

Dick Tracy Gets Smacked Down: Comic Crimes in Winnipeg

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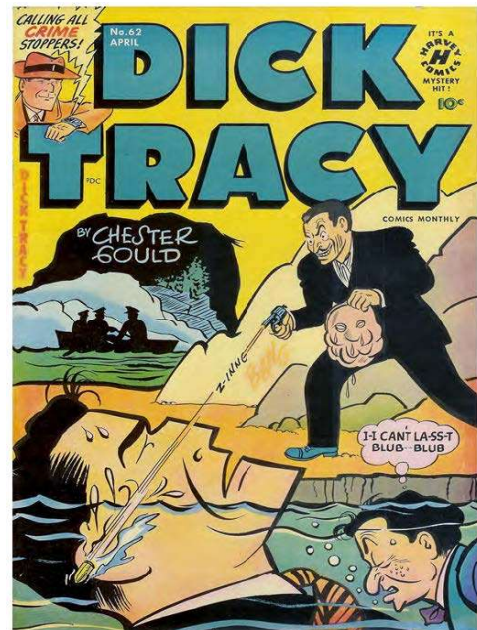
Winnipeg was the number one comic-book distributor in Canada for many, many years. However, 60 years ago the comic book industry was under siege in this province, with Manitoba's highest court ruling that the children of this country needed to be protected from the evil effects of such publications. Crimefighter Dick Tracy was to be the Courts' first target.

In 1949 section 207 of the Criminal Code was amended to make it an offence to distribute, sell or have in one's possession for the purpose of distribution or circulation of a crime comic. It was believed that comics that depicted the commission of crimes, real or fictitious, had the effect of inciting young people to commit crimes. The suppression of this "wicked" form of expression was, in part, a solution to controlling juvenile delinquency.

The Winnipeg Police Morality Squad was assigned the dubious task of bringing the City's more notorious caricatures down, including that wily veteran of the criminal underworld Dick Tracy. Tracy lived life large and his exploits were carried daily by newspapers throughout North America. It is estimated that by the early 1950's he and his counterparts were grossing an estimated \$90 million a year in the comic book market.

By March 27, 1953, the government of Manitoba had had enough of these comic criminals and ordered something to be done. Detective George Young was tasked with bringing down Dick Tracy's criminal enterprise when he deftly walked into Roher's Lunch at 360 Graham Avenue and bought the April 1953 edition of Dick Tracy, No. 62. The proprietor, Abe Roher, was subsequently arrested and summoned to court for having in his possession for sale a "crime comic".

On April 29, 1953, within weeks of his arrest, Mr. Roher appeared before Magistrate Maris Garton in Winnipeg Police Court. To deal with such moral turpitude the Crown was represented by none other than Charles Tupper, QC. Not only was Tupper a well-seasoned lawyer with 30-years at the Bar, he was also the grandson of former Prime Minister Charles Tupper and the son of William Tupper, the



former Lieutenant-Governor of Manitoba. Magistrate Garton found Mr. Roher guilty and fined him five dollars and costs.

Mr. Roher appealed his conviction, but on November 9, 1953, a unanimous Manitoba Court of Appeal upheld his conviction. Chief Justice McPherson stated that, in his opinion, comics are “*a strange basis upon which to start child education and, logically considered, could be quite easily adapted to other phases of training; for instance, by starting children on “home-brew” they might become connoisseurs of fine liquors and whisky and eventually experiment with a drink of milk!*”

Within weeks of the Court’s decision police agencies in Montreal and Toronto swooped down on local news dealers and laid charges related to the possession and sale of such other “sordid” comic figures as John Wayne and Kaanga the Jungle King. However such raids did not last long. In fact as early as December 1954 Manitoba’s Attorney General is reported to have stated that his efforts to control the sale of crime comics against retailers had not been worthwhile.

From 1950, the year the comic crimes section was fully in force, until the end of 1969 the number of juvenile delinquency cases in Canada more than quadrupled from 6,418 to 27,197 cases. As crime comics were no longer part of the mainstream market, something else must “have made them done it”. Rock and Roll?

It certainly was not Dick Tracy. In fact, in 1988 Davie Foulton, the Conservative Minister who championed the crime comic legislation and testified before the US Senate Subcommittee citing the success of the Rohr case said, “*that the crime comics we [the government] were concerned about were not the relatively innocent things of the ‘Dick Tracy’ or ‘Li’l Abner’ type; rather they were detailed portrayals often of the most bizarre types of crime and killing, blueprints of seduction and murder.*” All was forgotten. Dick Tracy had been excused for his transgressions in the end. It was just a test case after all.

Nevertheless, section 207 still lives on today as section 163 of the Criminal Code, prohibiting the sale and distribution of comics where the dominant characteristics involve the undue exploitation of sex or sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence.

A longer version of this story appeared in the Manitoba History Journal, No. 77 (2015, winter edition), p. 28-35 and can be read here:

http://www.mhs.mb.ca/docs/mb_history/77/crimecomics.shtml