While all these provisions I have mentioned here were taken from the United Nations resolution, the committee was of the opinion that the bill would be improved by their omission.

Then, honourable senators, we have the clauses that are left in the bill by the committee. In subclause 2, which includes the definition of genocide, the advocacy of which is prohibited, there is paragraph (a), "killing of members of the group"; paragraph (c)—which now becomes paragraph (b)—"deliberately inflicting on the group conditions of life calculated to bring about its physical destruction". These clauses specify very plainly, I think, the crime of murder as defined in section 201 of the Criminal Code, and of course genocide, which would come under this section, is genuinely homicidal.

Then, honourable senators, if you turn to clause 4 of section 267A you will see that "identifiable group" is defined as any section of the community—and again I call your attention to the word "any"—distinguished by colour, race, religion or ethnic origin. In the bill itself religion is not included, but the committee has added that word to this phrase which as amended will read "colour, race, religion or ethnic origin." The committee has added the word "religion" because most if not all of our religious groups are not distinguished solely by race, colour or ethnic origin; they are composed of all races, white, black, yellow and so on, and are composed of people of all ethnic origins. So it was necessary, we believe, to add the word "religion" as well as the words already used.

Finally, subclause 3—and I am still speaking about genocide—requires the consent of the Attorney General as a condition precedent to the bringing of proceedings under this section of the bill.

Thus, I submit the safety of the individual is amply protected, for a provincial Attorney General must consent before proceedings are commenced, and an open trial before a judge must take place before a conviction can be registered.

Section 267B (1) remains as originally presented before this house. It states:

> Every one who, by communicating statements in any public place, incites hatred or contempt against any identifiable group where such incitement is likely to lead to a breach of the peace, is guilty of...

The purpose of this section is manifestly to maintain public order, and public order is a primary duty of the public authorities of our own and all countries. May I observe, firstly, we have had experience in riotous conditions brought about by these means. Secondly, a magistrate has ruled such legislation beyond the jurisdiction of provincial or municipal authorities, and a magistrate has ruled that such a situation is not provided against by the Criminal Code.

Under such circumstances, in a public place where a riot is incipient the police must act on their own judgment and responsibility in order to prevent a breach of the peace. So it is not practical to obtain in advance the consent of the Attorney General; and, in this instance, the Attorney General's fiat is not required. Therefore, the responsibility rests upon the judge or the magistrate when the case is called in court the following morning. We did not amend that section.

Now I turn to section 267B(2), which is with respect to the dissemination of hate literature. I may say in passing that the strongest condemnation was expressed by all the witnesses before the committee and by the committee members themselves of the scurrilous and disgusting libels against identifiable groups which were produced for our edification, so much so that the committee refused to soil our own records by their reproduction and publication in the reports of the committee's proceedings.

Subsection 2 of section 267B, as originally presented, reads as follows:

> Every one who, by communicating statements, wilfully promotes hatred or contempt against any identifiable group is guilty of...

Subsection 3 of section 267B, as originally drafted provided that

> No person shall be convicted of an offence under subsection (2) where he establishes
>
> (a) that the statements communicated were true; or
>
> (b) that they were relevant to any subject of public interest, the public discussion of which was for the public benefit, and that on reasonable grounds he believed them to be true.

The committee improved that Subsection, broad as it is, from the standpoint of a defence, by changing "public discussion" to the word "discussion," so that discussion of such matters in private as well as in public will be protected if the amendments are carried.