

*Hate Propaganda*

There is a suggestion that we are bound to our international commitments resulting from the declarations which were made in the United Nations. However, it seems to me that we never went so far in those commitments that we would prohibit a private comment made by an individual who might choose to advocate genocide for some ridiculous purpose which he had in mind. In those commitments and in others found in appendix V of the report, we undertook that we would pass laws against genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide and complicity in genocide. At no point in our international commitments did we undertake to make private conversations of this nature a criminal offence. My question is, how far do we have to go to protect the public? It must be admitted that in this particular situation we are treading upon the dangerous ground of restricting freedom of expression.

● (3:40 p.m.)

I submit there is no need to go as far as this to protect ethnic groups from the type of literature, the type of communication, which is deemed to be offensive under the legislation before us. If there were forces at work in Canada today which advocated, as part of a political philosophy, the death or destruction of any particular minority, my view would be different. But I do not believe anyone can point to the existence of a political movement in Canada today which seeks the destruction of any of our ethnic minorities.

It is true the clause with which we are dealing contains a provision to the effect that no prosecution can be undertaken without the consent of the attorney general of one or other of the provinces. This does not mean, however, that a person making a statement of the kind described is not committing a crime. A statement, though made in private, might constitute a crime; the provision to which I refer merely means that it is open to the attorney general to decide whether or not to prosecute. In constituting a crime which can be committed by persons who might be taking part in a private conversation, we are opening the door to those who might bring accusations that such offences took place; we are opening the door to extortion.

I cannot believe there is a single ethnic group in this country today, as defined in the legislation before us, which feels we ought to go as far as this for its protection. No one can deny that on occasion it is necessary for the

[Mr. Hogarth.]

criminal law to trespass on our individual right of freedom of speech and communication. The Minister of Justice (Mr. Turner) has made this clear. Few people realize the extent to which our freedom of speech is limited at the present time by the laws of defamatory libel and slander. I suggest that in this clause on genocide we have gone too far. We are not moving to protect the Canadian people. What we are doing here is passing criminal legislation which is politically motivated to get political support from ethnic groups.

**Some hon. Members:** Hear, hear.

**Mr. Hogarth:** I do not believe this principle is a sound basis upon which the criminal law should be established. The criminal law should be established to protect the public, not to satisfy demands from any particular group within the public.

In seeking support for my amendment, I think it is only fair to advise hon. members that it was defeated in committee. Nevertheless, I seek their support because I think we have gone too far. There are real fears on the part of the Canadian public that we have gone too far in establishing this overall concept. If we were to make it clear that these provisions will not apply to things done privately, I believe the bill would prove far more palatable to the many critics who have written to us about it.

**Mr. Douglas (Nanaimo-Cowichan-The Islands):** May I ask the hon. member why he has not followed the example of the committee by suggesting an amendment which would exclude statements made in private conversations and in private homes, instead of opening the field so widely by using the word "public"? It is difficult to define what is meant by "public". I take it that a thousand people, for instance, might organize a gathering to which the public in general would not be allowed access, and that this would constitute a private meeting. I ask the hon. member why he has not followed up his plea by proposing an amendment dealing specifically with private conversations in private homes.

**Mr. Hogarth:** The words "other than in private conversations" were inserted, I think, by the hon. member for Greenwood (Mr. Brewin) in an amendment; there was a great deal of difficulty in committee in determining what would constitute a private conversation. No doubt there would be equal difficulty in determining what would constitute the public advocacy of genocide. The hon. member