

*Hate Propaganda*

From that section only, I assume that Bill C-3 must conform to the Bill of Rights if it is to be upheld in the courts. I think, as the right hon. member for Prince Albert (Mr. Diefenbaker) pointed out, the validity of this point was clearly established by the Supreme Court of Canada last fall in the Drybones case.

Even without the Bill of Rights there is some question whether this bill could stand up before the courts. Parliamentary democracy has always been predicated upon complete and unreserved freedom of speech. As pointed out by the hon. member for Edmonton East (Mr. Skoreyko), during the 1930's the government in my province of Alberta tried to limit freedom of speech through a series of acts one of which, the Accurate Views and Information Act, tried to control the press. In ruling the act unconstitutional in 1938 the then Chief Justice of the Supreme Court of Canada, Sir Lyman Duff, stated:

There can be no controversy that such (i.e. Parliamentary) institutions derive their efficacy from the free public discussions of affairs, from criticisms and answer and counter-criticism, from attack upon policy and administration and defence and counter-attack; from the freest and fullest analysis and examination from every point of view of political proposals.

He went on to say:

—it is axiomatic that the practice of this right of free public discussion of public affairs, notwithstanding its incidental mischiefs, is the breath of life for parliamentary institutions.

I referred earlier to the padlock case and the judgment of Mr. Justice Ivan Rand. I would like to quote just one more excerpt from it, and again I am reading from "Leading Constitutional Decisions" by Peter H. Russell:

—That the scene of study, discussion or dissemination of views or opinions on any matter has ever been brought under legal sanction in terms of nuisance is not suggested. For the past century and a half in both the United Kingdom and Canada, there has been a steady removal of restraints on this freedom, stopping only at perimeters where the foundation of the freedom itself is threatened. Apart from sedition, obscene writings and criminal libels, the public leaves the literary, discursive and polemic use of language, in the broadest sense, free.

● (3:50 p.m.)

Any nation, Mr. Speaker, knowing that its own society is based on certain values, beliefs and philosophies should, I believe, always listen to the voices of dissent and reform. They may be the first voices of the future. No matter how repugnant the message of dissent may be to a particular generation, that lonely

[Mr. Mazankowski.]

voice could well become the voice of the future. Any nation that stifles dissent or criticism can only experience a past and a present, it has no future.

Sir Winston Churchill said much the same thing in different words, and I quote:

Criticism may not be agreeable, but it is necessary.

It fulfils the same function as pain in the human body: it calls attention to an unhealthy state of things.

I submit that we should not stifle freedom of speech in the name of freedom. I know what it is to suffer certain abuse, a form of discrimination. Certainly, with a name like Mazankowski, I know what it is to be teased and to be called names. But discrimination is no basis upon which to stifle freedom of speech. Quite frankly, as far as I am concerned, discrimination and ethnic or racial hatred are not nearly as bad today as they were 20 or 30 years ago. I believe one of the main reasons for this is the fact that we have had freedom of speech. There has been an equalization of opportunity through education, integration and intermingling. If those who are discriminated against had not had the opportunity of expressing themselves vocally or in print, we would never have moved to the point where we are today.

A considerable amount of emotion has been injected into this debate, Mr. Speaker. The hon. member for York West (Mr. Givens) was very emotional the other day when he delivered his speech, as was the hon. member for York South. I believe that emotion only deviates from the principle of looking at this bill very objectively with a cool, sober and open mind. It is with these words, Mr. Speaker, that I would ask hon. members to search their souls in order that we may vote in the interest of preserving the tradition of our democracy and our basic civil liberties.

**Mr. Stan Schumacher (Palliser):** Mr. Speaker, it is certainly not with any sense of pleasure that I rise today to participate in this debate on the motion for third reading of Bill C-3. It is not that the debate has been bitter or rancorous, because I believe that its standard has been high.

However, it appears to me that many members have not taken the opportunity afforded by this debate to state their own views and those of their constituents. I can appreciate their difficulty. The proponents of this piece of mischievous legislation are relying on man's natural good intentions to carry it through. At least one hon. member spent a