hon. Mr. DAVIS: You will show proof that retailers have to dispose of the indecent literature in order to get the more desirable publications.

The CHAIRMAN: Thank you, Mr. Desroches.

Before the committee adjourns, I think I should read into the record a letter which I received from the Trans-Canada Air Lines addressed to me at the parliament buildings. It is written over the signature of Mr. R. C. MacInnes, Director of Public Relations, and reads as follows:

I have been forwarded a press clipping reporting a brief filed before your committee of the Senate by an Ontario group charging Trans-Canada Air Lines with the distribution of salacious literature through the medium of the newsstands at airports throughout Canada.

I thought perhaps, Sir, that in the interests of maintaining the accuracy of your committee records you would like to know that TCA does not now nor has it ever operated newsstands at any airports in Canada. The Company leases only the space at the airports required for the handling of its passengers and the operation of its aircraft. It exercises authority only over its own employees.

In justice to Mr. MacInnes, I thought this letter should be made part of our minutes of proceedings. I should have presented it while members of the press were present in the committee room, because it should get the same publicity as was given to the contrary statement. We will try to see that that is done.

Hon. Mr. HORNER: I suppose, Mr. Chairman, that the TCA does the same as railways do, lease space to the news people?

The CHAIRMAN: I think they are in a little different position from that of the railways, who own the buildings and let concessions. The TCA does not own the land and buildings from which they operate, as the letter says, "The company leases only the space at the airports required for the handling of its passengers and the operation of its aircraft." They are not in the same category as are railways.

Hon. Mr. QUINN: I move we adjourn.

Whereupon the committee adjourned.

APPENDIX D

Brief filed by Mr. Victor Cartier, Q.C., on behalf of the Diocesan Committee of Catholic Action of Montreal:

We are delighted to be able to answer your very timely request, by submitting to you the conclusions that we have reached following a study of texts and of a long-standing and varied jurisprudence.

The first problem to hold our attention deals with the definition of the word *obscene*. Is a definition of that word possible? If so, we have every reason to believe in and expect the best of results from it. Indeed, we are all aware that at the beginning of the texts and as a kind of foreward to all legislation, the lawmaker takes it upon himself as an inevitable duty, to define the names, terms and the essential words of the proposed law, according to the general theme or object thereof. The definition of the terms determines the extension and gets the limits beyond which guilt is diminished or disappears altogether. Insofar as the lawmaker is concerned, this definition is an irreplaceable tradition. It is also considered as a necessary element that clarifies the text of the law, determines its extension and enlightens the judge's conscience and decision. Furthermore, we are convinced that a good number of benefits are to be derived whenever a definition is possible, since it clears away everyone's doubts.

For several years now, we have always refrained from giving a definition of the word *obscene*, merely because it presented some difficulties. It is obvious that since that term has such a broad meaning and covers so many things, aspects and hues, it is liable to vary in its application according to the environment, age, culture, experience and persons. Hence it must be admitted that it is difficult to give that word a perfect or even convenient that would circumvent it fully while taking hold of it clearly and accurately. Those who have been confronted with the difficulty of defining the word *obscene* object that a definition of this word necessarily sets its boundaries and unfortunately limits its meaning, scope and application. Hence, they claim that by defining this word, the accused person is unjustly favored; all the means of escape are offered to him since he will then be careful to set himself up immediately outside of the boundaries that have been necessarily determined once even a convenient definition has been given. They contend that it is preferable not to define the word *obscene* but to place it before the Honourable judge as it is, namely with its badly set limits, its vague and broad meaning and even with all the difficulties of interpretation that it can and does necessarily stir up in every day life.

To this objection we reply that in criminal actions, it is always distressing for both the accused person and the common good when the principal term is not defined. Under the circumstances, both the judge and the accused person are confronted with a lack of accuracy and on the one hand, the Tribunal is prone to hesitate in giving decision or a decree while on the other, the accused person will not want to acknowledge his guilt nor be able to justify himself.

We summarize what we have just said by stating that a greater evil would result from the absence of a definition rather than from an imperfect one. We therefore choose the alternative that the word *obscene* should be defined as accurately as possible since that would seem to be a more positive approach and a more constructive suggestion. If the text of the definition is very exact, accurately presented and not too limited in its scope; if it is adapted to the different objects, based upon former decisions and in conformity with the general purpose of the statute, we would at least have a definition that could be amended, improved and completed later on, once experience has been acquired. We have no doubt that it would furnish a wonderful implement to those who have the bounden duty of watching over order, decency and public morality.

We have not attempted to submit our suggestions concerning a definition of the word *obscene*. We presume that the high authority to whom this letter is addressed has on hand all the necessary elements to give an excellent definition. If, however, a request was made in this respect we would gladly and dutifully forward our suggestions as well as the results of our research and studies.

The second problem to arise as a result of this study concerns the present text of Art. 207 of the Criminal Code, following its amendment in 1949.

We mention immediately that the words: "knowingly, without lawful justification or excuse", found at the beginning of paragraph 2, should be removed immediately since they give rise to numerous and unjustified extensions. The only effect that is apparently sought by these expressions is to render the law more difficult to apply and to offer an easy and ready-made defence to the accused.

The latter merely has to feign ignorance of the obscenity of which he is accused and to improvise a few expedient reasons to obtain his freedom. This is done with all the more certainty since those expressions and especially the word knowingly have a very broad and inaccurate meaning. Hence they should be removed.

It is also important to note that these words at the beginning the second paragraph, can impose an impossible task upon the Crown Attorney since he has to prove that the accused had knowledge of the obscenity, that he had no lawful excuse and that he acted without justification.

The Jurisprudence in a decision given in 1941 in the *Rex vs. American News Ltd.* case, Vol. 76, Canadian Criminal Cases, page 151, established that: "Knowledge must not only be alleged, but it must also be proved", accused.

A *juris et de jure* presumption should be set up against whether he be a wholesale dealer or not, whereby he knew what he was selling and that he knew of the *obscene* character of his merchandise.

Otherwise the whole efficacy of the law is jeopardized.

Paragraph VII reads as follows:

It shall be no defence to a charge under subsection one that the accused was ignorant of the nature or presence of the matter, picture, model crime comic or other thing.

This should apply not only to paragraph one but to the others also.

Incidentally, we merely wish to mention that articles IV and V should be worded more clearly.

The last question that we studied deals with censorship.

It is our conviction that a bureau made up of several experienced competent and cultured censors would provide the best solution.

Our Government should grant such a permanent Commission flexible and very extensive juridical powers to investigate and to enforce its rulings.

Some will put forth the objection of political influence, etc. Our judges are upright men. Are they not appointed by the civil authority? And what about the commissioners, arbitrators and the superior officers of our different courts? In general, they work well together and their success is due to their devotion and disinterestedness.

The Censorship bureau can detect evil at its source and act without the need of procedures and complaints. It can be a preventative as well as cure. The flexible way according to which it operates, makes it possible to transmit easily a great deal of information that is useful to the public at large. Since it is linked to a well-defined part of the Criminal Code, it can easily proof-read every day the different texts, and if necessary ask for their

amendment or rewriting. Once a censorship bureau has been established, it has so to speak a permanent see: it is always present whenever claims or denunciations are made and everyone knows where to get in touch with it at all times or even at every hour of the day. Its very existence is a guarantee, since a sound, alert and watchful criticism will always be eager to guide it in the right direction and help it in the lofty fulfilment of its duties.

Some helpful precedents are to be found in England.

Wharton's Law Lexicon, 14th Edition, p. 170 under the word *Censor*: etc. .

A person who regulates or prohibits the publication of any newspaper or the publication or the production of any play or part thereof. There is ordinarily no censorship of the press in England; but subsection 12 and 14 of the THEATRES ACT, 1843 (6 & 7 VICTORIA Chapter 68), a copy of every new stage play must, before it is acted for hire at any theatres in Great Britain, be sent to the Lord Chamberlain of His Majesty's Household, who will issue a licence for its production or forbid it for the "*preservation of good manners, decorum or the public peace.*"

Finally we are well aware that Her Majesty Queen Victoria, even though she did not want to interfere with the freedom of the press, had deemed it wise and prudent to prevent certain texts or plays from reaching the public before they had been formally studied, approved or disavowed.

Those are, Sir, our views following our study of this grave and important subject.

We sincerely hope that these few remarks will help to shed a little light upon the problem.

We also wish to inform you that we will readily cooperate with you if you wish to call upon us for further information and added details.

We wish to congratulate you for the wonderful and important work that you have accomplished so far and we sincerely hope that our common and united efforts will help to bring about a greater measure of social protection as well as justice and freedom in our country.

Indicating the follow-up interest in the investigation now being conducted, extracts from letters received are submitted as follows:—

Mrs. L. H. Meng,
Corresponding Secretary,
The National Council of Women of Canada,
Ottawa, Ont.

As the National Council of Women is greatly concerned over the sale and distribution of salacious literature, and as the Canadian Girl Guides is one of our affiliated societies. I would be most grateful if I could obtain 35 additional copies of this booklet for distribution to the Committee of Officers, and affiliated organizations.

Mrs. Fred Drake,
National President,
The Catholic Women's League of Canada,
Regina, Sask.

Would you be so kind as to send as many copies of the minutes of the proceedings of that meeting (February 18th) as are available, to the Executive Secretary, Miss K. Sheridan, 248 Albert Street, Ottawa, and if there is any charge perhaps you would have the Chief Clerk of Committees submit a statement to the Executive Secretary above named.

Mr. D. L. Michael,
Secretary,
Canadian Union Conference of Seventh-day Adventists,
Oshawa, Ont.

Without imposing upon your time would it be possible for you to advise us as to how we may secure copies of the printed report of the hearings of the committee? We would like to continue to follow closely the work of this committee which you serve so well in your capacity as its chairman.

Mrs. E. J. B. Duncan,
Corresponding Secretary,
Toronto Archdiocesan Council,
Toronto, Ont.

*Brief Regarding Import, Distribution and Sale of Salacious Literature,
Crime Comics, Etc.*

The Toronto Archdiocesan Council of the Catholic Women's League of Canada, representing approximately 14,000 members, viewing with ever-increasing alarm the flagrant display and widespread sale of reading matter which, either by obscene pictures or pornographic content, tends to poison the minds and corrupt the morals of youth, deploras the lack of control of this growing menace to Canadian life and culture.

Indecent literature is a contributing factor in juvenile delinquency and in the general moral breakdown of the present day.

Latest Dominion of Canada Vital Statistics available show approximately 15,000 illegitimate births (91 to mothers under 15 years of age) or roughly, 1 per 1,000 of the population per year. In larger centres the cost of maintaining one such child to age 16 amounts to \$10,000.00 which is paid out of the public treasury.

The prevalence of social diseases, as demonstrated by the fact that as high as 5 per cent of the men called up for the armed services at the beginning of World War II were affected, is also traceable to the undue emphasis on sex in periodicals and books.

The Catholic Women's League is pleased to learn that the Senate Committee is continuing its investigation into this matter and strongly urges that adequate enactments be drawn up (if not already existing) and enforcement of such enactments vigorously and conscientiously carried out by those responsible in order that import, distribution, display and sale of salacious literature, crime comics, treasonable and perverse publications, lewd drawings, photographs and articles may be rigidly controlled; and furthermore, that penalties for infractions of such laws be sufficiently severe to ensure they will not be broken with impunity.

The Toronto Archdiocesan Council of the Catholic Women's League of Canada goes on record as lending its full co-operation in this matter and is ready to serve in any capacity within its scope and power.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 6

THURSDAY, FEBRUARY 26, 1953

The Honourable J. J. HAYES DOONE, *Chairman.*

WITNESSES

Rev. Dr. Robert Good, representing the Presbyterian Church in Canada.

Mr. D. Sim, Deputy Minister, Customs and Excise Division, Department
of National Revenue.

Judge Allan J. Fraser, Judge of the Family Court, Ottawa, Ont.

APPENDIX E

Miscellaneous documents

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. J. Hayes Doone, Chairman.

The Honourable Senators

Bouffard
Burchill
Davis
Doone
Duffus
Fallis
Farquhar

Gershaw
Golding
Horner
McDonald
McGuire
McIntyre
Pratt

Quinn
Stambaugh
Stevenson
Vaillancourt
Wilson
Wood

20 Members

Quorum 5

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

"That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure the services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate."

MINUTES OF PROCEEDINGS

THURSDAY, February 26, 1953

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators Doone, Chairman; Bouffard, Davis, Duffus, Fallis, Horner, McDonald, McIntyre and Quinn.—9.

Consideration of the order of reference of December 8, 1952, was resumed.

The following were heard:—

Reverend Dr. Robert Good, representing the Presbyterian Church in Canada, Ottawa, Ont.

Mr. D. Sim, Deputy Minister, Customs and Excise Division, Dept. of National Revenue, Ottawa, Ont.

Judge Allan J. Fraser, Judge of the Family Court, Ottawa, Ont.

Miscellaneous documents received by the Chairman were ordered to be printed as Appendix E to these proceedings.

At 12.30 p.m. the Committee adjourned to the call of the Chairman.

Attest.

JOHN A. HINDS,
Clerk of the Committee.

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, THURSDAY, February 26, 1953

The Special Committee appointed to examine the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

Hon. Mr. DOONE in the Chair.

The CHAIRMAN: Honourable senators, will you please come to order. We have with us this morning Reverend Dr. Good, of the Erskine Presbyterian Church of Ottawa, who is representing the Presbyterian Church in Canada. He is accompanied by Mr. Jamison, an elder of the Church and a member of the Board of Trade. We will call upon Reverend Dr. Good first.

Reverend Dr. Good, of the Erskine Presbyterian Church, representing the Presbyterian Church in Canada: Thank you very much. We want to let you know at the outset how happy we are to have been called to present any ideas or thoughts we may have on this subject. I happen to be on the Board of Evangelism and Social Action of the Presbyterian Church in Canada. This Board meets every second month in the city of Toronto, and during the past year we have discussed this subject at great length. This very brief brief is the result of one hour's discussion held last week when we thought this committee might be inviting one of our members to give our feelings on the matter.

The Board of Evangelism and Social Action of the Presbyterian Church in Canada would assure the members of the Senate Committee of our deep interest in the matter before you, that of seeking a solution to this vexing and controversial problem.

It is not necessary for us to assure you that the Presbyterian Church in Canada cannot support or condone anything that would tend to lower the moral standards of the young people of our land—nor do we desire to give encouragement to any group which, for purposes of monetary gain, would continue the distribution of indecent literature and pornographic publications.

At the same time we feel it to be utterly impossible, through censorship and legislation, to assure morality, good living and righteousness for our people. Are there not now on our Statute Books sufficient laws for the adequate control of the printing, sale and admission to this country of books and periodicals likely to have an improper effect on our young people? If, therefore, there are those who feel that they have grounds and reasons for complaint, let these complainants lay the necessary charges against those who may be violating these laws.

We hold firmly to the opinion that we must start on the HOME LEVEL in training our young people to differentiate between that which is right and that which is wrong. Other groups may have greater persuasion over their communicants, but if they are fearful of the effects of salacious and indecent literature upon their people, and if they lack sufficient control over them to direct their reading and thinking—we of the Presbyterian Church would not support any attempt to institute legislation of exercise censorship over the entire Canadian population.

In harmony with our concept of freedom, we would respectfully suggest that the STATE make full use of existing laws in controlling the admission to this country and the sale of such printed matter and publications—and that the

CHURCH continue to put forth every effort to Christianize the conscience of those within her fellowship, to the end that the nation's thinking and living may be brought to a higher moral level.

The CHAIRMAN: Thank you, Doctor. Would you please sit down a moment because some senators might want to ask you a few questions.

Hon. Mr. QUINN: Dr. Good, you say you do not believe in the effectiveness of censorship. I believe you state in your brief that you do not believe censorship would solve our problem.

Dr. GOOD: I think the consensus of the opinion of our Board was that a certain amount of censorship was necessary, but it was the general opinion that certainly censorship is not altogether the answer to this whole matter.

Hon. Mr. QUINN: You state that we have our customs laws. We have, it is true, but our trouble is that there is nobody to enforce them. It is a case of what is everybody's business is nobody's business. It was suggested, even by some of the delegates here yesterday, that censorship would tend towards bringing about a solution. In other words, if we had censors they would pick out the indecent literature and perhaps lay charges against the people who ship these periodicals across the border.

Dr. GOOD: I would personally confess a dismal ignorance as to the machinery already in existence. I know, of course, there must be certain regulations and restrictions and that the customs people would be the authority in this matter; at least, that has been my impression, but I have no way of knowing just what may be on the statute books which might form any criterion for them. We are ignorant of what may be on the books.

Hon. Mr. DAVIS: What would be your definition of the words "salacious" or "indecent" literature or books or publications?

Dr. GOOD: I am sure that you gentlemen who have been listening to these things through the past few days, and thinking about this matter for a long time, will agree when I say that a thing to one person may be indecent and to another it may be quite normal and proper. I do not think I would want to personally assume the right or responsibility to say what would be indecent for everybody. I have my own standards of judgment in these matters. If I may use this as an illustration, I remember attending an art school in Toronto and while I know some of us were there purely for the study of art, I know that a number of the university chaps were not there for that purpose. They were not there for the study of art or for art's sake.

Hon. Mr. DAVIS: Does it come down to what is intended by the publication or the art?

Dr. GOOD: Exactly.

Hon. Mr. QUINN: Let us say that we had local boards of censors in the different communities and municipalities. Take any three good conscientious men or women as members of these boards. If they decided that a certain publication would be indecent, you could pretty well rely on their collective opinion, could you not?

Dr. GOOD: There again the human element would enter into it. I am always afraid of the word "censorship" and I am always afraid of the machinery of boycott. I may be looking at a utopian concept, but I would like to feel that by and large the people of our country were able to differentiate between what is right and wrong without people telling them what is right and wrong. I have not yet in my limited experience seen a board of censorship which had the unanimous support of all those for whom they were exercising moral judgment and censure.

Hon. Mr. QUINN: Dr. Good, you know our objective, of course. It is to remove from circulation all salacious and indecent literature. The only effective suggestion that I have heard so far is the idea of censorship. Have you any suggestion?

Dr. GOOD: I suppose in the final analysis something like that would have to be done. I have no doubt about that, but our concern is what is to be the criterion. Who will pass judgment on these things, and will it have just the very opposite effect to what you are seeking? We know that often times plays and books have had an increased circulation in places because somebody has said, "This book is not a good book for young people to be reading." One just wonders about the machinery which you may set up—and I should like to assure you, sir, and gentlemen, that the Presbyterian Church will most certainly support any solution of the problem which you may arrive at from your own good judgment and investigation of this subject—we have always been a little afraid, within the bounds of our church, of anything that might savour of dictatorship of the human conscience. We have seen examples of that in our lifetime, and we have seen the results, and how far such a thing can go.

As I have said, we are in ignorance of the existing laws. You will notice in our brief there is a question mark: Are there not surely the governing bodies and those who set up our statutes, who would be able to put into effect these laws and see that they are obeyed? Are they not the people who should put into effect laws which would control that which is obviously obscene and would do harm? It depends on how fine a line you are going to draw, and what criteria you would use in measuring the difference between the desirable and the undesirable.

Hon. Mr. QUINN: Dr. Good, the legislative bodies will provide the legislation, but who do you suggest should enforce it?

Hon. Mr. DAVIS: And at what level, local, municipal or provincial?

Dr. GOOD: There is such a difference throughout Canada as between provinces, that it would seem to me almost necessary to place the control on a provincial level. I do not see how it could be otherwise. What would be acceptable to Ontario, might not be acceptable to Nova Scotia, Quebec, or Manitoba. I fancy that would be the only answer to the question.

Hon. Mr. DAVIS: Dr. Good, we have been accomplishing perhaps two things here: We have given publicity to this unsavoury situation in Canada, by bringing to the attention of the public the documents, pictures, publications and records that are of an undesirable nature; the press has been most co-operative in its efforts to spread the information. We come now to the making of the official recommendations. It is a question of what is indecency, and who should enforce regulations to prevent it. Perhaps some definition may be put in the Criminal Code to cover what is indecent. For instance, a case was heard in Ottawa related to an alleged undesirable publication; a conviction was obtained and an appeal is being taken. In that case the charge was laid by the city. Is that the basis on which we should direct action in Canada, at the municipal level, or should we call together the attorneys-general across Canada, to have them take up this matter, and decide the level at which it should be controlled? Do not think for a moment that it is primarily a federal question; it is a matter of much provincial interest. What would you recommend as to that phase of the situation?

Dr. GOOD: I think, Mr. Chairman, all clean-thinking people would commend the committee for bringing the public attention to these things which are obviously undesirable; and we owe a great debt of gratitude to you ladies and gentlemen who have given of your time to this matter, and to the press for having spread the information. Certainly something had to be done. I personally would not want to act on any censorship board. I feel that I should

not like to see the balance of power in the hands of a church or churches. On the other hand, I should like to feel that some guide should be set, and I think out of your investigation you will feel the trend of thought for all of us. That problem should rest with the lawmakers; and the attorneys-general of the provinces might adequately deal with the matter in their own way at provincial level.

Hon. Mr. DAVIS: A further question—we are endeavouring to a large measure to elaborate on what is required by us in the seventh commandment “Thou shalt not commit adultery”, and the commandment corollary to that “Thou shalt not covet thy neighbour’s house, etc.”. Surely that is a matter in which the churches should interest themselves?

Dr. GOOD: We are very vitally interested in these things, Mr. Chairman, but as I have hinted here, as a result of our discussion in Toronto, it is our duty to elevate the Christian conscience and to inculcate by precept and example these things that have been handed down to us by our forefathers. But I don’t know that I would recognize the morality of any individual who does a certain thing just because if he did not do it he would be punished. We would like to feel that morality rests upon something more than an outward law, that there would be some inward appeal. A boy is not a moral boy just because his father beat him into goodness.

Hon. Mr. DAVIS: But is there not a certain time in the life of a child when he has to be directed? When does that period of direction stop say in the teen-ager, in this matter of the reading of immoral or salacious literature?

Dr. GOOD: Mr. Chairman, I am afraid I could not answer that question because I just don’t know where it stops. I might know where it begins, sir, but I would not be an authority on the age group at which it stopped. I do feel that in our Sunday Schools and in our Young People’s groups in churches across Canada, there should be inculcated the high moral tone that we are trying to set by example; therein lies our duty and our obligation.

It seems to me that within the realm of the lawmakers of the land that there should be devised a guide, and as public opinion is expressed before you, you will be able to formulate certain laws which you feel to be in the interest of all Canadians. I for one would be happy to submit myself to any laws which you may enact to govern us, which you feel is in our best interests.

Hon. Mrs. FALLIS: Can it not be conceived that there is a distinction between censorship for adults and censorship for teen-age readers?

Dr. GOOD: Quite.

Hon. Mrs. FALLIS: Some of us on this committee—and I for one—feel that we have adequate laws in connection with the control of adult literature; but in so far as I am concerned, my interest is in those matters pertaining to young people. For instance, in matters of physical attainments and such standards we in this country assume a community responsibility. That is to say, if parents in the home do not give their children the proper care or the proper food, or neglect them in such ways, the community through the Children’s Aid Society steps in to correct the neglect of children on that basis. Indeed, the community does not hesitate to take an interest in children whose physical needs are not being met. It seems to me that we should not hesitate to step in when the moral atmosphere is not what it should be. We all agree, and we have had many witnesses before us to support the view, that the primary responsibility is with the parents and probably with the churches and schools. If that responsibility is not assumed by the parents and the children are being neglected in respect of their moral needs, do you not think that we as a community should step in and take an interest in their having an adequate moral education? Perhaps I have not expressed myself very well, but you will gather what I mean.

Dr. GOOD: Yes, Mr. Chairman, that is a very logical point of view, and we all agree with it. However, I am always a little afraid of the words "juvenile delinquent". I feel that behind it there has been a prior parental delinquency. It may be that the adult education is in need of some supervision, as well as the education for our young. As you say, we have put up many safeguards regarding the health of children, and as to their play habits and so on, and many other things having to do with their growing up in a normal atmosphere in towns, cities and in the country. It seems to me that the parental responsibility is tremendous, and laws that would be enacted should be directed towards the parents rather than the children. That is why it is so difficult for me to say just where the responsibility begins and where it ends. The community should be able to control that which would be detrimental to the unfolding of the character of the young people along proper ethical lines. It does go right back to the parents, and if there are so many parents who have not recognized their responsibility in this matter, certainly it would seem that the state and the church are blameworthy. I feel myself that a lot of these things we have been doing is just putting a plaster on a wooden leg,—if you will permit that illustration. We have not gone deep enough in this thing. I am always afraid that censorship, if extended too far, might tend to have that unhappy end. We feel in our Church that education along certain lines is the best safeguard, and if, as in our present order of things, it is required that there be some sort of censorship, let it come from a government level, and let those who have studied this whole matter decide as to what shall be admitted to this country and what shall or shall not be printed, and I feel sure that all decent, thinking men and women would accept your judgment in these matters.

But I do feel that the parents are definitely responsible. I greatly fear myself that there has been such a multiplicity of social agencies that it tends to remove from parents a tremendous amount of responsibility.

Hon. Mr. DAVIS: This is an age of mass production of automobiles, crowding our streets, and literature of all kinds, flooding our stores. Because of this mass production, the child's parents may both be working, so what protection does he get in the home? He goes to school, and at the street crossing there is stationed a boy or a man with a white belt, to protect him from the risk of being killed by the traffic. But when he comes out of school and goes to the corner drugstore he sees these mass-produced books there and is immediately exposed to them. Some have asked that the police should examine the books and magazines which one finds in the corner store. So we come back to censorship. The old system of parental responsibility has, I think, largely yielded to these conditions of mass production. I do not think I am exaggerating the present situation when I say that. Not only are we faced with the problem of the policing of this stuff which impinges on the minds of our teen-agers, but somebody has to say what is right and what is wrong, what is indecent, what is salacious, and what should be allowed. We are faced with either municipal or provincial law authorities laying charges and prosecuting cases in the police court, and there is also the matter of defining what is indecent, and under what circumstances, or when the time arrives at which for a young person a publication may no longer be held to be indecent, and of bringing these matters to the public attention. As I have said, conditions created by the great flood of present-day literature and its influence on young people have created an atmosphere which requires an up-to-date approach. I am not trying to pose as a witness, but I would ask you, as one parent, what is your reaction in the face of this state of things, how it affects members of your church and other churches, and what you and they do about it.

Dr. GOOD: Thank you. One realizes that we are living in a time which is much more complicated than twenty-five years ago—certainly a great deal more complicated than when most of us were children. It would seem to me that

the state has a tremendous responsibility in this matter, just as we of the Church have. If there are those conditions obtaining which make it impossible for parents to exercise authority and discipline and set an example in what we may call the normal way, it would seem to me that it is the duty of the state to do its best to remove conditions whereunder a child can grow up to fifteen or sixteen without proper parental control and proper oversight by the mother in the home. I would not want us to shy away from the things you have said. I know, as we all do, this is an age when high living costs make things difficult for many families, but it has been my experience, for what it is worth—and I am now speaking from my experience as a member of the Board of Parole for the Province of Ontario—that a great percentage of the young people who come before us owe the troubles in which they find themselves, of varying degrees of seriousness, to a lack of proper home environment, and in many cases, broken homes. If the government can do anything to prevent those things which tend to break down the human life; if you in your wisdom and judgment, can set up in connection with literature of this kind some safeguard, I know that every religious body would go along with you, for we would know that the things you are trying to do are for the general good of the people. I assume that when the Church is asked, and kindly invited, by you to present our feelings in this matter, we go forward on this premise, that the Church is an organization under God, a divine organization under God, to inspire and to guide and to uplift the people who enjoy our fellowship; and if the situation in a country obtains and is such that the whole moral tone of the country or community has become lowered, then we are as much to blame as the state in matters of this kind. It may well be, if the parents have thrown their responsibility on the community, that we too are blameworthy as churches. I am not wanting to go into detail, but one does feel that, and during this process of transition it may be that the Church has not kept pace with the material development of our country. That being so, we would look to the state to appoint those whom you may see fit to appoint, or take what steps you may see fit to take, regarding this particular phase of modern living and this particular evil. But it does seem to us that our duty is that of pointing the way and setting an example which would be worthy of emulation.

The CHAIRMAN: I think that is a very clear answer. The doctor has been most consistent in his statements throughout, and very fair and very broad. On behalf of the committee, doctor, I wish to thank you. Our purpose here is to get a balanced expression of thinking from all organizations and churches, and we appreciate very much indeed your contribution.

Dr. GOOD: Thank you, I hope it will be of some value to you.

The CHAIRMAN: Our next witness is to be Mr. David Sim, the Deputy Minister of National Revenue.

Mr. DAVID SIM, Deputy Minister of National Revenue: Mr. Chairman, and honourable senators,

Upon receipt of your invitation to have someone from our department appear before the committee, our minister, the Honourable James J. McCann, who has been taking a keen interest in your proceedings, felt that I should appear personally. I am not, of course, in a position to comment on government policy, but I shall be glad to give you factual information about the relative responsibility for entry in so far as the Department of National Revenue, Customs and Excise Division, is concerned.

Under the Department of National Revenue Act it becomes the duty of the Customs Division to control, regulate, manage and supervise the duties of customs which are to be found in the customs tariff as well as other matters incident thereto.

Section 13 of the customs tariff prohibits the importation into Canada of any goods enumerated, described or referred to in Schedule "C" of the Act.

Included in Schedule "C" is item 1201 which has particular interest for this committee. It was first introduced into the Canadian tariff in 1867, at which time it specified "books, drawings, paintings and prints of an immoral or indecent character". In 1868 there was added to the list "printed papers and photographs" and the words "treasonable or seditious" were also included. In 1879 the words "or representations of any kind" were added and there has been no change in the item since that time, the wording today, as in 1879, being as follows:

Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.

There are, as honourable members know, many hundreds of items in the customs tariff which our officers have to interpret, and item 1201 on the face of it would not seem to involve any additional responsibility for our officers.

Having regard, however, to the fact that there is no legal definition in the tariff of the words "indecent or immoral", the applicability of either term to a particular picture or book must be a matter of opinion. If no direction were given in this matter from headquarters it seems clear that the administration of the item would vary with the foibles, predilections or prejudices of our various collectors and appraising officers across the country.

To avoid this undesirable situation, and not without some misgivings, a list has been drawn up of certain books and publications which through the years have been ruled to be immoral or indecent. This list is available to all customs officers, being incorporated in our "Instructions to Port Officers", a set of which is maintained in all of our offices. This list is not intended to be exhaustive, but it does serve as a guide, and any titles contained in it must be refused entry.

Having regard to the legitimate public complaint which could be expected to ensue if each individual collector or appraising officer was permitted to exercise his own judgment in regard to 1201, I should perhaps tell the committee about the precautions which are taken before any title is added to the list of books or publications which are to be prohibited.

Our officers, having the list of prohibited publications for their guidance, are expected to carefully scrutinize any unlisted titles or publications which in their view could be reasonably classified under item 1201. If the doubtful publication is part of a shipment, the collector will hold up delivery while he forwards a single copy to Ottawa for examination. At Ottawa it is the duty of the general executive assistant and those who assist him in the first instance to form an opinion as to the admissibility of the title. If in the opinion of the general executive assistant the book should be classified under tariff item 1201, it comes to me and if I share that opinion it is passed along to the minister for his personal decision before its entry is prohibited.

This may seem like a good deal of formality and red tape, but so seriously do we regard the responsibility of having to say whether or not a book or a publication should be allowed entry into this country or refused, that every precaution is taken to ensure that a proper meaning is given to the words "immoral or indecent" which we are obliged as a duty to construe. It will be observed that this sense of responsibility is carried to the point where the final departmental decision rests with the minister, who must be prepared to answer to parliament itself for any decision taken in this regard if questions are raised.

I think it might be helpful to the committee if I tabled as an exhibit the "List of Instructions to Port Officers" to which I have just referred. It has never been the policy to give wide publicity to the titles contained in it, because it has been felt that this would merely stimulate the curiosity of the

prurient minded and tend to defeat the very purposes for which this item was no doubt enacted. For the first time since Confederation the list was furnished as a return made to the House of Commons on May 12, 1952, but as far as I am aware there were only the briefest references to it in the press.

I suggest with respect that this committee give careful consideration to this point as to whether or not they desire to have this complete list included in the report of its proceedings.

If there are any questions, Mr. Chairman, I shall be glad to do my best to answer them.

Hon. Mrs. FALLIS: Just on that last point, Mr. Sim, that censorship would pertain more to adult reading than to these pocket editions that appeal to the teen-agers, I presume. We have been told by witnesses before the committee that certain titles, in pocketbook form, were prohibited, and that as soon as that happened the book appeared under a changed title.

Mr. SIM: I must say that I have not seen any evidence of that, Senator Fallis.

Hon. Mrs. FALLIS: We have heard evidence of it before the committee.

Mr. SIM: I do now recall one case in which a title had been placed on our list—I believe in the first instance it was an innocuous sort of title—and it was changed to something of a more sensational nature.

Hon. Mr. BOUFFARD: Can you tell us how many publications enter Canada per week?

Mr. SIM: I have no conception of what the number might be, but it must be literally in the hundreds of thousands or millions.

Hon. Mr. BOUFFARD: How many men do you have to look into and inquire about the possible immoral nature of books?

Mr. SIM: May I revise my answer? I am speaking of the total quantity of books that come in, not just the different publications. We have in the custom service about 6,000 officials, anyone of whom would have the supervision of literature as his duty.

Hon. Mr. MCINTYRE: The list you handed to the chairman, which I understand has already been tabled in the House of Commons, is a public document, is it not?

Mr. SIM: In a sense it is, Senator, but I must say that when the document was tabled in the House of Commons it was treated by the press with a good deal of restraint; it did not come to my attention that the press had given any circulation to the titles contained therein. No doubt the reason for that treatment was, as I have indicated, they shared the feeling that perhaps it was not in the public interest to give free advertising to books of this kind which had been deemed to be undesirable.

The CHAIRMAN: I think the number of publications was mentioned.

Mr. SIM: That is my recollection.

Hon. Mr. BOUFFARD: Do you think you have enough men available to go through the books that come into Canada?

Mr. SIM: As to the adequacy of the staff to meet the task, Senator, I should not like to say. I think there would be no end to the time and effort which could be spent in examining publications, if one wanted to do it. However, I think the evidence I have submitted here would indicate that a serious attempt is being made by us to give proper consideration to what is a very undesirable task, that of determining what the words "indecent" and "immoral" mean in this tariff item.

Hon. Mr. QUINN: But notwithstanding all your efforts, Mr. Sim, we have evidence that there are thousands of indecent publications on our stands.

Mr. SIM: I should perhaps say something on that point, which has no doubt been brought to the attention of the committee, namely, that our responsibility extends only to the importation of publications. Unfortunately, my observation has been that when titles are put on our banned list we can expect to find them in circulation in Canada, having been printed here. That is something over which we have no control. There are no doubt many publications which you honourable senators feel are not desirable and which, I am sorry to say, are now being printed in Canada.

The CHAIRMAN: What do you do about printing plates coming into Canada?

Mr. SIM: They are subject, Mr. Chairman, to the same treatment as any other items. They are subject to duty at varying rates, depending upon the type of plates they are. I must be careful about what I say in this respect, because maybe some of you who are experts in the printing field know more about plates than I do. However, they are covered by tariff items 472 to about 475; and the rates, under the most-favoured-nation tariffs, I observe, are all the way from about 15 per cent to free. Certain items are free for the publication of magazines.

The first thing we do is to see whether these plates are properly dutiable; beyond that we endeavour to give them the same attention as we would give to the books themselves. I do recall the case of a certain magazine which was put on our list, and on making inquiries I found that the plates were not coming in at the point where the printing was being done—which I am sorry to say was the city of Toronto—but were coming in through another smaller port. As members of the press will agree, it is very difficult to scrutinize a plate carefully. With pictures one can get a reasonable opinion as to their character, but in classifying printing plates it is necessary to have an expert who can read type backwards.

Hon. Mr. DAVIS: What about phonographic records? How do you scrutinize them?

Mr. SIM: We scrutinize them, and occasionally we make a seizure of them. I think we had a case that ended up in the court in Toronto a short time ago, where some very objectionable phonographic records had been brought through customs.

Hon. Mr. DAVIS: And what about moving pictures?

Mr. SIM: We have facilities, honourable senator, for screening moving picture films, but in that field we rely, I must freely admit, on what I think is an efficient censorship by the various provinces. It would seem unwise to try to duplicate the efforts of the provinces in that regard.

Hon. Mr. DAVIS: I am thinking about private moving pictures.

Mr. SIM: I should have made that distinction: There are a large group of films that come in for public entertainment, the censorship of which we leave pretty well to the provinces; but as to private films, they are subject to screening by our officers, and we are finding quite a few films of an objectionable character. Perhaps I should not use the term "objectionable" but should say that the films are immoral or indecent.

Hon. Mr. QUINN: And some have been seized?

Mr. SIM: We have seized them, yes.

The CHAIRMAN: Is there any appeal from the decisions of your department?

Mr. SIM: I am glad you asked that question, senator, because that consideration often arises. We must always be sure, in any task of this kind that there is some sort of safety valve so that we do not get a bureaucratic administration that is not subject to review. Actually, there are two types of appeal that are open to persons who might disagree with the opinion of

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the department or the minister. That is why I use the phrase "final departmental decision" by the minister. There is an appeal at one stage to the Tariff Board. It will be borne in mind that this is a tariff classification just as is any other tariff item. Parliament has taken very good care to see that practically all the decisions of the Department of National Revenue, as to customs and excise, are subject to an appeal to the Tariff Board which, honourable senators will recall, is distinct and separate from our department. There is the right of appeal on this tariff item as there should be on any tariff item. However, the more common avenue of appeal would lie along the lines of the ordinary seizure procedure, which is roughly this: If we seize a book from John Doe, an importer, we must send him a notice in which we insert the title of the book and so on. I have drawn up this specimen copy in blank, which might be left with you as an exhibit, Mr. Chairman. It contains these words:

"In re Seizure No..... having reported that a seizure has been made from you on..... of the following goods, viz.—

There we insert the title of the book seized.

..... valued at \$...... more or less; and the following charges for infractions of the Customs laws having been made against you, viz.....

That the said goods were imported contrary to law, they being prohibited importation under Item 1201, Schedule "C" of the Customs Tariff.

To which I referred.

Wherefore take notice that if such seizure or charges be maintained, the said goods or monies, if accepted on deposit in respect thereof, become liable to forfeiture, and each party concerned in such infraction of the law subject to penalties under the provisions thereof.

We go on to state to the person to whom this is addressed what his recourse is. I shall not read the statute, but briefly, it involves this, that within thirty days of the time of seizure the person from whom the goods are seized can submit a defence in writing to the department. If at the end of thirty days a defence has been received, it is considered when the case is being returned to the Minister for decision. If no defence is received the case is still returned to the Minister for decision. The Minister's decision is then made. Following that, notice is sent to the person, and he has thirty days again within which to serve a notice of dissatisfaction upon us. Upon receipt of such a notice the Minister can himself refer the case to the Exchequer Court, and if the Minister does not refer the case to the Exchequer Court it will, I should think—not talking as a lawyer, honourable senators—be competent in the individual to seek the return of his property by way of petition of right. That roughly, I think, would represent a fair statement of the avenues of appeal open to any citizen who feels himself aggrieved by a decision under this item.

The CHAIRMAN: Have you any information as to what other Customs authorities are doing in the matter?

Mr. SIM: I have made it my business, in travelling through the United Kingdom and the United States, to inquire from my opposite numbers there just what they do about this task, because I have always felt that this was a rather onerous responsibility, indeed I should say, unpleasant duty; and I have felt that our Canadian Customs authorities were perhaps doing a bit more about this than I have observed being done in other countries. I find that neither in the United Kingdom, Mr. Chairman, nor in the United States do they provide a comprehensive list of books to their Customs officers. I think in the United Kingdom they did issue some years ago a very small list,

not more than twenty or thirty titles, which they said in effect was indicative of the kind of thing that you ought to seize if you find it. That is the extent to which they have gone. I do not want to criticize the United Kingdom procedure, because it may suit their temperaments, it may suit their conditions, it may be the more appropriate way of proceeding than the way we pursue. But it does seem to me, in the absence of something more specific, you are going to find a very loose type of administration. I do not know that this occurs in the United Kingdom. That is the plan they follow. They have a very small list, published some years ago, and I do not believe that list is widely circulated at all.

In the United States they publish no such list, but I believe they do maintain in Washington a card index system, which they do not disclose to anyone. The procedure there is that any collector or appraising officer can, if he believes that a publication is indecent or immoral—because, I should have mentioned, all these countries have somewhat similar sections to our own—seize the book that he thinks comes within this prohibitory section. The procedure they follow is rather interesting. They get the person almost immediately to sign an assent to forfeiture, giving up any legal right in the article; and I understand they are uniformly successful in getting that, because no one wants to argue with a competent authority in favour of a publication which that competent authority has said is immoral or indecent. In the few cases where they do not get that, if a person says “No, I won’t assent to forfeiture, if you want to keep that book you can do so”, they proceed in their Customs Court by way of what they call a consolidated libel, once a year, when the attorney for the Department of Customs moves in the Customs Court and simply gets a blanket sort of forfeiture from the judge. I think in forty or fifty years there have been only one or two cases that have been actively fought in the courts, one being, I think, the rather famous and leading case involving the book “Ulysses”, by James Joyce. As a matter of interest, the finding in that instance was against the Customs authorities, as the committee will remember.

Hon. Mr. DAVIS: I presume that in the United States the authorities are more concerned with their internal production than with imports. But we in Canada are different; we are more concerned with what is coming into this country. You mentioned they had a list. Is that list kept up to date, weekly, or monthly?

Mr. SIM: It is added to, I should say, daily or weekly. For instance, just as a matter of interest, there is the date “15th January 1953” indicating that as recently as last month something was added to this page, which starts with the letter A. As a matter of fact it is a book in the French language.

Hon. Mr. DAVIS: How many names will be on this list? How old is the oldest part of this list?

Mr. SIM: It goes back, I should say, a great many years.

Hon. Mr. DAVIS: Are there thousands of names on that list?

Mr. SIM: No, there is nothing like that.

Hon. Mr. DAVIS: Three hundred?

Mr. SIM: Several hundred, I should think. Bear in mind, honourable senators, that as I indicated, this is not intended to be exhaustive. It is intended to be comprehensive, if you like. But I would attach more importance to it being current than I would attach to it having a great many titles, because it is the current publications that you are most concerned with.

Hon. Mr. DAVIS: You have magazines coming into Canada in large numbers weekly or bi-weekly or monthly. Some numbers may be good, other numbers may be bad. You may have in “X” magazine an article or story of an

objectionable kind in the magazine this week, and next week there may be nothing objectionable in it. What is your procedure? Do you ban the magazine entirely?

Mr. SIM: This has happened, that a magazine has been placed on the banned list, and then they have cleaned it up in the fashion you have described in subsequent issues, and it has been restored. It doesn't happen too often, I may say, because generally, if a magazine publisher is setting out to make money out of pornography, he is pretty well steeped in that way of thinking and he does not change too readily.

Hon. Mr. DAVIS: But you would ban a United States magazine on the basis, not of an individual article, but on the whole atmosphere of the magazine over the years?

Mr. SIM: Oh, always, in classifying either magazines or books, you must look beyond the odd bad word, so to speak; you must look at the purpose, if you like, of the person—

Hon. Mr. DAVIS: The intent?

Mr. SIM: —publishing that thing. Sometimes that intention is very obvious and in those more obvious cases there is no doubt about the type of action that should be taken. To indicate that we are giving serious attention to this task, perhaps I should say that when we find a publisher who is regularly publishing titles that we find should be classified under this item, we alert our ports to give special attention to all the works published by that particular publishing company. I am sorry to say there are some publishing houses which seem to specialize in what many people would regard as indecent or immoral publications. In giving out a list of such publishing houses to our ports we do not say to the port officer, "You must ban everything published by that publishing house". We do say, "Take warning because in our experience we find that this publishing house had had 'X' number, so to speak, of publications that have been found to be immoral and indecent, so if you find any new titles coming from that house, in effect, please bring them to our attention".

Hon. Mr. McINTYRE: Would you say that the customs officers at the ports are now acting somewhat in the capacity of censors?

Mr. SIM: I do not like to admit that we are running a censorship board of any kind. I prefer to speak of it as an unpleasant duty of Classification under the tariff.

Hon. Mr. DUFFUS: When is a shipment examined after it arrives at a port?

Mr. SIM: Immediately.

Hon. Mr. DUFFUS: Do the officers open the shipment up and examine its contents right there and then?

Mr. SIM: Oh yes, immediately. They do not permit delivery until they have opened the shipment.

Hon. Mr. DUFFUS: Thank you very much. That is the answer.

Hon. Mr. BOUFFARD: You have a tremendous amount of publications coming in? With all the good work your department is endeavouring to do, do you think it would be possible for the officers of the Customs Department to act as censors in respect to all publications that come in?

Mr. SIM: I do not think so at all. I am quite sure that with the best will in the world in the matter of discharging a duty of this kind, there would still be publications coming in that honourable senators would themselves believe to be immoral and indecent.

Hon. Mr. BOUFFARD: You do your best.

Mr. SIM: Yes. I am just trying to indicate that we are not treating this task lightly. Perhaps the best proof that it is working out not too badly is that we are getting a fair amount of complaints both ways, although I must say

most of the recent complaints have been about what is coming in and not what is being kept out. I should add that apart from the detective activities of our own officers as to titles, we do get valuable co-operation from church organizations and other bodies. This co-operation is highly appreciated. We are glad to have anyone bring to our attention for consideration the titles which he considers to be indecent or immoral literature. I notice from reading the proceedings of this committee that you have had evidence given by certain leagues and so on which have been giving special attention to this type of reading material. It is sufficient for us to go ahead and have any material examined if some responsible body is of the opinion that it is immoral or indecent. We examine such publications and see whether we agree with what has been alleged.

Hon. Mrs. FALLIS: It has been stated so often that one of the difficulties encountered is the matter of defining what is obscene or salacious. From the dozens of samples which have been submitted to this committee of books which are on sale all over the country, I would say that those who are doing the censoring or selecting—if you like that word better—certainly give lots of leeway. We have had dozens of publications placed before us that any group of decent-minded citizens would condemn as being unfit for young people to read. These publications are coming through all the time, so I do not think they adhere to a very rigid idea of what is obscene. What would you say?

Mr. SIM: It is a matter of opinion. Some people would undoubtedly take the view that we are far too liberal in our ideas of what is immoral and indecent, and others, I am sure, would take a contrary view. It is always conceivable too that there will be variations in our administrative procedure because, as I have indicated, you finally get to the point where your minister is the last word short of parliament. I can only answer your question this way, Senator Fallis. We do follow the courts very closely as being perhaps the best guide as to what should be considered immoral or indecent. As a matter of interest, in the recent case heard here in Ottawa, all of the books and half of the magazines found in the opinion of the trial judge to be classified under section 207 of the Criminal Code were on our list. As soon as he gave his opinion the remainder of the magazines were put on our list without delay.

The CHAIRMAN: I think it is a fair comment to say that there is a much more comprehensive coverage than the public is generally aware of.

Mr. SIM: I think that is probably the case, Mr. Chairman. I must say, however, I did not come before the committee with the idea of having you feel that we are perhaps doing a perfect job.

Hon. Mr. QUINN: Would not boards of censors be of great assistance to you?

Mr. SIM: They would at least remove the responsibility of this work from us.

Hon. Mr. QUINN: You do admit a lot of this objectionable stuff is coming through and evading the customs officers.

Mr. SIM: I would not like to say that because it is almost a condonation of smuggling, which to a customs officer is a sin that cannot be forgiven. I will admit that there are a number of publications which seem to get in. We do stop a great many of them from coming in but there are undoubtedly others getting by.

Hon. Mr. QUINN: If censors in various communities picked out these titles or publications and submitted their names to your department, would it not be a help?

Mr. SIM: Anything that would help us to construe these words "immoral" or "indecent" would be helpful. As long as the opinions that you are getting

are representative of Canadian views all over, it would be helpful. It may be impossible to find an ideal cross-section group which would reflect every point of view, however. It is conceivable that if you are getting information from a single organization you might find a bias, or you might find a prejudice that would lead to abuses.

Hon. Mr. QUINN: You would be able to double check on this material and the result would be thoroughly conclusive.

Mr. SIM: If as a matter of policy a board of some kind was established whose duty it would be to do nothing else but this work, it would of course be a great relief to us.

Hon. Mr. QUINN: Then you would have a double check as to the material.

Mr. SIM: I am not just sure I understood the kind of censorship board you have in mind. I am thinking of some sort of official board that would come under a government agency of some kind. Is that what you have in mind?

Hon. Mr. QUINN: Yes.

Hon. Mrs. FALLIS: If this committee, by directing public attention to this question, could arouse the people of Canada to be more interested, would that strengthen the hands of the government and the customs officials?

Mr. SIM: I may say, Mr. Chairman, that since this committee commenced its activities I have observed that there is much wider public interest in the subject and I think it is fair to say that we have had brought to our attention a greater number of copies of publications for examination and scrutiny. I am sure that change is directly attributable to the publicity which has arisen out of the research that this committee has undertaken.

Hon. Mr. DAVIS: I stated earlier this morning to a previous witness that our home life had changed; the guidance of teen-agers seems to be at an end. It has all changed from the days when there were large families in one home, and many bedrooms. Indeed, we are now almost cliff-dwellers and we have no home life. Our children go to school, they are protected while crossing the streets, and they go into places for refreshments and see there a display of books.

Do you make any distinction between immoral literature, pictures and records for teen-agers as compared with those for adult reading, or do you pass judgment without making any distinction as to the age group it is intended for?

Mr. SIM: It would be impossible for us, honourable senator, to make that distinction. We look at the books when they are being imported by an importer or a wholesaler, in large quantities, but where these books and the publications finally go, we have no idea.

I should perhaps have mentioned earlier to the committee that there are certain types of medical books which might be freely allowed to a doctor, but which should be kept away from the adolescent and even from lay adults. These are titles having to do with certain perversions which are properly allowed for medical research and can be brought in by medical doctors. We permit their importation by doctors but not by anyone else. We could not possibly begin to extend our treatment to have regard for age groups. After all, these books comes into the home and what happens then we do not know.

Hon. Mr. DAVIS: Would you keep out books that are immoral for teen-agers? If they are immoral for teen-agers, do you keep them out so as to prevent adult reading of them?

Mr. SIM: I do not think we can construe the words "immoral or indecent" in relation to age groups.

Hon. Mr. DAVIS: Reference has been made here as to what should not be allowed in for teen-agers, but which might be allowed for adults. But I understand your operation is only as to what is moral and what is immoral.

Mr. SIM: We have to deal with it on the basis of what is indecent or immoral, and that is the end of the matter. We could not distinguish between books that should be made available to different age groups.

Hon. Mr. DAVIS: Your supervision applies only to whether or not it is indecent or immoral.

Mr. SIM: Yes. Perhaps I should make this distinction—and I think it is a little more common in England than here—as to dealing with classics. There might be a Rabelais or a Boccaccio which would be quite appropriate reading for students or professors of English, and which might be quite objectionable if put up in a 25-cent edition. I just mention those traditional authors who might be marked in such a way as to have a wrong appeal. The same words in a different form would make them objectionable. One of the most troublesome decisions we had to make had to do with the Holy Bible. A publisher designedly went through the Bible and picked out passages that were perhaps of an indecent nature, and as honourable senators will understand it was published for the purpose of having a certain appeal. There is no doubt about the intention of a person who does that type of thing, and it should be regarded as indecent.

Hon. Mr. DUFFUS: Mr. Chairman, from the information we have been getting, there is no doubt but that the public are paying attention to the work of this committee.

Hon. Mr. DAVIS: Mr. Sim, what do you recommend as an effective way for dealing with indecent literature, using your department as an agency to accomplish that end? Do you suggest the strengthening of the definition in the Criminal Code?

Mr. SIM: I hesitate, Mr. Chairman, to express an opinion on a matter which affects government policy. I think any advice I would have to give, would have to be given to my minister.

The CHAIRMAN: Thank you very much, Mr. Sim.

Our next witness is Judge Allan Fraser of the Family Court in Ottawa.

Judge ALLAN J. FRASER: Honourable senators, I do not quite know why I am here. I was asked only late yesterday afternoon if I could be here, and I have not had an opportunity to prepare anything. I have just now come from my court, and I do not know quite what I am expected to say. Perhaps I should explain the work I do and tell you why I am interested in this subject.

As judge of the family Court of Ottawa I deal with every phase of family life affecting all people from juveniles up to persons of 80 or 90 years of age; every incident in family life that causes discord of any kind is referred by the other courts to me, or comes directly to my court. I handle all adoptions, and cases under the Children of Unmarried Parents Act. I mention these because there are many family courts which do not handle them; for some reason I have the largest jurisdiction of any family court in Ontario and perhaps in Canada. I also handle the juvenile court work, having to do with cases of neglected children who are made wards of the municipality. In that way I am dealing with juveniles, teen-agers, middle-aged and older people.

I have been interested in the meetings of this committee and the evidence which has been brought before it, because from time to time incidents have happened affecting juveniles and teen-agers that caused me to wonder what should be done along certain lines to supervise what juveniles and teen-agers hear over the radio, see in movies and read in books and magazines. Frankly, so far as juveniles are concerned, I am not unduly concerned with the material they read. Most of them are these Western magazines, or "Gangsters", and so on. And in dealing with them, I try to look back to my own experience. When I was a youngster we had the "Jesse James" and the "Wild Bill Cody" series, and when you analyse them, they are not far different from the present West-

erners. I do not think the youngsters today—because they have not got the money, for one reason—read many books. If they get bad ideas they more likely get them from the radio and the movies than from books. Because I do not think that youngsters today—and I am thinking of children up to twelve or thirteen—read many books of any kind outside of school books. When you get up into the teen-age group, I sometimes wonder, and I wish I had some time to get some figures, as to the growth of illegitimacy, whether or not it is being promoted or encouraged by virtue of the books that are now being made available, and undoubtedly are being read, by teen-agers. In my Children's Aid Court, where children are brought in and made wards as neglected children, a very large percentage of them are illegitimate children; and the mothers range anywhere from fifteen years up to twenty-three or twenty-four. Most of them are young. When I look at them I wonder where they got their ideas and what got them into this trouble. On my way here today, for instance, I had to put a young girl in jail to hold her until I could inquire about her. Her father came in yesterday. She was seventeen. She has a child six or seven months old. I asked her where the father was. She said "I wanted to get married, but my own father would not let me, and he is out of the city." The girl has run away from home several times. The mother left that home four months ago for some reason. The father is far from being an angel himself. I have a great suspicion as to his actions with his own children. When the officer came down to bring in the girl, an older girl said, "Get her to hell out of here, and as soon as they get her in jail I am going out." That is the sort of environment we find in that and hundreds of other homes. To what extent are these books responsible? I am not so concerned with magazines; I don't know so much about them. I do see a lot of these pocket-books; and those are the ones, in my humble opinion—perhaps I have nothing to base it on—which are doing the damage. I see a lot of them, because I read a lot of them myself. I like these Westerns; Mike Shane, and stories of action. That is my form of recreation when I get away from my courts. So I have got in the habit of mulling over these books in these different stores. The thing that strikes me, as I think it must have struck your committee, is the titles and covers. Go to any of these newsstands in the stores, and you will see a number of them. The children are driven, today, because of the lack of home life, to living in these juke box joints on the corner. That is where more juveniles get into trouble for the first time than any other place, to my knowledge. You have these showcases with dozens and dozens of these books. The title itself is suggestive, and often the title does not satisfy the publisher or author, he has a sub-title underneath with a phrase or sentence as suggestive as anything can be, and then a picture of a woman, half-naked, tied, and a man coming forward to attack her, or who has attacked her, or something like that. All of you have seen them; I do not need to describe them. The reason I differentiate between these, and the ordinary best-sellers, and the more expensive books, is that I do not know much about them; I do not read many of them. You do not get suggestive titles in most of the better books that are sold, even though there is a lot of criticism of some of them as regards their contents. Those books do not fall into the hands of teen-agers; they are too expensive, and there is nothing outside to indicate by picture or title what is in them. But I am of opinion that these pocket-books I am speaking of are sold by the covers. The fact that nine out of ten have these covers and suggestive titles and sub-titles is the best evidence, I think, that that is what is making those books sell so much. If it was just an ordinary title, what youngster who would go in there would know what to pick out? He would wait until he heard someone mention the book. But these books are flaunted in front of all—teen-agers, particularly, in the juke box joints, in the

smaller book-stores and news stores and cigar stands, and of course in some of our larger places, like the Chateau Laurier, and elsewhere. I think that if they eliminated those covers, or tore the covers off a whole lot of these small books when they come in this country, the sale would go down a great deal.

As regards other periodicals or magazines or books, I do not know anything about them. As regards juveniles, frankly, I do not think they are learning much out of reading books,—certainly, not learning as much as they are from what they see at movies and what they hear over the radio, and what they read in the local press. With all due respect to the local press, I am of opinion that the way they write up certain episodes—

Hon. Mr. DAVIS: Murders, rapes.

Judge FRASER: —murders and so on, requires some comment. These are coming in every day to every home in the country. The children hear their parents discuss them, and it makes them curious, and they pick up the paper and read it. I have had two instances in Ottawa affecting juveniles, one not more than two or three weeks ago. One was about a young boy who was supposedly tied and indecently assaulted by another boy. I have that boy appearing before me on Friday. We have the story pretty much. It is nothing like what was reported in the paper and was built up and read by all these youngsters; and that is the sort of thing that gives them ideas. A few years ago we had an even more lurid tale, of a boy who was found hanging, it was said, suspended by wires, and very badly assaulted; and he was rushed to the hospital. All that was put in the paper. Three boys were eventually arrested. First they said it was the work of a male sex maniac, and a large section of Ottawa, I know, got very perturbed about what was going on, and asked what were the police doing about catching this man before somebody else was attacked. I was being called up to inquire what we were doing. Eventually, as I say, they arrested three youngsters, and the Crown Attorney himself appeared on the case. I had the accused mentally examined, because of the publicity. The examination was made by an independent psychiatrist, and when we got down to the story there was practically nothing to it.

Hon. Mr. DAVIS: You say the newspaper distorted the facts and published them as facts?

Judge FRASER: Yes, in these two instances.

Hon. Mr. DAVIS: Local?

Judge FRASER: Local. And you will read it all over. You will read it in all the papers. And if you think that these books you are talking about influence teen-agers and juveniles, or adults, what must a paper that goes into every home—

Hon. Mr. DAVIS: Every day.

Judge FRASER: —every day, do?

Hon. Mr. DAVIS: With sensational headlines.

Judge FRASER: With sensational headlines. And if the parents read it and discuss it, as naturally they do, the children hear it, and it is brought to their attention in that way for the first time, and they will read that newspaper when, six days in the week, they never read a newspaper.

Now, as to the law. Section 207 was mentioned. There is also the obscene language, not so much as swearing. We recognize swearing as an offence under the section of the Code which says that swearing at or near public places is an offence. Why do we say it is an offence to swear on the street, and yet allow swearing to be printed in a book? I will not say that under the present Code as it stands you could convict a person, but it would not be hard, I would think, to change the Code. But in the case of a book that contains all kinds of swear words, besides obscene words, and taking the name of the Lord in vain on almost

every page, why do you allow that, and yet say that if you swear in public on the street you are committing an offence under the Criminal Code? I have often wondered, and I wondered what I would do if a publisher or distributor or an author were brought before me on a charge of contributing to juvenile delinquency. That is not a charge that is in the Criminal Code, but it is the Juvenile Delinquency Act, and whoever conceived that measure certainly did a wonderful piece of work. I use it so often where you cannot get a malefactor in any other way.

Hon. Mr. DAVIS: Juvenile Delinquency Act?

Judge FRASER: It is in the act.

Hon. Mr. DAVIS: You mean you can lay a charge of contributing, by this book or magazine?

Judge FRASER: What I was going to say was I have dozens of cases of parents charged under the act with contributing by swearing in front of their children who are under sixteen, teaching the children to swear, and by swearing, the children are likely to commit an offence. They do not have to commit one, but "likely". If a book is sold that contains all these swear words, as so many of them do, and it were proved that a child was in a position to be able to buy one of these books, and the publisher was charged before me with contributing to juvenile delinquency, I could not find him guilty. If I did, the offence under that section is two years, which means penitentiary, and/or a \$500 fine. That is how serious the lawmakers made that crime.

Hon. Mr. DAVIS: I am not asking you to commit yourself, but suppose a phonograph smooch record was brought in that definitely contributes to juvenile delinquency, and let us say a charge is laid against the vendor of that record. Would that be made to stand in your court?

Judge FRASER: I may say I would be very interested in trying it. It may be that I lean backwards in trying to protect juveniles, and perhaps I am a little biased in my opinions in these matters. The definition of a juvenile delinquent is a person who breaks any law, municipal or federal, in matters dealing with juveniles. That is how broad the crime of juvenile delinquency is. For instance, if you sell a record to a boy with something obscene on it, or oaths, you are teaching him to swear, and if he swears he is committing an offence of juvenile delinquency.

Hon. Mr. BOUFFARD: What if the vendor does not know anything about it?

Judge FRASER: I am not going into the question as to who should be held responsible. To shorten this up, I know what I would do with these pocket books. I would tear off the covers. If you did that I am sure it would cut the sale of these books tremendously. You do not find these covers on best sellers or more expensive books. Is not the mere fact that these titles and pictures are put on the covers of these pocket books—and some of these are reprints of books that were published under other titles—the best argument that this is what is selling these books? These books contain nothing but tripe, and I do not see how anybody can call them literature. They are poorly written and contain for a great part descriptions of actions between people of the opposite sex.

Hon. Mr. DAVIS: They are just published to make money.

Judge FRASER: That is right.

Hon. Mr. BOUFFARD: What is your opinion about establishing a board of censors?

Judge FRASER: There again you are getting into a big field. I like the suggestion that was made by a witness who appeared before this committee during the past week. He suggested that this censorship could be done by a

group of ordinary citizens. I would point out, however, that I would not want a board of censors to pass judgment on what might be termed the better class of books. With respect to a heavier type of literature, it depends on the attitude of the person reading it whether it will help or hurt him. Surely we can distinguish between that type of book and the trashy type. I am sure that any one of an ordinary group of citizens would not hesitate throwing out the trashy type literature if he just took time to read some of it. There will be no question as to what a jury's verdict would be, if this literature were read aloud before them. There would be no question about 75 per cent of them anyway.

Hon. Mr. BOUFFARD: Do you not think someone should have the responsibility of attending to this sort of thing?

Judge FRASER: I do. I think somebody should look over these books and not permit them to go on sale.

Hon. Mrs. FALLIS: I am very interested in the statement made by Judge Fraser that teen-agers are not interested in the books which we can describe as the better class of books. I have had a good number of arguments with people on that question. When speaking about censoring some people claim that you cannot differentiate between adult literature and literature for teen-agers. Incidentally, I do not think we should dignify these pocket books by calling them literature because they are not, but I have contended all through the sittings of this committee that what we are concerned with is what you, Judge Fraser, are concerned with, teen-agers and juvenile reading. The teen-agers do not buy expensive books and they do not want them even if they are given to them as a gift.

Judge FRASER: That is right.

Hon. Mrs. FALLIS: Could you suggest to this committee any way in which people in a community could be helpful?

Judge FRASER: The difficulty is that with respect to the better books, if the press or the public is given some suggestion that all is not well in the book, the book becomes all the more popular. It is the best kind of advertising the book can get. That is when the teenagers will beg, borrow or steal money to get hold of a book that they would otherwise not think of even looking at. As to the older people, these books will not do them any harm even though they might not do them any good. For instance, swear words in such a book will not teach the adult how to swear. As for the obscene language, they will pass over it and get to the better part of the book. I do not think that one teenager out of twenty would be bothered to even pick up such a book if it had an ordinary title and cover on it. I have two daughters of my own, one just under sixteen and one seventeen or eighteen, and I have had two boys, and, as I say, I am dealing with boys and girls, teenagers and juveniles, all the time. I am not a psychiatrist but I do get to know the children and I think I understand something about what is going on in their minds. I do not think they are interested in the better type of reading. Every young person today is listening to the radio or going to movies in his leisure time. He is not interested in reading good literature.

Hon. Mrs. FALLIS: Would you have any suggestion to make in connection with this lurid type of pocket book literature? How could people, for instance, in a community such as Ottawa help you, say, in your work?

Judge FRASER: Well, the average family of course does not have this literature around in its home. You will find it more in families where the environment is not good or where the parents are divided due to the father running around with a woman or the mother running around with a man. That sort of thing introduces the sex idea into the home in the first instance, and

then the children are hearing their mother accusing their father and vice versa. That sort of thing breeds the idea of sex in them. You do not find this type of literature in the ordinary home. I bring a number of books I read into my home and I have yet to see either of my daughters even pick them up to look at them to see what kind of books they are. They are not bothered about them. It is the children who are being driven out of their homes who are more interested in these trashy books. Incidentally, I have some strong ideas on this subject about how we are driving our children away from the home. The honourable senator made a remark about the home. It is true that the day when we had individual homes of our own is gone. We now drive our children out of the home on to the streets, and into the corner restaurant where they have easy access to these books, and out of idle curiosity they pick up a book, see a lewd picture on it and start reading it. One can see them reading books in stores all the time; they see the racy passages, and they buy that book. If they come from a good home, they hide it—because it is handy and easily carried in their pocket—and they read it when they have the opportunity.

As to an educational program, one has to be most careful in what is recommended; otherwise we will defeat our own purposes. If we give publicity to certain literature, children may say "I did not know there was that kind of book; I would like to see what it is like."

Hon. Mrs. FALLIS: It is a question of reaching the kind of people who need the help.

Judge FRASER: I have gotten in wrong with parents before, for saying that I thought that the man who invented apartments should have been hanged.

Hon. Mr. DAVIS: We are just cliff-dwellers.

Judge FRASER: That is true. Families who live in apartments have no place for their children to romp, and they are driven out into the streets and places where they will come under undesirable influences. I have been criticized for saying it, but I repeat now, that the biggest cause for juvenile delinquency and the breaking up of homes is that people—especially those in the poorer classes do not live in a single building; they share accommodation with somebody else. Many of these people do not have as much as \$500 to pay down on a house, and no government has suggested a scheme whereby—even if it paid 99 per cent of the cost—these people could pay their share and get private accommodation. I know of homes where the children sleep eight or nine to a room, and where boys and girls of thirteen and fourteen years of age sleep together. One can readily appreciate what that is doing to them. That condition exists all over this country, and particularly right in this city. I have been criticized for saying—within a stone's throw of the shadow of this building—that there are homes where eight and nine children, their father and mother, live in a rat-infested two-room apartment, with only one lavatory. I know of one old home which has been converted into apartments and accommodates ten families, with eighteen children under sixteen, and seventeen grown ups and has the accommodation of only one lavatory. That building is probably 75 years old.

Hon. Mr. BOUFFARD: You are pointing out one of the aspects of our present day age.

Judge FRASER: Yes; perhaps it has nothing to do with books, but the books come into the home, and they are brought in by people who should not be reading them. The main difficulty is that the children are driven out in the streets and there they see the books. We know how they are being exhibited in every corner restaurant and drug store.

Hon. Mr. DAVIS: The whole publication industry is organized by a certain type of people, and they cater to the children who are forced out of their homes on to the street.

Judge FRASER: That is right.

Hon. Mr. DAVIS: It seems to me the purpose of this committee is to bar the publishers and the producers of the wrong type of literature, but I think your information is very much to the point.

Judge FRASER: I am sorry it has not been in better form.

Hon. Mr. DAVIS: But you are living with conditions in this city, and are familiar with them.

Judge FRASER: This is a pet subject, the lack of homes for our poorer families and its contribution to juvenile delinquency and the breaking up of homes. I deal with fifty or sixty cases having to do with domestic relations every week, as well as juvenile problems, adoptions, illegitimate children, neglected children and so on, and I think I know the trouble behind many of our domestic problems.

Hon. Mrs. FALLIS: Mr. Chairman, we are very much indebted to Judge Fraser for coming here on such short notice and giving us of his vast knowledge which springs from his contact with the young people. He has been a most valuable witness.

The CHAIRMAN: We are grateful to you, Judge Fraser. I may say that I called the judge last evening after the Senate rose at around five-thirty, so he has not had an opportunity of preparing a presentation.

Judge FRASER: Had I had the opportunity, it would have been in shorter form and would not have taken up as much of your time.

The CHAIRMAN: Thank you very much.

Hon. Mr. DAVIS: I move we adjourn.

Whereupon the committee adjourned.

APPENDIX E

Letters have been received from the Official Secretary of the Australian High Commissioner's Office, Ottawa, indicating the position in Tasmania, New South Wales and South Australia. It will be noted that recommendations have been made at a recent Conference of State Premiers to extend the meaning of the word "obscenity" in the Obscene and Indecent Publications Act in New South Wales. The correspondence is herewith submitted. (The relative Acts are on file for inspection.)

24th February, 1953.

Australian High Commissioner's Office,
Ottawa.

Dear Sir:

Further to my letter of 20th February regarding Australian legislation on the sale and distribution of salacious and indecent literature, I am enclosing some additional material that has been supplied by the Premier's Office, Adelaide, and by the Premier's Department, Sydney.

Yours faithfully,
J. L. McCREIDIE
Official Secretary.

The Honourable J. J. Hayes Doone,
The Senate,
Ottawa, Ontario.

Premier's Department,
Sydney.

Dear Mr. BROWN,

I refer to your letter of 21st January (785/10) concerning the request by the Canadian Senate Committee to be furnished with information in regard to the sale and distribution of obscene literature so far as this State is concerned.

I now enclose copy of the Obscene and Indecent Publications Act of this State. Particular attention is invited to the definitions "Obscene Publication" and "Indecent" and to the section "application of Act" (see page 2). Attention is also invited to the limitation on the reports of judicial proceedings (see Section 19—page 9).

At the Premiers' Conference in July, 1952, it was agreed that New South Wales would convene a conference of State Officers to examine the possibility of the States taking uniform action to control children's literature. The conference of State Officers was held in Sydney on 11th November, 1952, and all States with the exception of Western Australia were represented thereat.

The Conference examined various suggestions and proposals for meeting the problem. The question of censorship in various forms was discussed, but after considering the far-reaching effects of such measures it was decided

to recommend that the State Laws relating to the publication of obscene and indecent publications be extended as set out in the following resolution which was carried unanimously:—

That the definition of obscenity be extended to include any matter tending to deprave or corrupt persons whose minds are open to immoral influences or unduly emphasising matters of sex, crimes of violence, horror or gross cruelty; and that, provision being made for the exception of works of recognised literary merit or bona fide pharmaceutical, medical or political works, there should with this amendment be adequate powers to deal with the publications that are the subject of this Conference.

The recommendations of this Conference are now receiving consideration by various State Governments.

Yours faithfully,

P. H. Roper,
per L. R.,
Under Secretary.

A. S. BROWN, Esq.,
Secretary,
Prime Minister's Department,
CANBERRA, A.C.T. 4S.

Premier's Office,
ADELAIDE.

30th January, 1953.

Dear Sir,

With reference to your letter of the 21st instant, (785/10) seeking information for Senator J. J. Hayes Doone on the sale and distribution of obscene literature in South Australia, I desire to inform you that the relevant legislation in South Australia is Section 11 of the "Children's Protection Act, 1936:—

Any person who—

- (a) sells, lends, gives, or offers to sell, lend, or give to any child; or
 - (b) in any way employs or hires any child to exhibit, sell, give away, or in any manner distribute;
 - (c) having the custody or control of any child, permits him or her to exhibit, sell, give away, or in any manner distribute,
- an obscene publication, shall be guilty of an offence against this Act and liable to imprisonment for any period not exceeding six months, and to a fine not exceeding fifty pounds."

The definition of "obscene publication" includes—

- (a) any book, pamphlet, magazine, newspaper, or document devoted to the publication, or composed to any considerable extent of or giving special prominence to criminal news, police reports, or accounts, stories, or pictures of lust or crime;
- (b) any drawing, picture, or written or printed matter of an indecent, obscene, or immoral nature."

A copy of this Act is attached.

During the conference of State officers held in Sydney on the 11th November, to examine the possibility of the States taking uniform action with regard to the control of children's literature, the setting up of a form of censorship was not favoured. The majority of the representatives were of the opinion that such an authority was likely to become cumbersome in operation and difficult as regards uniformity between the various States.

After much discussion and consideration, the following resolution was submitted and accepted by the Conference:

"The Conference recommends: That the definition of 'obscenity' be extended to include any matter tending to deprave or corrupt persons whose minds are open to immoral influences or unduly emphasising matters of sex, crimes of violence, horror or gross cruelty; and that, provisions being made for the exception of works or recognised literary merit or bona fide pharmaceutical, medical, or political works, there should with this amendment be adequate powers to deal with publications that are the subject of this conference."

Yours faithfully,

(Sgd.) M. A. F. PEARCE,
Secretary to Premier.

A. S. BROWN, Esq.,
Secretary,
Prime Minister's Department,
Canberra, A.C.T.

Commonwealth of Australia
Attorney-General's Department
Canberra A.C.T.

4th February, 1953.

Memorandum for:—
The Secretary,
Department of External Affairs,
Canberra A.C.T.

*Indecent literature—Australian legislation—
Enquiry by Canadian Senate Committee*

I refer to your memorandum No. 557/2/16 dated 15 January, 1953, and note that you have also referred the request to the several State Governments. For this reason I have not examined State legislation on the subject of the enquiry, and I do not think that any assistance would be rendered by supplying references to the legislation of the Australian Capital Territory or the Northern Territory which correspond to State legislation.

2. So far as Commonwealth legislation is concerned it might be pointed out to the Senate Committee that the power to legislate with respect to the sale and distribution of indecent literature is, in the States, reserved by the Constitution to State legislatures. Consequently, the Commonwealth Parliament is unable to make a law in the terms of section 207 of the Canadian Criminal Code; but it can affect this subject matter where it arises incidentally in the exercise of particular Commonwealth legislative powers such as those relating to customs or posts and telegraphs. For example, the Commonwealth Post and Telegraph Act includes provisions similar to those of section 209 of the Canadian Criminal Code.

3. I am attaching a copy of the Posts and Telegraphs Act 1901-1950 and I am setting out below a number of references to sections of this Act and extracts from other legislation. The references and extracts are as follows:—

- (a) Post and Telegraphs Act 1901-1950
—Sections 3 29(1.) and (3.), 40 (d), 43, 44, 57 (1.) (e), 96, and 107 (b) and (c).
- (b) Broadcasting Act 1942-1950.
—Section 91 (2).—“A person shall not render for broadcasting any item, or pass or select for broadcasting an item, which contains any matter which is blasphemous, indecent or obscene”.
—Section 91 (1). prohibits the broadcasting of such matter, and section 62 empowers The Broadvasting Control Board to determine the censorship to which all matter, including advertisements, to be broadcasted by a commercial station may be subjected.
- (c) Customs Act 1901-1950
—Section 52 prohibits the importation of blasphemous, indecent or obscene works or articles and the Customs (Prohibited Imports) Regulations prohibit, without the Minister's consent, the importation of—
“Literature which, by words or picture, or partly by words and partly by picture, in the opinion of the Minister—
(a) unduly emphasizes matters of sex, horror or crime; or
(b) is likely to encourage depravity”.
- This provision in the Regulations was made after the Premier's Conference of 1952.
- (d) Trade Marks Act 1905-1948
—Section 114—“No scandalous design, and no mark... the use of which would be contrary to law or morality, shall be used or registered as a trade mark or part of a trade mark.

It may be noted that section 3 of the Posts and Telegraphs Act includes a definition of “indecent or obscene matter”.

4. The subject of crime, comics and literature emphasising sex was considered at the 1952 Premiers Conference, not as the principal subject of the conference, but as an individual item on an agenda of twenty-seven items. The matter was considered briefly, but sufficiently to show that adequate control could not be exercised by the Commonwealth through its power over imports or posts and telegraphs. It was revealed by the Victorian Premier that art pulls of comic strips were mailed from abroad to private addresses of newspaper employees in Australia. The Prime Minister pointed out that the material came into the country as first-class mail matter, and that to control its entry would involve the censorship of first-class mail matter which would be undesirable if not impossible; he suggested that the control might be exercised by the States through their power to control printing and publishing. The South Australian Premier stated that the literature under consideration was sent to his State by post from other States. The Tasmanian Premier expressed the opinion that this literature should be censored in the same way as films. The Premier of New South Wales closed the discussion stating that, if the other States agreed, his State would convene a conference of State officers to examine the possibility of the States taking uniform action to control literature of this kind. As the Prime Minister's Department communicated with the States you may learn from that Department whether any further action has been taken.

(Sgd.) P. J. TIPPING

for Secretary.

Premier's Office,
Hobart.

30th January, 1953.

Dear Sir,

I refer to your letter No. 785/10 of 21st January concerning a request received by the Australian High Commissioner in Canada from Senator J. J. Hayes Doone for information regarding Australian legislation and "refinements" thereof, relating to the sale and distribution of obscene literature.

In Tasmania the subject matter of the enquiry is governed by the Police Offences Act 1935 (Part II Division IV Sections 25 to 30 inclusive), and a copy of the Act is forwarded herewith for transmission to Canada.

The matter is also mentioned in Section 138 of the Criminal Code Act 1934 but most proceedings of this nature are dealt with under the Police Offences Act. However, a copy of Section 138 is enclosed for the information of the Canadian Senate Committee.

Yours faithfully,

(Sgd.) E. PARKES,
Under Secretary.

The Secretary,
Prime Minister's Department,
Canberra, A.C.T.

* The following petition signed by 600 heads of families has been presented by Reverend Father E. Déry of Hawkesbury, Ontario:—

All the fathers, and particularly, all the men of the religious societies of Hawkesbury are now congratulating you for your good work to protect our youth and all our children against obscene books, magazines and revues, and we ask for:

- 1—a very precise law and exact terms,
- 2—a competent federal, provincial, municipal authority to watch over the observance of the law,
- 3—and severe sanctions.

Mrs. Margaret O'Brien,
Chairman of the Provincial Committee on Good Literature,
Federation of Catholic Parent-Teacher Associations,
400 Downie St.,
Peterborough, Ont.

In response to your communication of December 12th, we, the Provincial Committee of the Parent-Teacher Association on Good Literature, have prepared a Brief for presentation.

Accompanying this Brief, we have a list of five thousand signatures from members of the Parent-Teacher Association throughout the Province, expressing their objection to the Salacious Literature being sold and distributed on the news stands.

We would appreciate your consideration of this brief and trust it will be of assistance in bringing about better Legislation in order to curb the sale of this Indecent Literature.

The Federation of Catholic Parent Teachers Associations of Ontario have watched with trepidation the infiltration of lewd and pornographic literature into newsstands and magazine racks which are available to the very young.

The membership of the Parent Teachers Association is composed almost exclusively of parents of children of primary school age and they have become increasingly indignant about the salacious material which is directed at their children.

The Association, of course, is aware of the pocket book literature and love magazines which appear to be intended for the adolescent and which cannot fail to influence the moral character of the teen age group. This association deplures and decries the flood which is directed at this group by publishers whose only standard appears to be profit but our main concern is with the material directed at children of even more tender years.

Youth and particularly children of the primary school age group are in their formative years. They are learning how to adjust themselves to social intercourse and are preparing to accept the privileges and responsibilities which are the heritage of all our citizens. The moral and cultural standards which they are induced to accept in these years become their guidance as citizens for their future. It has been tritely but truthfully said that "the boy is father to the man."

Lurid sex literature in the hands of the very young is not apt to excite emotions and animal instincts which are beyond the comprehension and experience of children but they do colour their attitude toward society and so tend to undermine the family unit on which our society is based. Love comics have this result because they deal with the physical aspects of human relationship in a colourful and fictitious way which ignores the conventions and standards of society as well as the spiritual aspects of such relationship. The result must inevitably be a moral decline in the adult and a further weakening of the social and family structure. For these reasons these Associations place themselves on record as being opposed to the present situation which permits a few to pander to the baser instincts of the young for profit and advocate some manner of regulation or control which will remove this evil. May we suggest, action be taken by the appointment of a Board of Censors for National Distributors.

The undersigned petitioners are each interested in the correction of the present abuses as witness the almost 5,000 (five thousand) signatures of P.T.A. members throughout the Province of Ontario. Each person signing will, if required, write you in this connection.

Respectfully submitted,

(Mrs.) MARGARET O'BRIEN,
Chairman,

PROVINCIAL COMMITTEE ON GOOD LITERATURE.

Rev. B. HARRIGAN, Hamilton,	J. COLLINS, Peterboro,
Rev. J. O'SULLIVAN, Peterboro,	J. PAQUETTE, Peterboro,
Hugh GADBOIS, Ottawa,	Mrs. MACLARNON, Peterboro.
Miss Margaret MACMARTIN, Westport,	Mrs. Margaret O'BRIEN, (<i>Chairman</i>)
E. J. EUSTACE, Toronto,	Peterboro.
Neil COLLINS, Peterboro,	

The above petition signed by thousands of citizens interested in the subject matter of investigation reflects opinions in the following Ontario centres of population:—

Renfrew, Gananogue, London, Windsor, Aldershot, Peterborough, Toronto, Sandwich East Township, Toronto, Harleyville, Waterloo, Westport, St. Thomas,

Stratford, Brockville, Alexandria, Belleville, Goderich, Aylmer, Farnsworth, Sudbury, Cristal Beach, Mattawa, Barrie, Kingston, Killaloe, Kitchener, Hamilton, Amherstburg, Cornwall, Hanover, Sault Ste. Marie, Leamington, Grafton, Colborne, Prescott, Fort Erie, and St. Mary's.

Stressing the benefit of local appeal along the lines of the Decent Literature Crusade operating in New Brunswick the following letter might prove of interest:—

Mr. Gerard Nadeau,
75 Kathleen Street East,
Sudbury, Ont.

I wish to compliment you on your fine work and success to date.

I wrote you last spring on behalf of the Holy Name Society of our Parish of The Holy Trinity.

Since then we have made great strides and now have formed a city and district committee for decent literature. As a member of the board of directors of this committee I again ask your continued effort to gain control of these indecent publications.

We are contacting all the dealers in this area with the hopes of getting them to cut down or quit the sale of all indecent publications. Our organization consists of committees from all the Catholic and Protestant Societies in the city and district.

We hope to contact each and every person in this area asking their help and co-operation by encouraging them to quit reading and buying indecent literature and encouraging the reading of really good, and especially religious reading.

We also hope to start a letter writing campaign to the Government, publishers, distributors, city council etc., to help have legislation passed to encourage the publishing of more acceptable reading.

We hope to bring all to a closer realization of the true meaning of life and our dependence on God, which will be our greatest weapon in this battle against the forces of evil so rampant in our times.

Hoping that this will be of some help and encouragement to you and your committee.

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 7

TUESDAY, APRIL 21, 1953

The Honourable J. C. DAVIS, *Chairman*

WITNESSES:

Mr. A. de Gaspé Taché, Q.C., Superintendent, Legal Division, Post Office Department.

Mr. John H. Palmer, President and Managing Director, Harlequin Books Ltd., Toronto, Ontario.

Dr. Doris Boyle, Head, Division of the Social Services, St. Francis Xavier University, Antigonish, Nova Scotia.

Reverend Joseph B. Dorsey, C.S.B., St. Michael's College, Toronto, Ontario.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. C. Davis, Chairman

The Honourable Senators

Bouffard	Golding	Stambaugh
Burchill	Horner	Stevenson
Davis	McDonald	Vaillancourt
Duffus	McGuire	Wilson
Fallis	McIntyre	Wood—19
Farquhar	Pratt	
Gershaw	Quinn	
	20 Members	Quorum 5

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

“That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure the services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate.”

MINUTES OF PROCEEDINGS

TUESDAY, April 21, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators, Burchill, Davis, Duffus, Farquhar, Gershaw, Golding, Horner, McDonald and Quinn—9.

A resolution was passed by the Committee expressing regret at the passing of the Chairman, the late Senator J. J. Hayes Doone.

On motion of the Honourable Senator Golding, the Honourable Senator Davis was elected Chairman.

The following were heard:—

Mr. A. de Gaspé Taché, Superintendent, Legal Division, Post Office Department.

Mr. John H. Palmer, President and Managing Director, Harlequin Books Ltd., Toronto, Ontario.

Dr. Doris Boyle, Head, Division of the Social Services, St. Francis Xavier University, Antigonish, Nova Scotia.

Reverend Joseph B. Dorsey, C.S.B., St. Michael's College, Toronto, Ontario.

At 12.50 p.m. the Committee adjourned to the call of the Chairman.

Attest.

JOHN A. HINDS,
Assistant Chief Clerk of Committees

MEMORANDUM FOR THE RECORD

DATE: April 2, 1954

TO: SAC, [illegible]

FROM: [illegible]

SUBJECT: [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Tuesday, April 21, 1953.

The special committee appointed to examine into the sale and distribution of salacious and indecent literature met this day at 10.30 a.m.

On motion of Hon. Mr. Golding, seconded by Hon. Mr. Duffus, Hon. Mr. Davis was appointed Chairman.

Hon. Mr. Davis in the Chair.

The CHAIRMAN: Honourable members, we are meeting today under sad circumstances. Senator Doone who initiated this work, carried it on for two sessions and brought it almost to its climax, has disappeared from our ranks. I think it only proper that we should spread on our record our regret at the passing of our respected colleague, and that we should forward, in the name of this committee, a letter to the members of his family expressing to them our deepest sympathy.

We have several witnesses before us today, the first of which will be Mr. A. de Gaspé Tache, Counsel for the Post Office Department. I will now ask Mr. Tache to come forward.

As I understand it, Mr. Tache, literature of the sort with which we are concerned enters Canada by two means the Post Office department and Customs and Excise department. How does your department handle such literature?

Mr. A. DE GASPÉ TACHE: Mr. Chairman, I wonder if it might not be advisable for me to go briefly over the provisions of the Post Office Act and regulations governing such matters.

The CHAIRMAN: Very well. I just asked you a leading question to start things off.

Mr. TACHE: Thank you, sir.

Under Section 7 of the Post Office Act, the Postmaster General has authority to issue an order prohibiting the use of the mails by any person whom he has reasonable grounds to believe is using the mails for the purpose of committing or attempting to commit an offence of any kind.

As you gentlemen well know, under section 207 of the Criminal Code it is an offence to publish and distribute obscene literature. Section 209 of the Code makes it an offence to use the mails for the distribution of obscene literature or material.

Further, section 5, sub-paragraph (p) of the Post Office Act gives the Postmaster General authority to declare what is and what is not mailable matter. This he does by way of the regulations. As a matter of fact, the regulations which he has made in this connection are found in sections 347 and 348 of the Postal Guide, which sections declare obscene material to be non-mailable matter and forbids the use of the mails for the distribution of such matter.

Under section 5 (n) the Postmaster General has authority to open all mail, except letters — that is first-class mail — for the purpose of making sure that the regulations are not violated. By section 44 of the Post Office Act any mail received from outside Canada which is suspected of containing material subject to customs duty — —

The CHAIRMAN: Does that include letters?

Mr. TACHE: Yes — — all mail which is suspected of containing dutiable goods or goods which are forbidden to enter Canada are referred to the customs authorities, who have a right to inspect all second, third and fourth class mail matter, by opening it and examining the contents.

First class mail — — that is letters — — cannot be opened without the consent of the addressee who, in such circumstances, is usually called before the Customs Officer. If the addressee refuses permission to the officer to open the letter, it is then returned to the Postal authorities and disposed of as undeliverable mail and returned to the sender, if the sender's address is shown, marked "undeliverable".

That, honourable senators, summarizes the legislation in the Post Office Act and regulations thereunder regarding this subject. I am authorized to say that it is the concern of the Post Office to keep the mails free of any offensive matter and to prevent the mails from being used for the purpose of committing offences. The policy of the department is to do that within the limitation of the authority given it, bearing in mind that censorship of the mails does not exist. We feel that censorship would be an infringement upon the sanctity of the mails.

I should like to say further that whenever we do prohibit the use of the mails we do not publicize that fact very much, because we feel it might be taken advantage of.

The CHAIRMAN: You have said, Mr. Tache, that you may, for example, divert, on the permission of the receiver, first-class mail. Will you define for us second and third-class mail?

Mr. TACHE: Second-class mail includes newspapers and periodicals carried under statutory rates. Third-class mail is known as printed matter, and fourth class is parcel post.

The CHAIRMAN: As I understand it, if there is any doubt about second-class mail, you divert it to the Customs?

Mr. TACHE: That is right. An organization is set up at each point of customs, whereby the postal employees and the custom employees work together.

The CHAIRMAN: This mail is examined by whom?

Mr. TACHE: It is examined by the Customs Officer.

The CHAIRMAN: In the long room of the Customs House?

Mr. TACHE: Yes. For instance, in Montreal we have a customs officer right in the Post Office.

The CHAIRMAN: If this mail is found to violate the obscenity regulations, what happens to it?

Mr. TACHE: It is returned by the Customs authorities to the postal department, and it is then returned to the sender, marked "undeliverable in Canada".

The CHAIRMAN: But it is not seized?

Mr. TACHE: It is not seized.

The CHAIRMAN: You send it back to the sender?

Mr. TACHE: That is right. We have no authority under the Post Office Act to seize mails.

Hon. Mr. GOLDING: Do you have to return much mail in that way?

Mr. TACHE: Not an awful lot. The great question is that of determining what is obscene and what is not. That is our big problem.

Hon. Mr. McDONALD: Who are the officers who have the responsibility of saying what will be turned back?

Mr. TACHE: If it is material that comes from outside Canada, the customs officers are the ones who decide. We have direct authority censoring the mail originating in Canada, and our power is final.

Hon. Mr. McDONALD: For instance, who are the officers in the city of Halifax or the city of Montreal who would have that authority.

Mr. TACHE: It would be the employees of the District Inspector, under the direction of the inspector.

The CHAIRMAN: How would you deal, Mr. Tache, with a case of undesirable mail being shipped from province to province, say from Toronto to a point in Manitoba? I have in mind second-class mail.

Mr. TACHE: It would be absolutely impossible, sir, for us to inspect every piece of mail we carry. As a matter of fact to attempt to do so would dam up the flow of mail, and we would be swamped.

The CHAIRMAN: On complaints, you examine it?

Mr. TACHE: Oh, we do. That is generally the way these things come to our attention. We receive complaints, and it is indicated which publisher or which people or firm or organization are attempting to use the mails for the circulation of this material; and if we are able to, from identifications outside the packet, we then inspect it if it is second-class or third-class mail. But if it is first-class mail we call the person in and have him open the envelope in our presence.

Hon. Mr. DUFFUS: What percentage of your mail comes under this suspicious character?

Mr. TACHE: Well, I am sorry to say, sir, I could not give you even an estimate.

The CHAIRMAN: How do you identify periodicals coming in from, say, the United States?

Mr. TACHE: Well, periodicals, magazines for the most part, published in the United States come in here in bulk, either by express or by truck, and they are mailed from points here in Canada. We usually have or see a copy of the publication before it is taken for delivery, mainly for the purpose of establishing the postage rates which depend on the amount of advertising, under the statutory charges,—the rates covered by statute.

Hon. Mr. McDONALD: Why does part of it come in by truck rather than by rail? Is it to evade Customs?

Mr. TACHE: I would say they could not get in and out without being cleared through Customs, in the same way as any other merchandise.

Hon. Mr. McDONALD: And it is cheaper, too, I suppose, is it?

Mr. TACHE: Well, it is and it is not. That is governed by international agreement, or agreement between the United States and Canada, because if these magazines were not mailed in Canada, we would have to carry them free in Canada.

Hon. Mr. McDONALD: But by bringing them in by truck they hope to bring them over the border without being detected by Customs?

Mr. TACHE: Oh, I doubt that. I would not be in a position to say that. But at any rate we do verify the mailing; and generally speaking that type of magazine is "Time" magazine, "Good Housekeeping", and other high-class periodicals.

Hon. Mr. McDONALD: And they would have no idea of trying to evade customs.

Mr. TACHE: No. Then we have other pulp magazines, such as "True Love", that come in pretty much in the same way.

The CHAIRMAN: Supposing a publisher in the United States mailed his plates through your Post Office Department to an address in Canada: complaint is laid about this magazine being reprinted in Canada containing salacious

literature and coming in as second-class mail: how would that be handled? Would the plates be returned? Could a proof be taken of the plates? Could they be read? Do they have to have them accompanied by printers' forms showing what is on the page?

Mr. TACHE: That is right. On that point I could not undertake to give a specific answer, because that is more of a Customs procedure than a post office procedure. But I can say this, that such a parcel, containing plates such as that, would be delivered by the postal authorities to the Customs authorities for examination. If Customs found they did not comply with their regulations in regard to such goods they would be returned to us, and we would promptly return them to the sender.

Hon. Mr. GERSHAW: Does the Customs Department decide whether an article is dutiable, and do they also read it and say whether it is objectionable from a literature standpoint?

Mr. TACHE: I would say they are supposed to, sir, because they have particular regulations, I believe, concerning the admission of such material.

Hon. Mr. McDONALD: Except that which originates in Canada. That is for the divisional inspectors.

Mr. TACHE: Yes. Mind you, barring the necessity of having to censor mail.

Hon. Mr. McDONALD: Supposing a district inspector may not be certain as to whether or not this should be turned back; he then refers it to headquarters here in Ottawa?

Mr. TACHE: Yes, and then we attempt to pass on the matter in the light of the jurisprudence, on section 207 of the Criminal Code.

The CHAIRMAN: I am not clear about the procedure on the use of mails in sending from one province to another printed matter, or matter to be printed in one province, and sent from one province to another, and bulk parcels sent from one province to another for sale. If there are complaints, would you examine those parcels?

Mr. TACHE: Yes.

The CHAIRMAN: The Post Office authority would have to decide on that?

Mr. TACHE: Well, if there were complaints, the complaints would be cleared through Ottawa. We would stop that particular item of mail, and it would be referred to headquarters, and headquarters would pass on it, and determine whether it is to be considered as obscene or not. Where it is evident—and there are definitely cases where there is no doubt about it at all—a prohibitory order will be issued against that publisher, and he will be informed that he can no longer make use of the mails for the purpose of distributing that material. If it is doubtful, we have been in the habit of acknowledging the complaint and suggesting that the onus of establishing that the material is obscene rests more in the hands of the attorneys general of the provinces than in the hands of the Post Office. There are other cases where these complaints cannot be entertained at all, and we so advise the people.

The CHAIRMAN: Part of the terms of our reference has to do with treasonable and seditious matter sent through the mail from one province to the other. How is that handled?

Mr. TACHE: That is handled in the same way.

The CHAIRMAN: It is contained in our terms of reference. We may some time have to go into this problem,—at another time, but at the present moment, just in passing, as you are here, I thought I might direct that question to you.

Mr. TACHE: The same sections of the act that I have quoted to you in connection with obscene matter are applicable to seditious literature.

Hon. Mr. QUINN: Have there ever been any prosecutions for misuse of the mails with regard to indecent or salacious literature?

Mr. TACHE: There have not, to my knowledge, but there have been prohibitory orders issued on several occasions, where we have forbidden the use of the mails to certain publishers and certain groups, associations and societies.

Hon. Mr. QUINN: And your orders have always been respected and obeyed?

Mr. TACHE: Well, I would point out that we could forbid the use of the mails to a certain organization and they might continue to use the mails under blank cover, by depositing their mail in various mail boxes. On the other hand, however, they will not receive mail. In other words, any mail addressed to those organizations or to those publishers will be returned to the senders.

Hon. Mr. QUINN: Have you ever changed the style or the title of some of these magazines or periodicals?

Mr. TACHE: Yes, there have been instances where they have done so in order to comply with our requirement.

Hon. Mr. QUINN: Mr. Chairman, it seems to me that the Post Office regulations pretty well protect and cover the matter. I would gather this from what Mr. Tache has told us.

The CHAIRMAN: The machinery for controlling this matter certainly seems to exist in the Post Office Department, and what use is to be made of this machinery depends on the people of Canada. It is just a question of whether we want to be Christian people or pagan people, whether we are active-minded enough to inspire our Attorneys-General to lay charges and so on. Machinery certainly exists with the Post Office Department and also with the Customs Office. When Mr. David Sim appeared before this committee he gave evidence as to how the Customs officials would operate. It is up to the people of Canada whether they want to use the machinery of the Customs office and the Post Office Department. I do not want to develop that theory too much, at this time, however, because I have my own views on that. The whole thing depends on how anxious the people of Canada are to stop it. Are there any more questions to be asked of Mr. Tache? I want to thank you, Mr. Tache, for having given us your time. I shall now call on Mr. John H. Palmer, President and Managing Director, Harlequin Books, Limited, Toronto. This is a publishing firm.

Mr. JOHN H. PALMER, President and Managing Director, Harlequin Books Ltd., Toronto: Mr. Chairman, and honourable gentlemen, I am not a speaker, so if I stammer a little it is not because of my conscience, it is my ulcers talking back.

The CHAIRMAN: Maybe we all have ulcers.

Mr. PALMER: This business is giving a few people ulcers in our world today. Before going into the publishing end I should like to clear up a few things that were brought to my attention just this week end. I have just recently returned from Australia and I have not been kept too well posted on the meetings that this committee has been holding. There are one or two things which have come up that I should like to try and clear up. First of all, there seems to be considerable confusion as to the operation of the pocket edition field. It is much the same as the magazine distribution.

The CHAIRMAN: You publish these books? You have them printed and published?

Mr. PALMER: We pick them and publish them. May I explain that as a publisher we put out, say 100,000 books a month. We then have instructions from our national distributor as to what wholesalers will take these 100,000 books. There are fifty-four or fifty-five wholesalers in Canada. I am not going

to try and clear the wholesalers or the national distributors of any blame here.

The CHAIRMAN: Where do the books originate that you sell?

Mr. PALMER: With the publishers.

The CHAIRMAN: And you are a member of the publishing group?

Mr. PALMER: Yes.

The CHAIRMAN: The books are printed and the covers are put on by you?

Mr. PALMER: Yes, we are responsible right from the start as publishers. Incidentally, because of the American overflow we are the only Canadian publisher left in the business. It is a rather sad state of affairs, but that is a fact. Since early November we have been petitioning different departments here in Ottawa—I am afraid bothering a few senators and members of parliament—with letters as to this state of affairs. (See Exhibit A at end of these proceedings.)

I would just like to shelve that for a moment and bring up one or two other points. Honourable senators mentioned earlier that pocket editions should not be classed as literature, that more or less they are just trash. That is wrong.

The CHAIRMAN: I have copies of "Bartlett's Quotations", "Shakespeare", and "Roget's Thesaurus" in the pocket editions. You cannot say there is no literature in those books.

Mr. PALMER: I would point out that in a previous meeting of this committee one honourable senator said "We should not dignify these pocket books by calling them literature because they are not".

The CHAIRMAN: That had reference to a certain section of the pocket books.

Mr. PALMER: I point this out because I want to discuss what we are trying to do. I think we are fortunate in Canada in having pocket editions.

Hon. Mr. BURCHILL: Hear, hear.

Mr. PALMER: Canada suffers in the literary field. Our books are much higher priced than anywhere else in the world. The average man cannot afford to go out and buy hard-bound editions. It is an astonishing fact but there are many hard-bound books that do not sell more than one hundred copies, but you can take the same stories and publish them in pocket-book editions and you can sell anywhere from twenty to fifty thousand copies and in this way you reach the masses. Because of Canada's small population we have only possibly 200 to 210 book stores, and the smaller hamlets, villages and towns across Canada cannot support book stores; yet when we publish a book in pocket form and are able to use the facilities of the distributors and wholesalers, we are able to reach over 9,000 outlets. That is what makes pocket editions economically possible. The subject of censorship is a delicate one. Some years ago, seven or eight years back, there was a gentleman by the name of Mr. Sidney Roe who headed a special division in the Customs Department which looked after the okaying of books. If any publisher was in doubt about a book he sent it along to Mr. Roe. Mr. Roe did not go through the act of banning the book, but he would drop the publisher a letter suggesting that the book be not imported into Canada as it contributed nothing to Canadian literature.

We had very little censorship, and yet on the stands today are literally hundreds of books that in Mr. Roe's time were not available at any price. They are available today at 25 cents.

Now, I notice, by meeting, that you have uncovered the easiest way for these people to publish books which ordinarily would not possibly pass Customs, and that is by the sending of plates across the border. Just a few moments

ago I heard the discussion of what would happen to plates coming through the mails. I doubt very, very much if many plates would come through the mails; they would be far too heavy. If I were an American publisher and afraid of something being stopped by customs, I would send my plates by transport in to the printer here, and that is just what is being done now. I can quite understand any member here, or anyone on the street, classifying popular editions as junk. There is no other word for it.

The CHAIRMAN: Might I interrupt for a moment? What kind of books do you publish?

Mr. PALMER: Ourselves?

The CHAIRMAN: Yourselves. I am speaking of Canadian authors.

Mr. PALMER: 20 per cent of our publications has been Canadiana, such as Thomas Raddall, and People—

The CHAIRMAN: Do you keep these people on a salary?

Mr. PALMER: No sir, we do not publish that way. We have had some original Canadian books. As a rule, we publish books that have earned themselves a reputation in the more expensive editions. Incidentally, that is a good way of tracing down a lot of this loose and lewd literature, by watching just what is original. There are not many original books out. I am putting myself out on a limb by saying that.

But coming back to these plates, I would say I have been travelling, not only to Australia, but pretty well around the world in the last few months, and believe me, gentlemen, people are watching what the action is going to be here by this committee. They are watching in all parts. I have had letters from London, I have had letters from Paris, and I have had letters from Australia, asking to be kept posted as to just what is going on here in Canada. Needless to say, our American cousins are watching closely. But while they are watching, no action is being taken. More plans are being made to publish books in Canada, and books of the type causing all this talk.

The CHAIRMAN: You say the people who publish more books of the type that is causing trouble in Canada are Americans?

Mr. PALMER: Yes, bringing in the plates.

Now, an American publisher has nothing to lose, he has everything to gain by sending in the plates. The most costly operation in publishing a book is the setting of type; secondly, the making of the engravings, for the cover; and, thirdly, the art work. That is all paid for when the plates come over. All he has to pay for then is the paper, the running of the press time, and the freight. In that way, the Canadian publishers have faced very unfair competition, salacious or otherwise, so much so, that some of the finest firms in the world have been put out of business here in Canada. One of the firms I have in mind, that I spent twenty years with, was Wm. A. Collins Sons & Co. Ltd. of Glasgow, Scotland. They were one of the first to publish popular editions in Canada. They started in 1942 with "White Circle" pocket novels.

The CHAIRMAN: With no picture on the front.

Mr. PALMER: With no illustration on the cover. The pocket book people were probably the first to originate the method of distribution, that is, to the wholesalers.

The CHAIRMAN: These pocket book people have headquarters where, in Montreal?

Mr. PALMER: In Montreal.

The CHAIRMAN: In Rockefeller Centre?

Mr. PALMER: In Rockefeller Centre, New York. They were probably the first to point a way out of reaching the number of outlets; and I think they did us a service. We all followed suit, but when we were trying desperately to

do some publishing here in Canada, something unheard of, going to press with ten to twenty thousand of a title back in 1942, we found that we just were not making any headway, with just two or three hundred book stores that were there then, and we had to go to the wholesalers. And I must go on record in saying that the wholesalers did a wonderful job.

The CHAIRMAN: Wholesalers?

Mr. PALMER: The wholesalers; that is, the representative we give our merchandise to at each centre for distributing.

The CHAIRMAN: I want to identify just what you mean.

Mr. PALMER: A wholesaler is a firm such as the National News in Ottawa. A distributor, is a firm like Curtis, or the S. M. News Company, or people like that, and the publishers deal through them, and who in turn gauge the wholesalers' output.

The CHAIRMAN: Would Curtis contact a retailer direct?

Mr. PALMER: No, sir.

The CHAIRMAN: Through the distributor?

Mr. PALMER: Through the wholesaler.

The CHAIRMAN: The wholesaler?

Mr. PALMER: Yes. Curtis more or less lines up just where we should ship our books. They give us instructions as to how many copies.

Now I will try to explain about the condition of the market today. There is no doubt it is a disgrace. Often in an evening, someone I have just become acquainted with will ask what business I am in, and when I say the publishing business, they ask, "What end?", and I say pocket edition. They look down their nose at me. This should not be. There are really two major firms responsible for that condition in Canada. There are more in the States. A third has started to enter Canada now, that will make the stands even more hectic.

The CHAIRMAN: Would you care to name them?

Mr. PALMER: No sir, I don't think I would. But I would say this, that if you go outside of Ottawa and are familiar with books, or good reading, and look at the books displayed and buy half a dozen books at random, you will soon find out who they are.

The CHAIRMAN: Would Pocket Books be one of this number?

Mr. PALMER: Pocket Books Incorporated, no, I would not say that. Neither are Bantam books.

Hon. Mr. QUINN: Have you ever had any objections taken to your publications?

Mr. PALMER: Yes sir, we have, because of the wording—the title. We published a book by James Hadley Chase. Unfortunately, we carried the same title as the English publisher "Twelve Chinks". We possibly did not think far enough ahead at that time. But, for instance, I don't mind being called a "Canuck" and that is the way we regarded this title. However, there was an objection from Ottawa and Vancouver.

Hon. Mr. QUINN: I am thinking more of the publication from the standpoint of indecency and immorality.

Mr. PALMER: Before my time, Harlequin had objection to the third or fourth title. It was objected to by a witness you had here, and the book was recalled. Out of 30,000 copies of that title, only three or four thousand reached the public. I think we did a very good job of recalling it.

The CHAIRMAN: What did you do with the 27,000 you recalled?

Mr. PALMER: We destroyed them. We have them all called in to the local wholesaler, and to make sure they are destroyed they have to return to

us the front cover and sometimes the title page. The books are in fact destroyed, and are not set aside and brought out after the objection cools off, as is done by some firms.

The CHAIRMAN: Are the covers and title pages of books at times changed?

Mr. PALMER: Not in our firm; however, it has been done by others.

Coming back to Mr. Sidney Roe, I only wish it were possible that some person or committee could be formed to do the work he did. Earlier this morning, when you were talking about plates, I think it was the gentleman from the post office who said that ordinarily a copy would be sent along with the plates.

The CHAIRMAN: I think I made that suggestion to Mr. Tache.

Mr. PALMER: I do not think that is the general policy. If a committee of one in the customs department read the books of the plates which are being sent into Canada, many of the books would never get here—the plates themselves would never cross the border. That is a weakness in our system, and it is being taken advantage of every day.

The CHAIRMAN: You say that the fact that the plates are not examined is a weakness in our system?

Mr. PALMER: Yes, it is definitely a weakness.

A further problem I noticed in the notes was, how are you going to prosecute? The major firms are not incorporated in Canada. The only way which I think you could tackle the problem—and I am sure I am not going to be liked after I have made this statement—is to go after the printer. If he chooses to deal directly with somebody in the United States, then he should be responsible in Canada. In my own experience I know of two lines of pocket novels which the printers would not print. I know of two printers who today are not taking books for printing purposes unless they have been read.

The CHAIRMAN: Is there any way of identifying the printers of books?

Mr. PALMER: No, there is not. In the hard-bound books, the printers are proud of the job and are only too glad to put their name on them; but with the pocket editions, they are not. I think in some cases they are probably ashamed of the books.

I was talking about Mr. Roe.

Hon. Mr. QUINN: How long is it since he operated?

Mr. PALMER: Roughly about seven or eight years.

Hon. Mr. QUINN: Was he a public official?

Mr. PALMER: Yes, he was connected with the Customs.

Hon. Mr. QUINN: He was a federal officer?

Mr. PALMER: Yes.

Hon. Mr. QUINN: What was he called?

Mr. PALMER: I tried to find that out Saturday night. Everybody remembered him, and everybody liked him, but I could not find his title.

Hon. Mr. QUINN: What happened him? Did he die?

Mr. PALMER: Yes, he died. As far as I know, upon his death that department ceased to exist. It is quite evident today that Customs are not able to cope with the present market. Certainly, they are not doing it. First of all, I do not know how they could cope with the plates, and secondly, there is a large volume of books coming over here. For instance, if a shipment of a thousand cartons of books come into Canada about which the customs authorities are a little doubtful, they would hold back one or two cartons for inspection, and meanwhile the other 998 cartons go into the hands of the wholesaler.

Hon. Mr. QUINN: Under Mr. Roe's practice, when doubtful literature was received in any town or city a copy of it would be seized and sent to him?

Mr. PALMER: No. The publishers appreciated having a person like Mr. Roe in Ottawa. Most publishers who represent many American and English firms follow the policy of getting a copy of a book of which they have any doubt, and review it before they decide to import it. They would submit that copy to Mr. Roe, he would read it or have it read, and would then perhaps suggest that the book should not be imported. I think that was a good thing.

Hon. Mr. QUINN: A good recommendation for this committee to make would be to suggest the appointment of a successor to Mr. Roe?

Mr. PALMER: Yes. I would favour somebody with quite a liberal mind. You might find someone in the ranks of the public libraries who could do the job. But there are librarians who could never decide what was salacious and what was not; there are, however, some very capable people.

Hon. Mr. BURCHILL: But that would not take care of the plates?

Mr. PALMER: No, that would not cover the plates.

Hon. Mr. BURCHILL: You are just talking about the books published in Canada?

Mr. PALMER: Or, for instance, pocket books such as Dell which are imported.

Hon. Mr. BURCHILL: But the plates are the worst offenders.

Mr. PALMER: That is true. I would suggest that a copy of the book should be submitted along with the plates and the book should be reviewed before the plates were permitted to cross the border. Although the plates are duty free, there still must be an invoice to clear them. The book would be identified by its title, and if the plates were not identified, I would suggest that they be held up until that was done. I do not see how you are going to censor—if that is the correct word—the plates, but it has got to be done. That is the only way they can be stopped.

When we talk about censorship, I am reminded that in late 1949 or early 1950 a meeting was held in Ottawa at which the publishers were asked to tone down what we call the "tag lines" which, as a rule, are much worse than the contents of the books. They were also asked to tone down their covers and their selections. The Canadian publishers went ahead—after all, they have a good deal at stake—and one firm that I know of in particular dropped five or six titles. Two of the titles which they dropped are now the present-day best sellers in Canada. As a result of their action, they dropped their rights, which were immediately snapped up by the American publishers and the books were shipped in. That is not a fair situation. Many of the books which Harlequin have destroyed—and during the period I have been in the chair since 1950, we have destroyed three titles—immediately the agents of other publishers asked us to release the copyright at the border. We had to release it, or possibly we would not have any more books from that particular publisher. As soon as we released the copyright, the American edition came in. That is not fair either.

I have no idea how this committee intends to tackle the problem, but there is one way which I might suggest to you. I do not know whether you are familiar with the Copyright Act. Nearly every country in the world, with the exception of the United States and Russia, belong to the Berne Convention which recognizes certain copyrights and do not infringe on them. The United States does not belong; they have their own Copyright Act. To copyright a book in Canada all that is necessary is to fill out the form, and it is copyrighted. A Canadian publisher who wants to copyright a book in the United States must go to the United States and set up his type. He cannot send his type to the United States and copyright a book. Harlequin just published a book *The Royal Story* dealing with the Coronation, and two weeks ago I was in New York and was able to convince Macy's they should handle some of these books. By doing this I have to relinquish copyright. In other words, I can never copyright

a book, in USA having shipped copies of it to the United States. But even if it were not for the Copyright Act, and Harlequin wanted to send a 25-cent book in the United States to be marketed, the Custom in the United States would assess our book at 19 or 20 cents, whatever is the retail charge in Canada. On the other hand, American firms, who can make a much cheaper book than we can, can send a similar book in here for nine or eight cents, and then pay duty on that. True it is the same margin of duty, 10 per cent, but Canadians have to pay 10 per cent on a higher assessment. The people who are in this business are working on a very, very small margin of profit—I am referring to pocket editions. Harlequin today could not exist if our overhead was not practically nil,—and I really mean nil. We are just hoping that something will be done in Ottawa to place us on an equal position with American publishers. I am not referring to salacious literature, I am referring to all types. We at Harlequin are trying our best to encourage Canadian authors. We know that our best Canadian authors are gradually disappearing into the United States. We know that our best Canadian artists are going to the United States. But Harlequin at the moment are the only people trying to do something concrete to keep them here in Canada. And yet—

The CHAIRMAN: How many of these publishers are there in Canada?

Mr. PALMER: In Canada we are the only people who take a book, say in a form similar to this manuscript; we will give it to a Canadian artist; a Canadian artist designs the cover; a Canadian type-setter sets the type; a Canadian engraver does the engraving; a Canadian paper mill gets the business; and a Canadian printer does the printing. There is no one else doing pocket books in that way: others find it cheaper to import; they are still manufacturing a few in Montreal. But, out of the twenty or twenty-five millions—and that is a very low estimate of the number—of pocket editions sold here in Canada, less than 10 per cent are manufactured here in Canada. That is a pitiful thing.

I have got away from the business of salacious literature, but I have just been trying to give you a picture of what we are facing as publishers in Canada.

Another thing that is happening here in Canada is that an American firm may save up a lot of his titles, a lot of his plates; and possibly one of these firms that are causing so much confusion, can send it in enough plates for release of ten or fifteen titles in a month. A Canadian firm would never think of doing more than four or six titles per month. You have all been in the shops and seen the display racks. Just imagine what a chance a Canadian firm has, putting out four or six titles per month, when the rack is just covered with fifteen or sixteen titles a month, by one firm.

I don't know what other help I can be. I always say that there are three speeches a fellow makes: one he prepares, one he forgets, and one he wishes he had given. I have done none of these.

One other thing I would like to point out. A mistake which was made here is the fact that during your earlier discussions it was stated that there were only four firms circulating pocket editions in Canada. This is not so.

The CHAIRMAN: Four firms?

Mr. PALMER: Four publishing firms circulating in Canada. There are at least fourteen, and there are others coming.

The CHAIRMAN: Where can we get the names of those?

Mr. PALMER: I can furnish the names.

The CHAIRMAN: Would you put them on record?

Mr. PALMER: Yes, the names I know of: Ace.

The CHAIRMAN: Where are they located?

Mr. PALMER: New York.

The CHAIRMAN: What is the name of the publisher?

Mr. PALMER: Ace Books.

The CHAIRMAN: The firm name?

Hon. Mr. QUINN: They have a branch in Canada?

Mr. PALMER: No, sir. Avon Books, Ballantine books, Bantam books, Dell books.

The CHAIRMAN: These are all in New York?

Mr. PALMER: So far, yes. Gold Medal, Perma books, Pocket Books—they have a branch in Canada—Popular Library, Pyramid books, Signet books; and the Penguin and Pelican, from England; and Harlequin books—the only Canadian firm.

There is something that is being missed here, and that is the digest size of books. A more salacious kind of material is coming from some of these digest books than you will find in the pocket editions. I would say there should be a complaint about them, long before this.

Hon. Mr. QUINN: There are different "digests".

Mr. PALMER: I don't mean things like the Reader's Digest. I should clarify myself. I mean the digest size of book. In other words, taking a title such as "David Copperfield", instead of doing it in pocket form they do it in digest size. That is something to watch, that type of book. There are many, many of these firms waiting and watching to see what is going to happen here. If nothing happens I am afraid we will have to step out of the business. It is going to be bad. As to the prosecution of firms here in Canada, with the exception of Pocket Books and ourselves, you would have a pretty hard job. You would have to bring in the principals from the United States. I am not a lawyer and I cannot tell you how you would do it, but I am afraid it would be pretty tricky. Gentlemen, I think I have covered almost everything. I could go on all day about how unfair the American competition is.

The CHAIRMAN: We are limiting ourselves more or less to salacious literature and the effect it has on teenagers in Canada at the present time. You do not publish books that would affect the teenagers of Canada?

Mr. PALMER: We have purposely steered clear of it. We are offered books constantly.

The CHAIRMAN: This book entitled "The Cautious Amorist", is that one of your books?

Mr. PALMER: Yes.

The CHAIRMAN: Do you think that has a decent cover?

Mr. PALMER: No, sir. It is not decent and yet it is in comparison with what is on the racks today. I am glad you brought this up, because we have terrific competition to meet.

The CHAIRMAN: I mean as far as you are concerned.

Mr. PALMER: I would prefer to have a straight cover on the books, something a little more dignified, but if we do that we will find our books are not having a show.

The CHAIRMAN: This shows a partly-covered female being chased through a bamboo marsh, evidently by a man, but the female figure is in the front. This is published by your firm, is it?

Mr. PALMER: Yes, sir.

The CHAIRMAN: We feel that this sort of thing is not good for the teenagers.

Mr. PALMER: I quite agree. We would like to change our covers. There is no doubt that the so-called salacious and lewd books—and we do not call the "Cautious Amorist" one.

The CHAIRMAN: I have not read this, but just from looking at the cover—

Mr. PALMER: I quite agree that the cover does attract. Earlier on in your meetings it was suggested that all publishers should use dignified covers like the Penguin Books. With the number of books that are published today I do not think we would be able to reach so many outlets. These outlets are not book sellers.

The CHAIRMAN: You put these covers on to sell the books?

Mr. PALMER: A cover does a lot to sell a book.

The CHAIRMAN: This is painted by a Canadian artist.

Mr. PALMER: Yes.

The CHAIRMAN: And it is Canadian paper, and so on?

Mr. PALMER: Yes.

The CHAIRMAN: The cover may not be a true indication of what is in the book. It is in some cases and it is not in others. However, we feel that books with such covers should not be on the stand where they are made available to our school age children.

Mr. PALMER: We appreciate that. If this committee can do something to make all pocket books fall in line, we will be the first to go along with you. In some of your earlier meetings it was mentioned that a book must have a rather lurid cover or some rather fancy tag lines to make it sell. This is not quite true. We have taken a simple little publication—we were more or less challenged to do it—called "Girls in White". It is a decent book and it has had one of the best sales of any book we have put out this year.

The CHAIRMAN: Would you attribute that sale to the cover?

Mr. PALMER: Not particularly. We attribute it to the fact that there is a lack of decent, light romances on the counters. I discussed this matter in New York last week and they could not believe our sales figures on what we call light, sweet romances. As I say, I have been in this from the beginning when we used to do a straight cover much the same as the Penguin books. Then we became faced with the problem of display. I should like to leave some of our books with the committee to show that we do not necessarily have covers of that type. Here is a book where the word "Hell" was used. I do not think it was necessary to use that word, but it was taken from a newspaper review. I will leave these books with the committee.

Hon. Mr. QUINN: These are all the good samples, I presume?

Mr. PALMER: No, I would be glad to leave our lists with you, gentlemen. (See Exhibit B at the end of today's Proceedings.)

Hon. Mr. QUINN: There is nothing wrong with these books.

Mr. PALMER: If I did not care about the publishing business and wanted to make a lot of money and retire early, I would go in for the other type because they are sellers. They turn out so many books they are crowding us off the stands. When there is only one Canadian publisher left there is something drastically wrong. Prior to 1949 the market was not as it is today. It was confined first of all to mysteries, good mysteries by Erle Stanley Gardner, Agatha Christie and authors of that calibre. The next best sellers were sweet romances such as "Girls in White". Then came western stories.

Hon. Mr. QUINN: Is this book "Girls in White" a good seller?

Mr. PALMER: Yes, in that it is good escape fiction.

Hon. Mr. QUINN: Do the sales of this book compare with books that have spicy, racy covers?

Mr. PALMER: In this instance, yes. This book stands out because the racks are so loaded with the other type of books. I was going to say that up to 1949 we did not have all this sort of thing. Prior to that time we could sell, say,

100,000 copies of good novels written by such authors as Pamela Wynne, Renee Shann and Ethel M. Dell. Then along came a particular firm—and I must admit it was Canadian—and it just took this business over. Fortunately this company is not in business now.

But they put out a lot of rough things, "Hotel Girl", "Room Servant Girl", and all that sort of thing. And then our American cousins get wise and put out novels a little better written, and they have followed suit today.

The CHAIRMAN: Has not this been a world-wide situation—not only Americans?

Mr. PALMER: Gradually, gradually.

The CHAIRMAN: Do you say it originated in Canada, this first publishing of the books?

Mr. PALMER: In the mass, yes. I will say yes, in 1949, and then it fell off.

The CHAIRMAN: The Americans followed it up.

Mr. PALMER: In one particular instance they did.

The CHAIRMAN: We had one particular instance here. It is not new but quite old. The League of Nations had a committee sitting on this question of literature and its distribution, along with the white slave trade. Linked with it was a whole system of ads. in magazines. We were led to believe, by a very prominent authority, who has been decorated by universities, a public woman, who speaks very well, and gave us the whole history, going back 25 or 30 years, that this is an international matter as well as a Canadian affair.

Mr. PALMER: Well, I might say, sir, a book recommended by the League of Nations was submitted to me, and I had intended to publish it. When I went to our printer he said, "No"; and it was the book the League of Nations suggested. Since then, Americans have come in with the book, which had been banned at one time, and it is coming in here now. The question I ask is, when a book is banned, how is the ban lifted?

The CHAIRMAN: The ban is lifted?

Mr. PALMER: On certain books.

The CHAIRMAN: In Canada?

Mr. PALMER: Yes, sir. I doubt up until Penguin started in 1937 in England if there was any large scale pocket publishing—

The CHAIRMAN: Penguin publishes books on philosophy and economics?

Mr. PALMER: Well, they cover every field. They have mysteries, romance and travel. They have other subjects, a very, very fine list, sold by book stores only. And up until then—I differ with anyone who says otherwise—there have always been books that were questionable in the hard bound edition. They do not reach teen agers, they are too expensive, and there is no doubt that teen agers are picking up these books.

The CHAIRMAN: They trade them, one with the other?

Mr. PALMER: They trade them. Another thing, I have had personal experience with is this, that as far as toning down a cover, the last firm I was with, and with which I spent 20 years, had a book very much under discussion, and after the first very poor sale they changed the half-nude cover into something no more glorious than a piece of butcher paper, that sold 515,000 copies. It was not just the cover, but people got the book and advertised it by word of mouth. You will never see newspaper advertising, radio advertising, or any other type of advertising on pocket novels, because the margin of profit is too small. They depend on word of mouth, and the firms that should be up battling for themselves are firms that know if they put out something with a few wicked phrases, they are going to be talked about,

and they depend on the public picking up the book from there on. Yes, we have had books on our own list that we have questioned, but very, very few. We have not had books on our list that I think you gentlemen are interested in fighting.

I do not know if there are any questions, Mr. Chairman?

Hon. Mr. BURCHILL: I would like the witness to enlarge a little on the digest books that he spoke about. I am not familiar with that at all. What are those?

Mr. PALMER: They are novels, sir; instead of putting amorous stuff in the present form, digest sizes are manufactured.

The CHAIRMAN: No picture on the cover.

Hon. Mr. BURCHILL: Would you think there was a real hazard from those books?

Mr. PALMER: There is, because they have been quite successful in the United States, and as a matter of fact, the committee at Washington has been chasing them.

Hon. Mr. BURCHILL: From the standpoint of morals, though and their effect on the teenager, are they more hazardous than what we have now?

Mr. PALMER: The covers, believe it or not, are much worse, and the contents too.

Hon. Mr. QUINN: The contents too?

Mr. PALMER: The contents too. This has not really started yet, and if it goes on—

Hon. Mr. BURCHILL: Is that just a digest series?

Mr. PALMER: No, it is different.

Hon. Mr. BURCHILL: Small in size?

Hon. Mr. QUINN: Larger than that (pointing to a pocket edition)?

Mr. PALMER: We call them digest books. I could not begin to tell you the number of the firms, but most of them have cases against them.

Hon. Mr. BURCHILL: Are they available in Canada now?

Mr. PALMER: There are a few.

Hon. Mr. QUINN: Do they use the word "Digest"?

Mr. PALMER: No, they have different trade names. There is no word "Digest" on them. I just referred to them in my conversation as digest size.

Hon. Mr. QUINN: Digest size?

Mr. PALMER: Yes, sir. But I say this, that if you can drive off this salacious literature you will be doing the publisher a very, very great service. We would like to draw back to our stands and to our sales, the women readers that have been driven away—and they have been driven away. I have been flying around the country, and I have seen men and women sitting on the plane reading a book with the front cover torn off. Well, that is how bad the thing is.

The CHAIRMAN: Any further questions?

Hon. Mr. QUINN: You say these books of digest size, to which you refer, are mainly objectionable?

Mr. PALMER: Yes, sir.

Hon. Mr. QUINN: Well, would that not be a matter for an official, such as Mr. Roe, whom you referred to?

Mr. PALMER: Yes.

Hon. Mr. QUINN: Would not a copy of one of these books be referred to him, and if he declared it to be objectionable, then the authorities would take action?

Mr. PALMER: That is right.

Hon. Mr. QUINN: And prohibit it from importation?

Mr. PALMER: That is right. But then the American would send over his plates. You have got to enforce this, I think you must ask for copies of a book to be sent on before the plates.

Hon. Mr. QUINN: The same thing would apply. If the plates were admitted and they were then published in Canada, this official could condemn them again?

Mr. PALMER: Yes, but by that time the publisher would have reaped his profits, and it would take say 60 days to set the wheels in motion and that would be very very quick, but by the time that would happen the book would have had the major sale. I think to stop that you must have the samples of the plates sent on beforehand. I would like to go on record as saying I do not see that the wholesaler in Canada is responsible for this. The wholesaler ought to receive shipments of books; and they come in in the morning and are delivered in the afternoon, he does not have a chance to sit down and read them, and if he did he would not be a good judge, anyway.

The CHAIRMAN: We have to make people responsible for the things that they handle, though.

Mr. PALMER: Yes, it is going to be a tricky thing here. The retailer gets more experience with the merchandise than the wholesaler does. The wholesalers will have the books in their warehouse for only a short time, we hope. In this business we are very anxious to see that books get out on the stands, for that is where they are sold.

Hon. Mr. QUINN: Then you believe in censorship?

Mr. PALMER: I certainly do. As I wrote in my letter, it is not a matter any more of freedom of the press, but a matter of common decency. We as publishers don't quite know what to do ourselves. We have in our company four editors who read books and then fill out a form saying whether they are salacious, or questionably salacious, or whether they contain any swearing and so on. Then we sit down once a week and discuss a book. Our editors are becoming nervous wrecks, because we ourselves are beginning to wonder what is salacious. Many other firms are bringing out books which we have turned down. We don't want to get into that type of business; indeed, we will close our doors before we become publishers of salacious literature. But we know if we close our doors someone is going to spring up and take our place, and they will take it on the basis that they are doing Canadiana. Canadian authors will be only too happy to welcome them because they have no one else to turn to.

Hon. Mr. QUINN: Then you believe the only way of curbing the distribution of objectionable literature is by a system of censorship?

Mr. PALMER: Yes, sir. As I said earlier, it is no longer a matter of the freedom of the press. I always regarded freedom of the press as the freedom of newspapers. But you are not after the newspapers now; you are not after hard-bound books, or the Holy Bible. You are after such things as one of our books which the Chairman pointed out to me the cover of which might attract teen agers. That is what you are after, and I think it should be fought on that ground.

Hon. Mr. BURCHILL: What system do you have for determining what books are fit to print?

Mr. PALMER: We have, as I said earlier, four readers, and they mark a report. Ninety per cent of our books are taken from hard-bound editions.

Hon. Mr. BURCHILL: But every book you print passes your own private censor board?

Mr. PALMER: That is right.

Hon. Mr. BURCHILL: Therefore I would take it this book called the "Cautious Amorist" had been read by and went through your censors?

Mr. PALMER: That is true.

Hon. Mr. BURCHILL: I am interested in that.

Mr. PALMER: They have nothing to do with the cover.

Hon. Mr. BURCHILL: I just happened to glance through this copy—I do not have time to read such books—and I am impressed with this fact that this demonstrates the almost insurmountable difficulty of deciding what is proper and what is improper. I venture to say that half of your censors would say this is an objectionable book. It is a matter of opinion again.

Mr. PALMER: That is true. For instance, if we distributed twenty-five copies of this book and took an hour off to read it, 50 per cent of us would find something questionable, and the balance might have some good laughs.

We have two hundred and fifty titles under our banner, and it is quite easy to spot who is concentrating on salacious literature. There are two firms, who are not incorporated, but who are printing here in Canada; they are distributing large quantities of books, but they would not think of publishing such an author as Agatha Christie or Edgar Wallace.

Hon. Mr. QUINN: Let us compare these two books, the one Senator Burchill mentioned and "Girls in White". Which of those two is the best seller?

Mr. PALMER: Strange as it may seem, the sweet book has outsold the other.

Hon. Mr. QUINN: That is the "Girls in White" has outsold the other one.

Mr. PALMER: Yes; except in the United States the sale of "Cautious Amorist" has been terrific; it is now over one million. The other book was too sweet.

The CHAIRMAN: Is this book "Cautious Amorist" a Canadian book?

Mr. PALMER: That has been up here under an American banner. But I picked that up from Australia, as I am interested in Australian literature.

The CHAIRMAN: We are definitely interested in observing the sixth and the tenth commandments of the Decalogue; we are sitting here to protect the teen-agers. Certain covers tend to excite children, they are handed around and are definitely harmful. This is a Christian country, and we have to fight the powers of darkness from non-Christian countries. The morals of this country have to be strengthened in order to keep us strong. We are being attacked at the very roots by the influx of indecent literature, and we have to stop it one way or another.

Mr. PALMER: We sincerely hope you do. As I say, we are not guilty, though we have produced some rather gaudy covers. However, since 1950 we have been toning them down. As I said earlier, the last time we did this, the Americans took advantage of it.

The CHAIRMAN: Who asked you to do that? Were you asked at one of your association meetings?

Mr. PALMER: No; it stemmed from Ottawa.

The CHAIRMAN: The government?

Mr. PALMER: I think it stemmed from the fact that the Attorney General for Canada put in the hands of the provincial attorneys general power to prosecute books on a certain basis.

Hon. Mr. QUINN: Let us get on, Mr. Chairman. Have we any more witnesses? You are through, Mr. Palmer?

Mr. PALMER: Yes, thank you.

The CHAIRMAN: We have two more witnesses. First I shall call on Dr. Doris Boyle, head of the Social Science Division of St. Francis Xavier University, at Antigonish.

Dr. DORIS BOYLE: Gentlemen, my position is head of the Social Science Division of St. Francis Xavier University, where I teach economics and sociology.

May I say that the subject under discussion was studied by a committee, the faculty and the student body of St. Francis University, under the Chairmanship of our President, Rev. Dr. P. J. Nicholson. The brief I have before me was written by my husband, Mr. Boyle, who is Professor of Journalism at St. Francis Xavier and associate editor of the "Casket" and himself an author of four books of Canadiana. He came to Ottawa to deliver the brief, but unfortunately last night he became ill and when I left him at ten o'clock this morning he was waiting for a doctor. He sincerely regrets his inability to be with you, and has asked me to read the brief in his place.

Before I read the brief might I be allowed to comment on the observations of the preceding witness?

The CHAIRMAN: Yes, go ahead Dr. Boyle.

Dr. BOYLE: As a social scientist, I am aware, as I am sure we are all aware, of the growth of statism in the world today. I found the evidence of the preceding witness most interesting. I believe that a democratic society can only survive if we have a sense of personal responsibility as far as our individual actions are concerned; and that the motivation for publishing, although we live in a competitive situation, works very serious moral harm which may come from the publication of such a book as you comment upon. I believe that unless we have individuals who are morally responsible for their actions it will be very difficult to preserve a democratic society. We are very concerned about the growth of legislation by which the government is solving our problems. It would be much better for an industry to be self-policing and to have some kind of occupational or industrial council which would do this, rather than ask the government to intervene. In 1953, now that we are growing more and more towards the welfare state, the importance of individuals doing this job themselves would appear to me to be a much more basic thing than to ask the government to assume functions which people can do for themselves.

Hon. Mr. QUINN: That is the difficulty. We are thinking along those lines.

The CHAIRMAN: To my mind we are in a struggle with the powers of darkness at the present time on this problem of the weakening of morals, and we should do as much as we can to straighten out the proposition, and then add the necessary government regulations and restrictions. I believe that earlier in this meeting I mentioned that, as being my opinion on this question.

Dr. BOYLE: Well, Mr. Chairman and senators, this is a brief which I am presenting in the name of the faculty and student body of St. Francis Xavier University:

Mr. Chairman and Honourable Senators:

Since your hearings on this important question are in a rather advanced stage, we wish to avoid repeating, if we can, what has already been said by others. One of the significant achievements of your committee is that these hearings have already given expression to the growing revulsion which Canadians of all denominations feel in regard to "salacious and indecent literature". There is a deep and wide complaint against those conditions which permit vicious publications to reach the youth of the country; and it is coming from what might be called the aroused, common conscience of our citizens. We do not wish to labour the fact, already established before you by evidence both voluminous and impressive. May we, however, mention that a poll taken among students of St. Francis Xavier University indicates that no less than 97%

consider that such literature would constitute a menace to their moral character—if they read it; and that 91% feel that such literature should not be available on our newsstands.

Yes; we are aware of the menace. We are aware as well of certain perplexing and delicate problems raised by efforts designed to meet it. Yet something must be done.

There is now a law on the statute books of Canada that may be invoked against obscene literature. We refer to Section 207 of the Criminal Code. However, it is so phrased that to invoke it constitutes a forbidding project for the average citizen who may be incensed at the prevalence of obscene literature. He knows that in such literature there may be real incitements to base conduct for youth who are so naturally imitative. We feel that punitive action should be made easier against the publishing and mass distribution of this literature.

There are two sources: that what is imported, and that which is printed in Canada.

Regarding the imported category, the power of censorship is now exercised at the discretion of the Department of Internal Revenue. This function of the Customs should be improved and strengthened. As to the manner of this strengthening, a qualified and sufficient staff comes at once to mind. Let us say on this point that we think the view expressed before you by Canon W. W. Judd of the Church of England in Canada is a good one: the Customs service at large ports of commercial entry could have, possibly, the assistance of an advisory panel and the methods and effectiveness of all concerned could be reviewed from month to month and year by year.

Category two involves another problem. What is to be done about obscene publications printed in Canada? We are aware of the inherent difficulty of reaching an ideal solution by way of censorship. Though censorship today is applied and widely accepted in respect to material conditions and commodities, experience indicates that there is a special difficulty in its application to printing. The pure food and drug laws protect against diluted or injurious food. We accept standards in weights and measures. A merchant who adjusts his scales in a way that may defraud the customer can be prosecuted. Likewise there are requirements regarding the correctness of food labels on packages, and so on. In short, we censor our groceries in regular practice and no one complains. But not our books. The reason is that Canadians have not been able to agree on definitions of terms; and legal action thus becomes a dubious endeavour, and it would seem even an unpleasant ordeal for the complainant.

Under section 207 of the Criminal Code of Canada, legal action may be taken against a publisher or distributor of obscene literature. What is the meaning of this word "obscene"? What kind of literature comes within its meaning? The answer is not easy. And this difficulty is the reason, perhaps, why so little is being done under section 207 to curb sales. Critics, scholars, officers of the law, perhaps even judges and theologians disagree as to what is obscene and what is not. They do not want to set themselves up as censors; and it is hard to get a decision from one person that is objective and not subjective.

It is just possible that there is an analogy in the evolution of English law that may cast light on this perplexing point. This evolution came from the situation brought about in Britain following the introduction of printing by Thomas Caxton in 1476. Printing was a revolution in communication indeed, and it created a sort of chaos. Printed material of any kind was generally distrusted, except that authorized by the Crown or the officers of the Crown. There were several reasons for this. One of them was the confused idea that was prevalent as to what constituted seditious libel. The traditional view was held in the courts that the greater the truth, the greater the libel. The result was that any publisher who printed statements that could be interpreted as

critical of the status quo, or of, let us say, a holder of public office, or an institution, could be brought to court and severely fined or sent to jail. Initiative in the publishing industry was thus held back and crippled.

This deplorable state of affairs, as far as freedom of the Press was concerned, lasted over 300 years. Publishing of all kinds was handicapped by this confused concept of libel. In addition, the Long Parliament brought in, in 1643, a Bill to license the printers. A printer, it was proposed, would have to get a government license before he could print a manuscript. In short, a censor appointed by the Parliament would examine manuscripts and approve or forbid their publishing.

It was against this licensed printing, as it was called, that John Milton in 1644 directed his famous speech, "Areopagitica." He argued for Freedom of the Press, that is, freedom of publishing. But Freedom of the Press he understood was not an absolute Freedom.

The confused concept of libel, however, persisted still for more than 100 years. And it was not until 1792 that the view had emerged that truth conjointly with the public good could be a defence against libel.

In that year, the Fox Libel Act was passed by the English Parliament. This Act got around the difficulty of the interpretation of libel by declaring that the interpretation should be left to a jury to be impaneled on any given case. That jury would decide what constituted seditious libel. This was the beginning of the evolution of freedom of the Press in Great Britain.

In Canada, today, that freedom is being abused by obscene publishing and importation of obscene literature. We would hesitate to abridge freedom of the Press. Yet it should be as easy to prosecute for obscenity as for libel. There should be, in short, a more effective way to prosecute for obscenity than is now readily offered under Section 207. We do not presume, in this brief, to phrase a law, only to outline a principle and an objective. May we suggest that attention be given to Section 207, to strengthening it and amending it, if necessary. Why, for example, is spoken profanity a legal offense while written profanity, which endures and which reaches a thousand times beyond the spoken, is printed with impunity?

In this strengthening of Section 207 as a whole, may we further suggest that consideration could be given to the use of a jury impaneled from among average persons of the local community of the complainant and that this jury have the duty of deciding as to whether or not a publication alleged to be obscene is really obscene, or in any other way contravenes Section 207. Such measures could be directed against the source of publications displayed for sale in stores, depots and commercial places—and not extend to textbooks, scientific and theological works, which may sometimes contain brief passages that might be objectionable to the minds of some; and finally that in the case of a publication being judged obscene by such a jury, heavy fines being imposed upon publisher and the central distributor (in case of the imported article getting through the Customs). It goes without saying that such an approach would require working collaboration between the provincial Attorneys-General and the Federal Department of Justice. It might not take many such fines to set in process a cleansing movement through the whole trade of smut in literature.

It may be objected that such procedure could give publicity to an obscene publication. This is true. There should be ways of forestalling such publicity; the scale of fines should be punitive. And anyhow the increase of sales from such publicity may be only hypothetical.

We think it true to say that most of the objection to indecent literature is coming from the aroused consciences of our citizens—the average parents of teen age youth in our towns and cities. Why not let that force play a certain role in cleaning up the infestation?

Would such action as here contemplated be interpreted as an invasion of freedom of the Press? That may very well happen in some quarters, but if so, we do not consider such an interpretation valid.

There is a realm, all but infinite in scope, for publishing initiative and the use of literary and creative talents outside the obscene, and altogether apart from that which has as its special characteristic incitements toward base conduct. While we have been tolerating obscenity on the news stands and book stands, are we not also witnessing the debasement of art? For this kind of literature is but a sorry substitute, a cheap synthetic, sold to the juvenile public in place of the true, the good and the beautiful. Unfortunately, like alcohol, it creates an appetite for itself—an appetite which the mentally and socially weak, the emotionally unstable among our youth may find hard to resist.

Freedom of the Press is a right which we defend but not as an absolute right. Canadian law already places publishing under possibility of restraint through court action in the following matters:

One—Libel.

Two—Contempt of Court.

Three—Copyright.

Four—Obscenity. Though, as we have seen, this latter is honoured more in the breaking than in the keeping. What now is needed, it would seem, is clarification and enforcement.

The Positive Side

So far this brief merely touches on measures that might be called preventive or even negative. But the problem also has a positive side. Bad books drive out good books—especially when the bad ones are made most abundant and visible by commercial displays. We should see to it that more good books—books useful, informative, amusing, are made more easily available in the local communities of our country. Reading flows into a vacuum, and it is also true that good books drive out bad books.

Finally, there is the writer. Perhaps we should have put the writer first. Without him there would be no problem. We believe that authors who can write clean yet saleable books are the ones who should be recognized as of most merit in the preservation of our natural culture. In this we would draw your attention to the recommendations of the Massey Commission Report that some system of worthwhile awards for writers be put into effect.

To sum up, we recommend:

1. Strengthen the effectiveness of the existing censorship now employed under the Department of Inland Revenue;
2. A more efficient application of the powers implicit in Section 207 of the Criminal Code of Canada, or an amendment thereof;
3. Encourage the circulation of useful and wholesome books through the Regional or other library systems;
4. Recognition of authors who can write vital literature such as may inspire Canadians to reach their manifest destiny.

What that destiny is, we think, was well foreseen by a man whom some consider one of the greatest of the Governor-Generals ever sent to this country. When Viscount Earl Grey disembarked at Halifax in 1904 and spoke for the first time on Canada's soil, he said: "If you keep the character of your young people high, virile, heroic—no one can venture to set the limit of influence of the Canadian nation."

Can we keep the character of our youth high and heroic if we permit bad reading on every news counter?

We are reminded that both Divine law, and human law drawn from experience, proclaim that the most important possession of a nation is the virtue of its citizens. A nation cannot be healthy nor long exist without that virtue. You are faced today with a concrete situation: a small minority of publishers and importers are trafficking in obscenity. May we submit, in conclusion, that it is the duty of a government to defend its people from corruption.

Now, I have in the appendix two exhibits. One is the opinion poll of students of St. Francis Xavier University, regarding indecent literature. Four questions were asked of a representative sample of the student body, the first of which is as follows:

APPENDIX

Opinion Poll of Students of St. Francis Xavier University regarding Indecent Literature

1. Do you consider that indecent literature—pocket-books magazines, etc.—available on the newsstands, would constitute a menace to your moral character personally if you were to read it?—Yes, 97; No, 3.

2. Do you consider that literature of this sort would be more, equally or less damaging to your moral character now at college age than it would have been at high school age?—More, 12; Equally, 15; Less, 73.

3. Do you believe that half, one-third, one quarter or none of your student acquaintances indulge in this type of reading?—None, 11; one-quarter, 45; one-third, 28; one-half, 15.

4. Do you feel that this type of literature should be available on our newsstands?—Yes, 9; No, 91.

1. This poll is based on an approximately 10 per cent spatial sample of St. Francis Xavier University students.

The final exhibit is a statement from the Judge of the Juvenile Court for the County of Cape Breton, the incorporated towns therein and the city of Sydney. This is by Judge D. W. MacAdam, and is on Literature and Delinquency.

JUVENILE COURT FOR THE COUNTY OF CAPE BRETON THE INCORPORATED TOWNS THEREIN AND THE CITY OF SYDNEY

SYDNEY, N.S.
APRIL 1st, 1953.

LITERATURE AND DELINQUENCY

No detailed statistics have been kept by the Juvenile Court for the County of Cape Breton, to show the actual effect which current iniquitous literature has on the moral attitudes of children who appear before the Court. On several occasions however, and particularly during the past two years, incidents have come to our attention where salacious literature and suggestive crime comics have definitely contributed to boys and girls being or becoming delinquent.

Young boys have freely admitted acquiring ideas for breaking and entering, thefts, and for assaults from certain comics, and further ideas to assist them in carrying out their actions in such a way as to give maximum protection from detection.

During the year 1952 the number of cases of immorality involving children who have come to the attention of the Court has been three times that for any year since the Court was established in 1929.

Salacious magazines, unmoral excerpts from books, and pornographic photographs from such, have frequently been found either in possession of children of tender age or referred to in letters written by one to another.

This type of vicious literature is easily available at almost every magazine stand or corner store, moreover it is available to any age group.

When this situation was brought to the attention of several retailers it was intimated that they had no control over books, magazines or pamphlets with which they were supplied. In other words, in order to obtain a quota of "decent" literature retailers stated that they were obliged to handle the other type as well. All types of literature are placed on their magazine stands by the distributing agency. Those not sold are collected back by the distributor at certain intervals at no discount to the retailer. Few retailers have the courage to demand certain types only.

In the opinion of this Court the most effective action which could be taken against the wide distribution of such literature would be

- (a) Boycott of newsstands
- (b) Legal action, by organized community groups against distributing agencies.

In both cases it means group action, possibly on a community or even national level.

D. W. MacADAM,
Juvenile Court.

The CHAIRMAN: Any question of Dr. Boyle?

Hon. Mr. BURCHILL: Just this, that I think we have heard a very excellent brief. I have been sympathizing with you, Mr. Chairman, ever since I heard, underground, that you were about to undertake the duties of our late lamented chairman, and the preparation of a report of this committee; because to me this is a very unenviable task entailing a lot of work. Now my sympathy has vanished—because you have your report right there, in the brief read on behalf of the faculty of St. Francis Xavier University, by this excellent lady, as far as I am concerned.

Hon. Mr. QUINN: May I add a word of congratulations. I think that is the best report we have heard.

Dr. BOYLE: Thank you, sir, very much. I know my husband will be very pleased. The faculty did a great deal of work on it, and your comments will be appreciated.

The CHAIRMAN: Any further questions? Thank you, very much. We have one other witness, the Reverend Dr. Joseph B. Dorsey, C.S.B., of St. Michael's College, Toronto.

Father DORSEY: I have a correction to make. I am not a doctor, I am Father Dorsey, and am relatively close to becoming a doctor, but am not one yet. I have not prepared a brief. I was not sure exactly of my status here. I have been asked to come here at the personal request of Mr. Dubois, I believe. That is the way it reached me, at any rate; as a priest and a teacher of youth, I put down my own ideas in order to have some classification and some guide.

I do not know whether the honourable gentlemen would like to make any request of me, but to expedite matters, as it is getting late, I may say that I think you have the existence, certainly, of an evil of a very pronounced character, so evident to all here, and to many others, that any evidence from me on that score is probably superfluous.

The ideas that have impressed me most up to the moment are contained in the testimony of the president of the Harlequin Book Company. I would like to suggest, if I may be so bold, that it would seem to me that since the existence of the evil is so evident, the big problem facing this committee is how to approach the matter of legislation—how to approach what should be the method to attack the evil, and I think, as he has suggested we are very sensitive and very delicate about the question of censorship directly. I think he has suggested there a very important area, an area that can possibly be used very effectively, namely, the evil seems to stem in the tremendous influx of books, of an obviously salacious character, from the United States, and it seems as though Canadian publishers who, in my experience, have shown a great deal of responsibility, that is, a sense of responsibility, taking their work very seriously, are not receiving the protection by law, as he suggests—protection from these irresponsible publishers, protection which I think that the domestic manufacturer and publisher of books is entitled to. In other words, if a similar copy-right law as exists in the United States were put in effect here, it would effectively stem the flow of irresponsible publications from the United States. I think such action would do much to prevent the stigma of direct censorship.

I have discussed the matter of censorship with a group of relatively young men, mostly fathers of families, who are business men and lawyers. I regard them as a good cross-section of our younger citizenry—business men in their thirties or early forties. They seemed rather sensitive about the inauguration of direct censorship; however, they admitted that the problem was so great that if nobody else did anything, the government had the responsibility to invoke some form of censorship.

It was apparent to me, as I am sure it has become known to this committee, that most people are not really convinced of the magnitude of the evil. I am sure that most of the gentlemen in this room were not at first aware of the volume of undesirable literature that has been coming into Canada. The average decent citizen may think it is on a comparatively small scale. The usual reaction when the subject is mentioned is that they admit that such a problem exists, but there is a certain amount of evil in life and that we cannot legislate against all of it. That is very true, but if these people are faced with a pile of evidence, the average citizen is quick to realize that the problem is more serious than his experience would lead him to believe.

The Junior Chamber of Commerce in the city of Guelph recently inaugurated a type of local censorship. The matter was brought to my attention through an editorial in the Toronto *Telegram* which attacked the idea rather viciously. But that body in Guelph was trying to control the flow of salacious literature. The editor of the Toronto *Telegram*—or one of them—took vigorous exception to the fact that citizens would arrogate themselves such a right. I think that is the common reaction to anything that smacks of censorship.

It seems to me, therefore, that the approach which this committee makes towards proposed legislation is most important. The larger amount of the work should be done, as the previous witness suggested, by the Canadian journalists and publishers. In that way the method of control would be more acceptable and would have the approval of the legitimate firms in the United States and in Canada. Secondly, I think it is necessary to do a selling job; influential people in the significant areas of Canada must be made aware—as Mr. Dubois has made individuals aware—of the magnitude of the situation. We are faced with what almost amounts to a conspiracy to exploit the human curiosity of the young and the juvenile adult.

As the previous witness has pointed out, the American publisher has met his expenses in the United States, and can then send his plates to Canada and be assured of almost a clear profit on his publications here. I think if responsible Canadian citizens, including business men, journalists and particularly publishers, were sold the idea that we are being so exploited, by means

of American publishers taking advantage of the profitable enterprise in Canada, that some effective action could be taken. I think by making the responsible Canadian public aware of the true facts, you would establish the favourable climate necessary for the passage of legislation.

One of the leading journalists in Canada is, I think, Mr. Robertson Davies. Now, I do not think Mr. Davies is yet vividly aware of how vicious are these books and to what extent they are distributed. I think if the volume were called to his attention and evidence was laid on the table for him to examine, in the way that I examined books before I came here, he could not escape the seriousness of the situation. For my part, I put on a jacket and went to the bookstores and made a collection; the older students at St. Michael's College assisted me in gathering samples together. I examined these, and although I was aware that such books existed and was not shocked, I was at least surprised at the vicious nature and extensive volume of the business.

I think it is necessary for you to get the editorial pages of our newspaper to gain approval of any proposed legislation. If you do not get that, it will be like prohibition in the United States; there will be vigorous resentment by the people on the basis of a confused sense of the destruction of the freedom of the press and freedom of expression.

Obviously, the type of book under discussion does not purvey any ideas, and in some instances they do not present even a good story. I think, under those conditions, the words "obscene" and "salacious" can be closely defined as they would be required to be for legal prosecution. The prohibition of these books would not threaten the freedom of the press. They simply contain a description of human passion; in this respect they are obviously and clearly immoral in their description of human passions. They are not in any sense literary, but simply draw attention to the dynamite of the flesh. As I say, even the story is negligible. I read one recently that recounted the actions of a man who had to leave his wife to seek work in another town. In chapter after chapter it was obviously a question of his having intercourse with another female person. The book did not purvey any ideas, nor did it contain an interesting story.

Although we hesitate on the matter of instituting censorship, we have possible a definition of salacious and obscene which can be completely removed from the area of direct attack against the freedom of the press. If I go on any longer on my own I am afraid I may become more confusing.

If I might recapitulate: the significant view here is that some approach to effective legislation or practice to curb and limit as far as possible the distribution and sale of obviously obscene and salacious literature—that is, the method of doing such—is the important consideration at this late stage in the committee's investigation, and that the first approach to that, I think, should be off the point of censorship and through legitimate processes and laws for the protection of responsible publications in Canada and by Canadian publishers who have shown—if the testimony of the earlier witnesses is sound and true, as I believe it is—a high sense of responsibility; and since the evidence indicates that the worst offenders in this are from the United States.

Secondly, that a very large number of the books on book stands today are of such a kind that they can be correctly described, without any threat to the freedom of the press, as obviously, in the common understanding of the words, salacious and obscene. I would add that, if the word "obscene" is perhaps one for argumentation and debate, they are objectionable to the common sense of decency.

In the third instance, perhaps, there should be some type of censorship to fill in the areas that cannot be immediately attacked.

Practically speaking, you must establish a climate of approval for such legislation, since it will always border on and can be exploited in the light of destruction of freedom of speech and freedom of the press. So that responsible people in the business of publishing newspapers and magazines, including owners and journalists, should be brought together with a view to the industry's establishing a review board of some kind, that they have their own code of ethics, and that the code of ethics become the significant end and goal of this committee, in order to get the industry to take the responsibility for itself. But before industry in Canada can do that, because it is small, it must get protection by the legislature of Canada. Then it will become responsible as the movie industry has largely become responsible in the United States. When that industry was small it was irresponsible; as it became big-business it learned that it did not have to cater to low tastes; it could stay in business and still have its review board, which, I think, has largely cleaned up the worst parts of the movie industry. But, first, publishing in Canada must be protected, otherwise it will be overwhelmed by this influx of material from the United States: then its responsible members could set up this board of review to clean up conditions which require attention.

A number of other ideas have occurred to me. One was, in connection with distribution, setting aside a section of every store which purveyed books and, by removing there a section consisting of sex literature, attempting to publicly stigmatize persons looking for such material; but on further investigation I found that that has been tried in Europe, with the result that these rooms developed into real cesspools.

I feel, too, that legislation could be effectively directed to the type of cover, but that it should be separate, rather than risk confusion of the definition of "obscene". Just from the layman's point of view, in merchandising, the covers of these books seem to be a very large element in the selling of the books. At any rate that is a common opinion.

One other thing—and this will be final. Whatever type of censorship is set up, if legislation were passed to establish a national censorship board of some kind, local subcommittees, subject to elected bodies, should, I think, be part of the machinery. Historically speaking, censorship bodies have always led to abuse and to the destruction or some serious impairment of freedom of speech and of the press. But if the local censorship committees were responsible to elected bodies, the citizenry of the nation would have recourse against obvious incompetency or unfairness on the part of the censoring board. I believe that recourse to the responsible representatives of our citizenry against any incompetency or injustice on the part of censorship would be a significant element in getting a favourable reception to a modified form of censorship.

In conclusion, the direct responsibility rests with organizations representing parents, schools, service clubs and municipal organizations of various kinds, and they, rather than government, should take it over. But if citizens will not act in defence of their individual rights, I suppose it becomes an obligation on government to enact such legislation as will go to correct the evil.

The CHAIRMAN: Any questions of the witness?

Hon. Mr. GERSHAW: I think the witness has given us some very good thoughts, and they are really additional to what we have heard previously. I am particularly impressed with some of the ideas he has expressed.

Hon. Mr. QUINN: Your main recommendations are: efficient legislation, and censorship.

Father DORSEY: I am afraid, sir, I would object to a simplification of that kind a little bit. I would say this, that I would try to attack the problem without censorship if it is at all possible, namely, as I say, through the encouragement and protection of Canadian business which can be held responsible

to its own citizens. The biggest source of evil seems to come from a body which is not attackable either by Canadian business or by Canadian legislation; and instead of censorship being imposed on people in the business in Canada who have not deserved it—

Hon. Mr. QUINN: You think it is possible without censorship?

Father DORSEY: I would like to see it tried that way first. I understand, from all the evidence given, that censorship of some kind seems to be the thing demanded. There may be some aspects in which censorship is desirable. But the witness this morning offered a very large area for consideration—sitting here and listening to him changed a lot of ideas in my mind—that Canadian business may be suppressed or punished for a universal weakness which has been exploited, not by Canadians, but by business protected by Canada; that is, foreign business coming in here. What should be done is to try and get rid of them. The big problem is not whether to have censorship but to find the source of the trouble and to eliminate it. Legislation should be devised to protect the publishers in Canada, and then, if they continued to produce this type of book, censorship, in my opinion, would have to be sought. First of all, however, I think the publishers should be given every opportunity to meet this problem themselves. In order to do this it is essential that the influx of this literature from the United States be curbed. That influx should be stopped by legitimate procedure and legislation, such as copyright letters, which is not censorship. Our people are very sensitive, and rightly so, to censorship, and we should avoid it if we can. Incidentally, keeping these things out of the country is not a form of censorship to my way of thinking. I would call that good business.

Hon. Mr. QUINN: Mr. Palmer of the Harlequin Publishing Company referred to a form of censorship that existed up to some seven years ago. What do you think of that?

Father DORSEY: I think that was a splendid idea.

Hon. Mr. QUINN: Would you not recommend something along the same line?

Father DORSEY: Exactly. I would point out, though, that this functioned within the industry itself. As I understood it, the industry sent a book to Mr. Roe which the industry felt might be objectionable to Canadian people and legislators and asked for his opinion. Once they received his opinion they abided by it, and they refused to publish a book if Mr. Roe found it objectionable.

Hon. Mr. QUINN: Such a person would have jurisdiction over all this. In other words, he would censor the plates and so on.

Father DORSEY: The impetus was coming from within the publishing industry itself. That is, the industry was making Mr. Roe's job effective by co-operating with him 100 per cent. The effective area of his work resulted from the fact that the industry wanted him to act in that capacity.

The CHAIRMAN: Mr. Sim gave this evidence when he appeared before the committee:

"Having regard to the legitimate public complaint which could be expected to ensue if each individual collector or appraising officer was permitted to exercise his own judgment in regard to 1201, I should perhaps tell the committee about the precautions which are taken before any title is added to the list of books or publications which are to be prohibited.

Our officers, having the list of prohibited publications for their guidance, are expected to carefully scrutinize any unlisted titles or publications which in their view could be reasonably classified under item 1201. If the doubtful publication is part of a shipment, the collector will hold up delivery while he forwards a single copy to Ottawa for examination. At Ottawa it is the duty of the general executive assistant and those who assist him in the first instance

to form an opinion as to the admissibility of the title. If in the opinion of the general executive assistant the book should be classified under tariff item 1201, it comes to me and if I share that opinion it is passed along to the minister for his personal decision before its entry is prohibited."

As I say, this evidence was given by Mr. Sim, Deputy Minister, Customs and Excise Division, Department of National Revenue. Now, if these services were expanded would that meet the requirements, in your opinion?

Father DORSEY: Theoretically, I think they would. If I listened correctly, this scrutiny would take place when a shipment reached the port of internal revenue?

The CHAIRMAN: Yes.

Father DORSEY: In other words, what we would normally call the Customs?

The CHAIRMAN: Yes.

Father DORSEY: When it reached that point would it mean that the whole shipment would be held up?

The CHAIRMAN: Yes, the whole shipment would be held up.

Father DORSEY: The Customs official would have to go through the book at the spot and hold up the shipment and send the book to Ottawa?

The CHAIRMAN: Yes, he would have to hold up the whole shipment.

Father DORSEY: Theoretically I would say that would be splendid.

The CHAIRMAN: The point is that the machinery now in force has become overpowered as a result of the growth and influx of this material into Canada. The question is: Should we expand this machinery and operate it on a larger scale? We have been told how Mr. Roe handled this matter some years ago.

Father DORSEY: I would only say that I think such an approach could be made more effective, because I do not think it is meeting the problem head on. The American publishers would merely take the attitude "We must become more ingenious in getting around this thing."

The CHAIRMAN: And they are very ingenious people.

Father DORSEY: I think it should be a recommendation of this committee in its report that, in the light of the growth in the number of these books that are being brought in, the existing personnel of the Customs Department is simply inadequate to handle the situation.

The CHAIRMAN: Father Dorsey, this is our last public meeting and you are probably our last witness. We are going to meet later in private to discuss the recommendations that this committee will embody in its report to the Senate. This committee has heard evidence now over two sessions of parliament. The first question is whether we now have the machinery necessary under our laws to cope with this problem, and whether this machinery is being properly operated.

Father DORSEY: My answer to that would be yes, if Canadian publishing houses alone were involved. However, I do not think that you could get the American publishing houses to co-operate in connection with a set-up such as was operated by Mr. Roe.

The CHAIRMAN: We could suggest that none of these books be imported at all unless copies were sent in advance. I am referring to pocket books, magazines and so forth of a certain definite nature.

Father DORSEY: I suppose that that would be censorship. It presupposes the setting up of a body which could read all this literature coming in.

The CHAIRMAN: They would have to be read and picked out.

Father DORSEY: As I understood it, there were fourteen American publishing companies sending in fifteen titles each a month.

Mr. PALMER: I would say that the major publishers send in 1,800 titles a year.

The CHAIRMAN: It would be quite a job to go through all those.

Father DORSEY: You also have other magazines, periodicals and digests and so on.

The CHAIRMAN: But the job has to be tackled.

Father DORSEY: Might it not be easier to approach this problem through legislation which is geared to the publishing industry in Canada? If I understood correctly, plates cannot be sent into the United States in order to have the material published in that country. If you could keep the whole operation here it would slow down the number of titles and it would give the officials a chance to cope with them.

The CHAIRMAN: We could recommend that the present departmental machinery be expanded so that, say, 2,000 books could be checked each year, and that no book be admitted into the country unless approved by the officials of the Customs and Excise Division of the Department of National Revenue. Whether that is censorship or not, somebody has to read them. Then if they were put on the stands we could attack them there by legislative action.

Father DORSEY: As a matter of fact, you do not have to read all through these books. You simply have to take a few pages here and there and then discard the books. In fact, I ran across one book where the obviously obscene and salacious materiel—and incidentally this was written by a well-known author,—was set aside in italics and separated from the rest of the narrative as such. These books could be picked out in five minutes.

The CHAIRMAN: If there are no further questions to be asked, that will conclude our meeting. The committee will meet in the near future to prepare its report.

Whereupon the committee adjourned.

EXHIBIT "A"

HARLEQUIN BOOKS LTD.

Toronto, Ont.

NOVEMBER 14, 1952.

Mr. W. J. Callaghan,
Commissioner of Tariffs,
Finance Department,
Ottawa, Ontario.

Dear Mr. Callaghan:

My firm is engaged in the manufacturing and publishing of paper covered pocket books, and as such we find ourselves the last Canadian firm to survive the ever increasing flood of similar American books coming into Canada. This has forced all Canadian firms to either close down completely or virtually suspend printing and publishing in Canada.

In the following brief we are attempting to give good reasons why the Canadian publisher is entitled to ask for a greater degree of protection from the Canadian Government; this only so that he can compete in Canada on terms of equality with American publishers.

Under the present system, owing to the different methods of assessing American books coming into Canada, as opposed to Canadian books going into the United States, the Canadian publisher is paying a larger amount per book than the American.

The following are the main points to which we would like to draw your attention:

1. All other things being equal, the cost of a book depends on the quantity printed. It is, therefore, immediately apparent that a book produced for the large U.S. market can be produced cheaper than one for Canada with its much smaller population.

It is, therefore, possible for a U.S. publisher to ship books into Canada at a lower price than the Canadian manufacturer can compete with.

Although the U.S. publisher has to pay duty and sales tax on books coming into Canada, these imposts can be levied on such a comparatively low initial sum that it is not a serious consideration. In other words, books coming into this country can be invoiced at cost or even less.

2. It must be pointed out that a Canadian publisher exporting to the U.S.A. those books which he is marketing in Canada at the same time, has his book assessed by the U.S. customs at 19c. for purposes of import duty. This assessment is for a book with a retail price of 25c. in Canada and is, of course, increased if the Canadian retail price should be higher. Admittedly the question of export to the U.S.A. is largely an academic one as the U.S. copyright laws seem expressly designed to prevent any such trade being carried on.

Our understanding is that books printed in the U.S.A. and imported into Canada and subsequently sold at retail for 25c., are valued for Canadian duty at a very much lower figure. The records of the customs department would no doubt substantiate this.

3. What I have said in (1.) above applies equally to engraved and printing plates and matrices which can be sent into this country at what is often a nominal value.

4. Certain U.S. publishers, although enjoying a substantial and continuing sale of their books in this country, are not incorporated as Canadian companies. They are, therefore, not paying Federal, Provincial or Municipal taxes.

5. Owing to the low price of imported U.S. books they are actually paying less sales tax than those of the Canadian publisher. In addition, owing to the matter of economic printing quantities and the return of unsold copies (which latter is a feature of the paper bound reprint business) the Canadian publisher is paying sales tax on large numbers of books which remain unsold and have to be destroyed. The U.S. publisher can send in several small quantities of a book and thus the Canadian importer or subsidiary company avoids this loss.

6. The plain fact of the matter is that Canada has become a dumping ground for U.S. paper bound books and, apart from considerations of cost the Canadian publisher is being overwhelmed by sheer weight of numbers. Evidence of this is the fact that of the six or eight companies engaged in this business in the past, Harlequin Books is the only remaining active company. White Circle Books, originated by Wm. Collins Sons and Co. Ltd., and one of the first companies, if not the first, to publish pocket editions in Canada, has suspended Canadian printing in this field.

7. We should draw your attention to the fact that our pocket books are competing with a torrent of U.S. magazines (some of them of a far from edifying nature) which pay neither duty nor sales tax.

8. With its limited population Canada cannot, at the present time, support a publishing industry based on the production of "hard bound" or "case bound" books, and will not be able to do so for many years to come. The publication of paper bound books can, however, be carried on as a purely Canadian enterprise and with the exception of educational books is really the only form of original publishing open to a Canadian firm.

Apart from paper bound books the Canadian publisher is admittedly dependent on books imported from Britain and the U.S.A.

9. From a broader point of view than that taken in the rest of this brief further points can be taken up.

(a) In response to the appeal of the Minister of Justice made in the House of Commons last year, we overhauled our list of books very carefully and those which might be construed as in any way offensive were removed. This policy was not generally followed by many U.S. publishers, who have thus reaped an unfair advantage over us for, let it be admitted, this type of book is always the best seller. Here again the advantage of publishing in New York as opposed to Toronto is immediately apparent; The New Yorker can view a prosecution with detached cynicism as simply part of the game while to us, with a reputation in this country of which we are proud, such an action would be little short of disastrous.

It is only right and proper that anything which could be classified as obscene literature should not be published and we would be the last to suggest that it should. Nonetheless, we have had the mortifying experience of seeing certain titles which we have removed from our lists being brought back into this country either in the form of plates or finished books.

(b) The Massey report stresses the value of an independent Canadian culture and one way of fostering this is through the publishing business. To make the Canadian publisher less subject to cut-throat competition is one way to encourage the production of a better type of book and one that does not depend on sensationalism for its appeal. We have already published such books by Canadian authors and would do more if the economic climate were more favourable to such an enterprise.

To sum up, I can say with absolute truth that it is economically impossible to continue to publish paper bound books in Canada in competition with U.S. lines. Therefore, I trust that you will be able to do something to help us for unless the imported lines are forced to compete on an even basis our book line will follow its previous Canadian competitors into oblivion. Surely this is neither a desirable nor healthy state of affairs for the future of publishing in Canada.

We shall be glad to give you any further information in our possession and will be only too pleased to come to Ottawa and discuss the matter with you if you so desire.

Yours sincerely,

HARLEQUIN BOOKS LTD.
(sgd.) "J. H. PALMER"
JOHN H. PALMER,
President

EXHIBIT B

HARLEQUIN BOOKS

Check List and Re-order Form

Curtis Distributing Co. Ltd.

430 King Street West, Toronto 2, Ont.

- 14—*Six-Guns of Sandoval*, Charles H. Snow
- 18—*Rebel of Ronde Valley*—Charles H. Snow
- 21—*Renegade Ranger*, Charles H. Snow
- 29—*Gunfighter Breed*, Nelson C. Nye
- 31—*The Golden Feather*, Theda Kenyon—35c
- 51—*The Pocket Purity Cook Book*—35c
- 71—*Bouquet Knitter's Guide*—35c
- 88—*Renegade Ramrod*, Leslie Ernenwein
- 89—*The Faro Kid*, Leslie Ernenwein
- 94—*The Range Doctor*, Oscar J. Friend
- 104—*Tough Cop*, John Roeburt
- 107—*The Man from Bar-20*, Clarence E. Mulford
- 108—*No Orchids for Miss Blandish*, James Hadley Chase
- 111—*The Flesh of the Orchid*, James Hadley Chase
- 112—*Gina*, George Albert Glay—35c
- 113—*Beyond the Blue Mountains*, Jean Plaidy—35c
- 123—*Saddle Wolves*, Allan K. Echols
- 124—*The Dead Stay Dumb*, James Hadley Chase
- 128—*Law of The '45*, Paul Evan Lehman
- 129—*Hire This Killer*, Ferguson Findley
- 130—*Figure it Out for Yourself*, James Hadley Chase
- 131—*Tex*, Clarence E. Mulford
- 133—*Frontier Doctor*, Bradford Scott
- 134—*The Killers*, George C. Henderson
- 135—*Lay Her Among the Lilies*, James Hadley Chase
- 136—*Boot Hill*, Weston Clay
- 137—*Berlin at Midnight*, Robert Joseph—35c
- 138—*Emma Hart*, Lozania Prole—35c
- 141—*Roger Sudden*, Thomas H. Raddall—50c

- 142—*Doctor By Day*—Thomas Stone
 143—*Rebel Yell*, Leslie Ernenwein
 144—*City for Conquest*, Aben Kandel—35c
 145—*Rio Renegade*, Leslie Ernenwein
 146—*Trail Rider*, Lynn Westland
 147—*Pardon My Body*, Dale Bogard
 148—*Wagon Train Westward*, Lynn Westland
 150—*Paprika*, Erich von Stroheim—50c
 151—*The Great I Am*, Lewis Graham—35c
 152—*Great Oaks*, Ben Ames Williams—50c
 153—*Outlaw Valley*, Al Cody
 154—*Rasputin and Crimes That Shook the World*, Richard Hirsch—35c
 155—*Canyon of The Damned*, Tex Holt—35c
 156—*Blood of The North*, James B. Hendryx—35c
 157—*The Bizarre Sisters*, Jay and Audrey Walz—50c
 158—*Yucca City Outlaw*, William Hopson
 159—*The Smiling Tiger*, Glen Offord—35c
 160—*Twelve Chinks and a Woman*, James Hadley Chase—35c
 161—*Health, Sex and Birth Control*, Percy E. Ryberg, M.D.—50c
 162—*The River's End*, James Oliver Curwood—35c
 163—*Guntown*, Dan Carew—35c
 164—*Captain for Elizabeth*, Jan Westcott—50c
 165—*Bats with Baby Faces*, W. Stanley Moss—35c
 166—*The Big Fist*, Clyde B. Ragsdale—35c
 167—*Love Me-And Die!*, Day Keene—35c
 168—*Hunt the Killer*, Day Keene—35c
 169—*Lady of Cleves*, Margaret Campbell Barnes—50c
 170—*The Sea is So Wide*, Evelyn Eaton—50c
 171—*Savage Justice*, Leslie Ernenwein
 172—*Gun Law*, Paul Evan Lehman
 173—*Anna*, Anneke de Lange—35c
 175—*The Commandos*, Elliott Arnold—35c.
 176—*The Valley of Silent Men*,
 James Oliver Curwood—35c
 177—*The House That Stood Still*, A. E. van Vogt—35
 178—*The Goldsmith's Wife*, Jean Plaidy—50c
 179—*Madame Serpent*, Jean Plaidy—50c
 180—*If The Coffin Fits*, Day Keene—35c
 181—*The Wicked Lady Skelton*,
 Magdalen King-Hall—35c
 182—*Crime on My Hands*, Carl G. Hodges—35c
 183—*Evening Street*, Katrina Johnson—35c
 184—*Black Jade*, Angeline Taylor—35c
 185—*Naked Fury*, Day Keene—35c
 186—*Why Be A Sucker*, D. M. LeBourdais—35c
 187—*Shanghai Jezebel*, Mark Corrigan—35c
 188—*Beggars Might Ride*, George Albert Glay—50c
 189—*The Nymph and the Lamp*,
 Thomas H. Raddall—50c
 190—*Slave Ship*, H. B. Drake—35c
 191—*Prison Doctor*, Louis Berg, M.D.—35c
 192—*Swamp Willow*, Edwina Elroy—35c
 193—*The Firebrand*, George Challis—35c
 194—*Triggerman*, Abel Shott—35c
 195—*Nine to Five*, Harvey Smith—50c
 196—*His Majesty's Yankees*, Thomas H. Raddall—50c

- 197—*Strictly for Cash*, James Hadley Chase—35c
 198—*The Rawhider*, Charles N. Heckelmann—35c
 199—*The Double Shuffle*, James Hadley Chase—35c
 200—*Doctor of Lonesome River*, Edison Marshall—35c
 201—*The unfulfilled*, W. G. Hardy—50c
 202—*Copper Town*, Paul W. Fairman
 203—*Daughter of Satan*, Jean Plaidy—50c
 204—*Gun Hawk*, Leslie Ernenwein
 205—*The Black Flame*, Stanley G. Weinbaum—35c
 206—*You Never Know With Women*,
 James Hadley Chase—35c
 207—*Three Ships West*, Harry Symons—50c
 208—*Pillar of Fire*, George Borodin—50c
 211—*The Cautious Amorist*, Norman Lindsay—35c
 212—*Shooting Valley*, Lynn Westland—35c
 213—*The Royal Story*, Richard J. Doyle—50c
 214—*Paprika*, Erich von Stroheim—50c
 215—*Turn Back The River*, W. G. Hardy—50c
 216—*No Mean City*,
 A. McArthur and H. Kingsley Long—50c
 217—*The Sea Hawk*, Rafael Sabatini—50c

MARCH RELEASES

- 209—*The Rock Cried Out*, Edward Stanley—35c
 218—*The Golden Amazon*, John Russell Fearn—35c
 219—*Girls in White*, Rona Randall—35c
 220—*Masked Rider*, Will Garth—35c
 223—*The Wages of Virtue*, P. C. Wren—35c

APRIL RELEASES

- 221—*The Great Impersonation*,
 E. Phillips Oppenheim—35c
 222—*Mad Mike*, George Goodchild—35c
 225—*Sir Rusty Sword*, Philip Lindsay—35c
 226—*The Owlhoot Trail*, Buck Billings
 227—*We too Can Die*, Paul le Butt—35c

1952-53

THE SENATE OF CANADA



PROCEEDINGS

OF THE

Special Committee on Sale and Distribution
of Salacious and Indecent Literature

No. 8

WEDNESDAY, APRIL 29, 1953

The Honourable J. C. DAVIS, *Chairman*

REPORT OF THE COMMITTEE

APPENDIX F

Submission by the Sacred Heart League of the parish of Sainte-Madeleine
d'Outremont.

APPENDIX G

Submission by His Eminence Paul Emile Cardinal Léger, Archbishop of
Montreal.

APPENDIX H

Memorandum from the Honourable Stuart S. Garson, Q.C., Minister of
Justice.

THE SPECIAL COMMITTEE OF THE SENATE ON SALE
AND DISTRIBUTION OF SALACIOUS AND
INDECENT LITERATURE

The Honourable J. C. Davis, Chairman

The Honourable Senators

Bouffard
Burchill
Davis
Duffus
Fallis
Farquhar
Gershaw

Golding
Horner
McDonald
McGuire
McIntyre
Pratt
Quinn

Stambaugh
Stevenson
Vaillancourt
Wilson
Wood—19

20 Members

Quorum 5

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Monday, December 8, 1952:

“That a special committee of the Senate be appointed, authorized and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure the services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this House.

L. C. MOYER,
Clerk of the Senate.”

MINUTES OF PROCEEDINGS

WEDNESDAY, April 29, 1953.

Pursuant to adjournment and notice the Special Committee on Sale and Distribution of Salacious and Indecent Literature met this day at 10.30 a.m.

Present: The Honourable Senators Davis, Chairman, Duffus, Fallis, Gershaw, Golding, McDonald, Quinn, Stambaugh and Vaillancourt.—9.

A letter from the Sacred Heart League of the Parish of Sainte-Madeleine d'Outremont, read by the Chairman, was ordered to be printed as Appendix F to these proceedings.

A letter from His Eminence Paul Emile Cardinal Léger, Archbishop of Montreal, read by the Chairman, was ordered to be printed as Appendix G to these proceedings.

A memorandum from The Honourable Stuart S. Garson, Q.C., Minister of Justice, read by the Clerk, was ordered to be printed as Appendix H to these proceedings.

At 12.05 p.m. the Committee adjourned.

At 2.00 p.m. the Committee resumed.

Present: The Honourable Senators Davis, Chairman, Fallis, Golding, Horner, Quinn and Vaillancourt.—6.

A draft Report, read by the Chairman, was discussed and amended.

On motion of the Honourable Senator Golding, the said Report was adopted.

At 2.30 p.m. the Committee adjourned to the call of the Chairman.

Attest.

John A. Hinds,
Assistant Chief Clerk of Committees.

REPORT OF THE COMMITTEE

WEDNESDAY, April 29, 1953.

The Special Committee appointed to investigate the sale and distribution of salacious and indecent literature in Canada, have in obedience to the order of reference of December 8, 1952, examined into the circumstances and conditions relating to the sale and distribution of such literature, and now beg leave to report as follows:—

It is deeply regretted that the late Honourable J. J. Hayes Doone will not append his name to this report. The initiation of this effort was his. He, along with a Special Committee, was responsible for an immense amount of work, executed over two sessions of Parliament. He called together innumerable representatives from communities from one coast to the other, from which was derived a cross section of opinion on the subject of our investigation. Too high a tribute cannot be paid in this report to the late Senator Doone, and the efforts he made in pursuing this work.

The Terms of Reference of this Committee are as follows:—

That a special committee of the Senate be appointed, authorized, and directed to examine into all phases, circumstances and conditions relating to the sale and distribution in Canada of—

1. Salacious and indecent literature;
2. Publications otherwise objectionable from the standpoint of crime promotion, including crime comics, treasonable and perverse tracts and periodicals;
3. Lewd drawings, pictures, photographs and articles whether offered as art or otherwise presented for circulation.

That without limiting the scope of its inquiry, the committee be authorized and directed to examine into—

- (a) Sources of supply of the above noted items;
- (b) Means and extent of distribution thereof;
- (c) Relative departmental responsibility for entry or transmission;
- (d) Sufficiency of existing legislation to define terms in relation thereto;
- (e) Relative responsibility for law enforcement and effective legal measures of dealing with this problem.

That the committee have the power to send for persons, papers and records, and to secure such services and assistance as may be necessary for the proper prosecution of its inquiries.

That the said committee shall report its findings to this house.

The Problem.

Under the above terms of reference, only circumstances and conditions relating to the sale and distribution in Canada of salacious and indecent literature have been investigated, with due allowance to its effect on high school and early university students, along with some investigation of the sources of supply, means of extensive distribution thereof (relative to Parliament's responsibility for its entry and especially in regard to existing legislation relating thereto), and the relative responsibility for law enforcement and effective legal measures dealing with the provinces. The following are the findings:

This problem is not isolated to Canada; in fact, it is world-wide in scope and has been in existence for a great many years. A similar committee in the United States has reported to the House of Representatives. The League of Nations had an organization which inquired into this type of literature in connection with the white slave trade. But for the past few years, owing to a new and very popular type of presentation and the extension of distributing agencies, this type of literature has flooded Canada from one ocean to the other. It comes in many forms: The soft-covered book, selling at a small price; numerous periodicals and magazines; and a more recently threatened immense influx of the digest type of sex literature.

This literature originates directly, or indirectly, in the United States, with about ten per cent in Canada. Its method of production is either through direct importation, in carload or truck-load shipments, or the introduction of plates of such questionable works for reprinting and distribution in Canada.

The distribution is very efficient, effective and economical. Numerous publishers, with representatives in Canada, have contacts with about fifty-four different distributing agencies occupying geographical franchises. So efficient is this operation, that it is only a matter of a few days after these books land in Canada on the floors of the distributing agencies, or from the printers in Canada, before they appear on the display stands throughout our country.

A word about the display stands. When our Canadian literature was limited to the hard-covered books, with the salacious and sexual type the exception, 200 book stores could be policed by the available force without difficulty. Now that modern mass production and distribution has come into effect, with at least 9,000 outlets in Canada, and in spite of a probable instantaneous shock to Canadian opinion, it has been handled in a rapid and efficient manner and is now firmly established.

To this problem (which as stated is world wide in scope and an immediate threat from the United States) our Committee, in the short time of its existence, has addressed itself as far as it concerns Canada and its effect on the Canadian juvenile mind and conscience. We propose to divide our report into four parts, under the headings:

POST OFFICE DEPARTMENT;

DEPARTMENT OF NATIONAL REVENUE, CUSTOMS AND EXCISE
DIVISION;

PRESENT LEGISLATION;

AN APPEAL TO ALL CANADIANS.

Post Office Department

This salacious material comes into Canada through the Post Office Department, but to a very minor degree. The Post Office Department's mail is divided into categories "1", "2" and "3". If this literature comes in in bulk under either category "2" or "3", and if there is reason to suspect that it is of a salacious or indecent nature, it is referred to the Customs Division, along with other parcels of the same category, for examination and treatment. If plates or matts for books come into the hands of the Post Office Department, these in turn are referred to the Customs Division for their decision.

If the material comes under class "1", at letter rate, and there is reason to suspect it, the recipient is called to the office and requested to open same in the presence of officials. He does this voluntarily but if he should refuse to allow this examination, the material is taken and put in the Dead Letter Office, and returned to the sender in the other country, marked "Undeliverable".

Department of National Revenue, Customs and Excise Division

The whole import question finally ends up in the hands of the Customs and Excise Division for decision. Imports mainly come through in either carload lots or by truck, or in less than carload lots, or in book plates for reprinting, to the extent at the present time of 2,500 titles per year for the soft-covered books, with a threat of an enormous increase presently if nothing is done about the situation; with a similar entry, or attempted entry, of quantities of magazines which are monthly growing more and more vicious and "colourful" in content and exhibition.

As mentioned above, when there were only a couple of hundred titles produced a year, it was a very simple matter to police the whole situation, including the magazine field, and a few girls, with a Head in the Customs and Excise Division, were apparently quite sufficient to keep this matter in shape or battered down. But, with the immense influx of a total of about 3,000 titles of books, magazines and periodicals per year, with an impending increase of a much larger number, the present facilities and machinery of the Customs and Excise Division appear to be absolutely inadequate to handle the situation or police this field.

The Customs and Excise Division operates under Item No. 1201, Schedule "C", of the Customs Tariff. This item has been in the Customs Tariff since 1867, with amendments in 1868 and 1879, and is still in force, reading as follows: "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious or of an immoral or indecent character."

Apparently this section of the Customs Tariff has been sufficient in its operation up to a comparatively recent time, but the immense flood of literature coming in at all the various ports of Canada, subject to the supervision of a small group at Ottawa, has proven that the personnel at the present time is inadequate.

Your committee recommends that the Excise and Customs Division of the Department of National Revenue expand its operations to meet proportionately the present serious threat to the moral standards of Canada.

Legal Position.

Where prosecutions have to be made in Canada for either literature produced and printed in Canada, or for the distribution, sale or exhibition of imported or domestically published volumes, the charges have to be made under the Criminal Code. This is done under Section 207 which, as revised in 1949, reads as follows:

207. (1) Every one is guilty of an indictable offence and liable to two years' imprisonment who

- (a) makes, prints, publishes, distributes, circulates, or has in possession for any such purpose any obscene written matter, picture, model or other thing whatsoever; or
- (b) makes, prints, publishes, distributes, sells or has in possession for any such purpose, any crime comic.

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

- (a) sells, exposes to public view or has in possession for any such purpose any obscene written matter, picture, model or other thing whatsoever;
- (b) publicly exhibits any disgusting object or any indecent show; or

(c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a means of preventing conception or causing abortion or miscarriage or advertises or publishes an advertisement of any means, instructions, medicine, drug or article for restoring sexual virility or curing venereal diseases or diseases of the generative organs.

(3) "Crime Comic" means in this section any magazine, periodical or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious.

(4) No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done, and that there was no excess in the acts alleged beyond what the public good required.

(5) It shall be a question for the judge whether such acts are such as might be for the public good, and whether there is evidence of excess beyond what the public good required; but it shall be a question for the jury whether there is or is not such excess.

(6) The motives of the accused shall in all cases be irrelevant.

(7) It shall be no defence to a charge under subsection one that the accused was ignorant of the nature or presence of the matter, picture, model, crime comic or other thing.

We are informed by the Justice Department that before this revision was undertaken, they had consulted with the Attorneys General of all the provinces of Canada, who in turn consulted their law enforcement officers in order that the revised provisions might include everything which would make the new enactment as enforceable as possible. The Federal jurisdiction is restricted, of course, to the extent of the enactment of the Criminal Code. The enforcement is entirely in the hands of provincial jurisdiction and that of the municipalities, which derive their power from the provincial authorities. This enactment in 1949 was carefully drafted, and the Justice Department is of the opinion that the problem remains that of enforcement. They further add that thus far they have not received any representations from law enforcement agencies which would lead them to believe that the present law is not enforceable. Also, none of those who have stated that it is unenforceable have shown that they have invoked same and have failed to secure a conviction because the law was unenforceable; and further, in some cases it is difficult to resist the impression that not wanting to enforce the law, they offer the excuse that it is not enforceable.

The Department of Justice states that they have the best reasons for thinking that the law is enforceable, because it was drawn up after the most careful consultation with the law enforcement officers of the Attorneys General's Departments of the provinces of Canada, whose responsibility it is to see that it is enforced.

At the present time, there is a case before the Ontario Courts from the city of Ottawa, which has been appealed to the Supreme Court of Ontario, and a decision is presently anticipated, with a further appeal of the case to the Supreme Court of Canada. Pending a decision of the Supreme Court of Canada, the Justice Department proposes not in any way to alter the present Section 207, but if it is necessary that "207" be revised as soon as the facts of the situation are presented by a final Court decision, this effort will be forthwith undertaken.

Further, on the judicial basis, the decision laid down in the *Rez. v. Hicklin* (1868) 3 Q.B. 360, by Chief Justice Cockburn of Great Britain has been assumed, in whole, in the courts of our country, and his definition is as follows:

The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.

The Justice Department informs us that this sensible definition is one which now applies in the Canadian Courts. Everyone recognizes that there is difficulty in a democratic society in administering any law which has the effect of limiting freedom of publication. Yet, they are sure that having Chief Justice Cockburn's definition in mind, the present law is not vague or uncertain, but that it is enforceable if there is a will to enforce it. In Canada, any injustice or curtailment, in any form, of the freedom of the press, as exercised within the natural moral limits, is guarded and maintained under this definition.

No cases have been brought to the attention of the Department of Justice in which prosecutions have failed through any vagueness in the law. The law is quite explicit in that if the material complained of is obscene, i.e., to employ the language of Chief Justice Cockburn in the case above quoted, if "the tendency of the matter is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall", then the person, or persons, who publishes, distributes or deals with such matter is guilty of an indictable offence. The Department of Justice further adds that if, after experience with the enforcement of this law, it is shown that it is not enforceable, the Government of Canada will be willing to again consult with the provincial authorities to that end, and revise existing legislation.

Might we assure the press of Canada that there is no attempt on the part of the committee under Section 207 to in any way curtail the freedom of expression and opinion presently enjoyed by them.

Appeal to Canadians

In dealing with the present executive action and legislation, and possible recommendations for its dilatation, your Committee hopes that the Canadian people will back it up with all the force of public opinion, and that those who print, import, distribute or exhibit for sale salacious and indecent publications will feel the force of this public opinion and be made to realize that they are doing a filthy, immoral and nasty thing to the detriment of Canada in its present position. Might your Committee be permitted to point out that in the world-wide struggle between the forces of darkness and evil and those of good, the freedom-loving democratic countries have need of all the strength in their moral fibre to combat the evil threat, and anything that undermines the morals of our citizens and particularly of the young, is a direct un-Canadian act.

Your Committee respectfully suggest, also, that in view of the fact that the solution of this problem is in no way complete, this Committee be reappointed during the next session of Parliament to keep reviewing the situation with a view to further and definite action.

All which is respectfully submitted.

J. C. DAVIS,
Chairman.

APPENDIX F

LIGUE DU SACRÉ-CŒUR
de la paroisse de Sainte-Madeleine d'Outremont
Outremont, Que.

APRIL 25, 1953.

The Secretary,
Senate Committee on Morality,
The Senate,
Ottawa, Ont.

Dear Sir,

This is a posthumous tribute to the late Chairman of your Committee, the Honourable Senator J. J. Hayes Doone, and we wish to express our heartfelt congratulations to himself and to the members of this Committee, concerning the investigation on distribution and sale of obscene or salacious literature.

Our association, which comprises 130 members, is greatly interested in this problem of indecent literature which is on sale in newsstands and in certain book stores.

Among other points, we insist that:

The reprinting in Canada of any publication which is prohibited in this country be also prohibited;

That the distributors be prohibited from imposing certain publications upon retailers without allowing them the liberty of choosing the publications they want.

On behalf of our association, we thank you for the wonderful work you are doing, and you may be assured that we will support you in any step that the government may take.

Yours truly,

(Sgd.) The President,
The Secretary.

APPENDIX G

CANADIAN CATHOLIC CONFERENCE

447 Sussex Street, Ottawa 2
Rev. John A. Carley,
English-Speaking General Secretary.
Telephone: 4-7012

APRIL 13, 1953.

The Honourable John Caswell Davis, O.B.E., M.E.I.C.,
Chairman,
"Special Committee on Sale and Distribution of
Salacious and Indecent Literature,"
The Senate,
Ottawa, Ontario.

Dear Sir:

The Canadian Catholic Conference of the hierarchy has long been deeply concerned over the rising tide of immoral reading material in this country. Undoubtedly evil literature is, as history amply testifies, one of the surest

means of debasing the individual and public conscience, of poisoning the physical, mental and moral well-springs of our youth, and of jeopardizing the development of true culture precisely at this crucial time when the foundations of Canada's future are being laid. As the situation reached a climax, it was heartening to note the unanimity with which the Fulton Bill was enacted, and still more so to see the wide order of reference given to the distinguished Special Committee of the Senate duly appointed to study and report on the whole problem of the "Sale and Distribution of Salacious and Indecent Literature" in this nation. Anxious to co-operate to the utmost with our fellow citizens of all religious and political persuasions in combatting effectively this menace to the basic pattern of life upon which our civilization depends, the Catholic hierarchy of Canada respectfully submits the following suggestions for your consideration:—

(1) Whatever remedies may be adopted should be readily applicable to the whole country with due co-operation between the federal, provincial and municipal jurisdictions.

(2) In view of the importance and delicacy of the issue at stake, the Special Committee of the Senate should act as a continuing body until such time as the crisis is over and the new legislation, if any, is deemed to be functioning smoothly and effectively.

(3) We submit that the term "obscene" is quite susceptible of proper legal definition in such wise as to facilitate greatly the elimination of vicious reading material masquerading as medical advice, art, and sex instruction.

(4) The publishing industry itself should be invited to establish a code with the help of religious, civic and educational leaders. This code would act as a basic guide to an industry reviewing board, similar to that used with reasonable success by the motion picture and television industry in the United States.

(5) The addition of a new section to the Criminal Code which would make punishable by fine or imprisonment or both, the transportation, by any means whatsoever, for sale or distribution, of any obscene materials.

(6) We share with our fellow citizens the natural reluctance to invoke any form of censorship; but, having regard to the results thus obtained through the services of a competent board of censors in the field of motion pictures, we see no valid reason to doubt that comparable results would be obtainable from a similar board duly appointed to aid in the elimination of obscene reading material and kept always responsible to parliament. While we do not legislate as to what particular type of physical food our citizens must eat, we do not hesitate to pass sanitary regulations and pure food laws for their general protection. Similarly, while we gladly respect the wide liberty of choice which free citizens are entitled to enjoy in the selection of their mental food, we feel that certain minimum restrictions are not only justifiable but imperative for the common good when the poisonous mental food of vicious reading material is wantonly thrust upon our youth by unprincipled profiteers, and morons.

(7) The Special Committee should take steps to create and maintain an informed and alert public opinion, enlisting the support of Home and School and Parent-Teacher Associations, the National Council of Churches, the Canadian Federation of Mayors and Municipalities, the Boy Scouts and Girl Guides Associations, service clubs, and similar organizations not only to aid in the inevitable preventive work, but also to foster in every possible way the provision and wide circulation of good reading materials. As the secular press wields tremendous influence in the shaping of public opinion, its earnest

co-operation would go a long way towards a solution of the problem. Parents alone are no longer able to protect their off-spring adequately from the purveyors of filth.

Wishing you, Mr. Chairman, and the personnel of your committee, every success in the great task which you are so conscientiously striving to fulfil on behalf of the Canadian nation for the special benefit of our youth, I beg to remain,

Devotedly yours in Christ,

PAUL EMILE CARDINAL LÉGER,
Archbishop of Montreal,
Chairman of the Administrative Board of the
Canadian Catholic Conference.

APPENDIX H

MEMORANDUM FROM THE HONOURABLE STUART S. GARSON, Q.C.,

APRIL 16, 1953

Parliament in 1949 revised and re-enacted the provisions of the Criminal Code dealing with objectionable literature. In this connection, a good deal of emphasis was placed upon the addition in Section 207 of the Code of a clause dealing with crime comics. This Section 207, however, covers obscene and other material as well as crime comics, and that whole Section at that time was carefully revised and re-enacted. Certain substantial changes were made all tending towards making the section more enforceable. The section as formerly worded had placed upon the accused the onus of providing by way of defence that the public good was served by the publication or distribution of the literature. The new section added to this burden by providing that ignorance of the nature of the objectionable material would be no defence to a charge under sub-section 1 of Section 207.

As a result of these important changes, which are of substantial assistance to those charged with the enforcement of the law, Section 207 now reads:

207. (1) Every one is guilty of an indictable offence and liable to two years' imprisonment who

- (a) makes, prints, publishes, distributes, circulates, or has in possession for any such purpose any obscene written matter, picture, model or other thing whatsoever; or
- (b) makes, prints, publishes, distributes, sells or has in possession for any such purpose, any crime comic.

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

- (a) sells, exposes to public view or has in possession for any such purpose any obscene written matter, picture, model or other thing whatsoever;
- (b) publicly exhibits any disgusting object or any indecent show; or
- (c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a means of preventing conception or causing abortion or miscarriage or advertises or publishes an advertisement of any means, instructions, medicine, drug or article for restoring sexual virility or curing venereal diseases or diseases of the generative organs.

(3) "Crime Comic" means in this section any magazine, periodical or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious.

(4) No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done, and that there was no excess in the acts alleged beyond what the public good required.

(5) It shall be a question for the judge whether such acts are such as might be for the public good, and whether there is evidence of excess beyond what the public good required; but it shall be a question for the jury whether there is or is not such excess.

(6) The motives of the accused shall in all cases be irrelevant.

(7) It shall be no defence to a charge under subsection one that the accused was ignorant of the nature or presence of the matter, picture, model, crime comic or other thing.

Before this revision was undertaken, we consulted the Attorneys General of all the Provinces of Canada who, in turn consulted their law enforcement officers in order that the revised provisions might include everything which would make the new enactment as enforceable as possible. The jurisdiction of the Federal Parliament extends only to the enactment of the criminal law. Neither the federal Parliament nor the federal Government have to do with its enforcement, which is in the hands of the Provincial Legislatures and the municipalities which derive their power from the provincial authority.

Having regard to the work that has been done in the careful drafting of the law itself, it would seem that the problem now remaining is one of enforcement. Thus far, no representations have been received from law enforcement agencies which indicate that the present law is not enforceable. None of those who have said that it was unenforceable have shown that they have invoked it and have failed to secure a conviction because the law was unenforceable.

The best reason for thinking that it is enforceable is that it was drawn after the most careful consultation with the law enforcement officers of the Attorney General's department of the Provinces of Canada whose responsibility it is to see that it is enforced. The Department of Justice would have no objection to giving still further consideration to the question of redrafting the law; but if it were to do so, it would have to go back to the same people with whom it consulted on the last occasion, who, with their responsibility and experience in enforcing the law, are in the best position to say what the law should contain. It seems rather unreasonable that they should be bothered again until and unless it is clearly demonstrated that the present law is not enforceable.

It is quite true that in particular cases which come before a court, the judge is faced with a grave responsibility in deciding whether the particular publication involved falls within the prohibitions mentioned in Section 207. It is respectfully suggested, however, that if you reflect carefully upon this point, you will come to the conclusion, that censorship whether by a board of censors or by the court in a prosecution, can only be conducted in relation to a specific document or paper writing which is before the board of censors, or before the court. It is extremely difficult if not impossible for any legislature, by language put into a statute in relation to literature generally, to provide a satisfactory and workable prohibition of written or other material which the legislature has not seen. A certain subject dealt with by Shakespeare or Goethe or in a scientific thesis, may be unquestionably not obscene. The same subject dealt with in this trash which is sold at the bookstores at 25¢ a book may be unquestionably obscene. The obscenity or otherwise in each case is a question of

fact which has to be decided either by a board of censors or by the judge in a prosecution on the facts before them. Surely there is nothing vague about Section 207(2) when it provides that:

Everyone is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse
(a) sells, exposes to public view or has in possession for any such purpose any obscene written matter, picture, model or other thing whatsoever;

It is for the judge to decide whether on the evidence before him, the literature which is the subject of the charge, is obscene. Such obscenity is a question of fact. What constitutes obscenity has been laid down in a number of cases. One of the leading cases upon the subject is *Rex v. Hicklin* (1868) 3 Q.B. 360, in which Chief Justice Cockburn stated as follows:

The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.

This sensible definition is one which now applies in the Canadian courts. Everyone recognizes that there is difficulty in a democratic society in administering any law which has the effect of limiting freedom of publication. Yet surely having Chief Justice Cockburn's definition in mind, the present law is neither vague nor uncertain, but is quite enforceable if there is a will to enforce it. No cases have been brought to our attention in which prosecutions have failed because of any vagueness in the law. The law is quite explicit that if the material complained of is obscene, that is, to employ the language of Chief Justice Cockburn in the case above quoted, if "the tendency of the matter is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall", then the person who publishes, distributes or deals with such matter is guilty of an indictable offence. If after experience with the enforcement of this law it is shown that it is not enforceable, the Government of Canada would be willing to consider further changes which might assist in its enforcement and would be willing to again consult with the provincial authorities to that end.

It will be appreciated, I am sure, that it is open to any citizen to draw the attention of local law enforcement agencies to any matter or thing which he deems to be an offence against the Criminal Code. In our society we depend much on the vigilance of ordinary citizens to see to the enforcement of our criminal law, and it may be that the interest which has been awakened in connection with this subject will result in more cases for prosecution under Section 207 being brought to the attention of local law enforcement agencies.

By Section 92 of the British North America Act there is assigned exclusively to the provinces the subject matter of

(14) the administration of justice in the province including the constitution, maintenance and organization of provincial courts both of civil and provincial jurisdiction and including procedure in civil matters in those courts.

Enforcement, therefore, is in law a provincial not a federal responsibility and as a matter of common sense, it would be most impractical that the Minister of Justice should direct from Ottawa a prosecution in respect of the sale of obscene books by a newsstand in Montreal, Toronto, Vancouver, Winnipeg, Halifax or St. John's, Newfoundland.

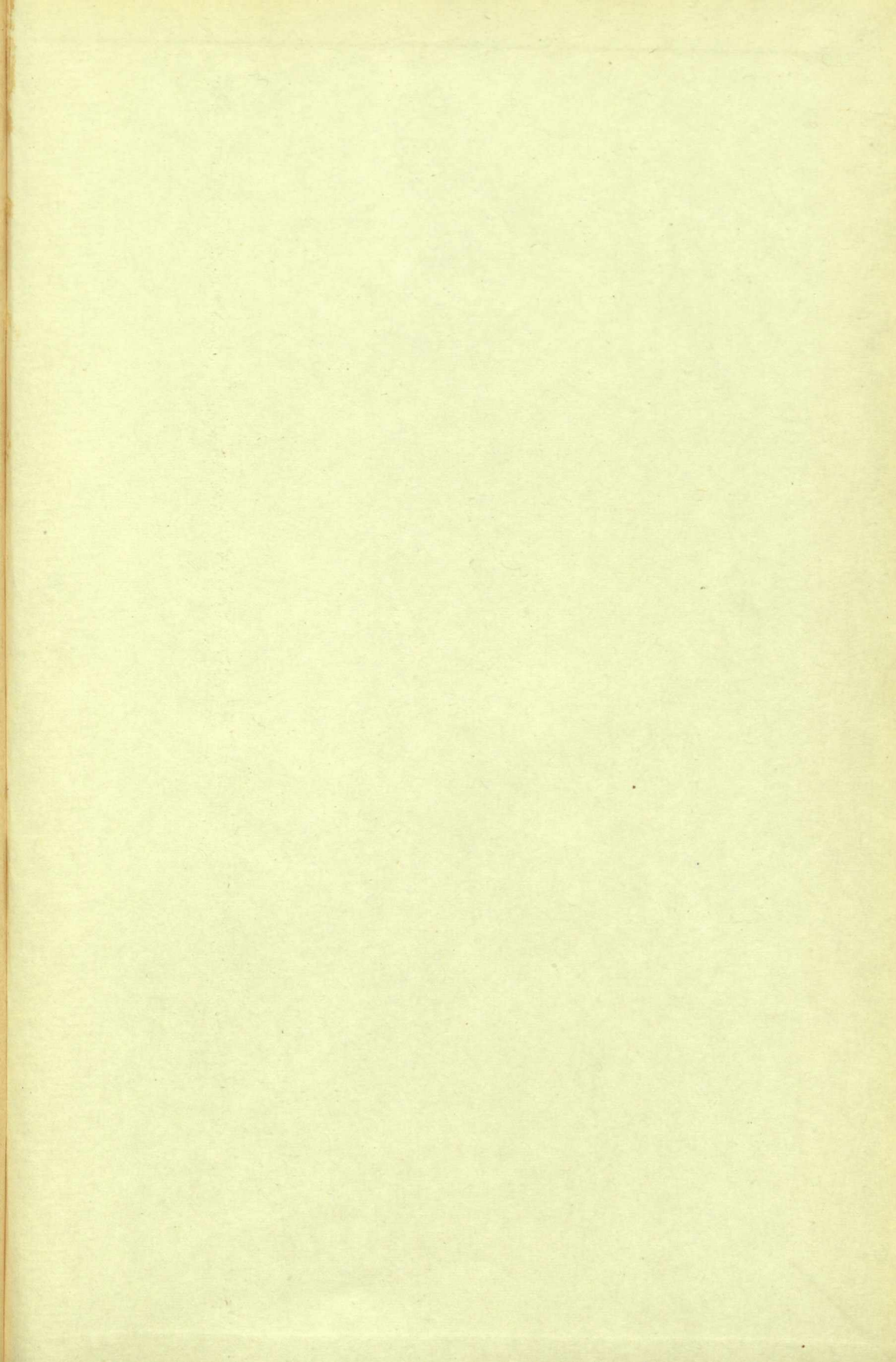
The question is sometimes asked, "Is there not a responsibility on the federal authority in connection with the admission of such literature into

Canada?" The answer is yes. This responsibility is discharged by the Department of National Revenue for which the Minister is answerable in the House of Commons.

Moreover, as such censorship involves the interpretation of a tariff item, there is an appeal from any decision barring a book to the Tariff Board of Canada which is generally regarded as a reasonably literate and enlightened body. Such an appeal so far as I know has never been exercised. There is a further appeal from the decision of the Tariff Board to the Exchequer Court of Canada which has also never been exercised. With these safeguards, it would seem difficult to argue that freedom of the press was not reasonably protected.

So far, so good. But the difficulty is that when the Department of National Revenue bar a book which is a good seller, the publishers can print and publish it in Canada where it will have all the better sale for having been barred by the Customs. The only way to stop this printing and sale in Canada is by prosecutions under Section 207 of the Criminal Code.

The way to check the possession, sale and distribution of obscene literature is the way in which it was checked just recently in Ottawa where the local prosecutor brought charges against booksellers and secured a conviction before Judge McDougall, which conviction, I understand, is now going to be appealed in the higher courts and taken eventually to the Supreme Court of Canada. This decision will clarify and confirm the interpretation which the courts will be required to give to the 1949 amendments. Until such an interpretation has been obtained from the highest court, it would not seem to be advisable to change this Section which was so carefully drawn in the light of the decisions of the law courts as to what constitutes obscene matter and the advice of the provincial law enforcement officials as to what they thought they could enforce.



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