

Hate Propaganda

those who still maintained it was an imperialistic war. Do they have the right to have those thoughts and speak out? Yes!

When our words may jeopardize the state, such as in time of war, there should be some control over the manner of speech, but thank God under normal conditions we have the right to express ourselves as we see fit.

Some hon. Members: Hear, hear!

Mr. Woolliams: This afternoon I referred to the Bill of Rights. I shall not repeat what I said. I point out to the House that these things can be checked. When dealing with this bill, they must be put on the record. Section 60 of the Criminal Code deals with sedition. One hon. member said he had a lot of experience. I ask him to look up section 66 dealing with the punishment of a rioter. I also refer to section 67, the punishment of a member of an unlawful assembly; section 68, the reading the Riot Act; section 30, preventing a breach of peace; section 120, public mischief; section 150, offences tending to corrupt morals; section 160, the causing of disturbances; section 246, blasphemous libel; and section 166, spreading false news. In those sections of the Criminal Code we have all the protection we need. We can still maintain freedom of thought, freedom of speech, freedom of the press and freedom of communication.

I wish to remind the House of the statement of Mr. Justice Rand in *Boucher v. The King*, 1951 Supreme Court Reports at page 284. It is interesting to note what Professor Scott said at that time. He said at the Legal and Constitutional Committee of the Senate, on April 29:

I will never forget, Mr. Chairman, how delighted I and all my friends were at the Supreme Court coming out with what we thought was a great clarification in the law, an increase in freedom of speech, yet still providing us in Canada with an adequate protection against real danger.

This was in relation to hate and malicious propaganda. His words can be found at page 202 of the report. At page 287 of the Supreme Court Report a description of the Boucher case is given. A religious sect published an article. Certainly it was mischievous and malicious. It created contempt, ridicule and broke the peace. The document was headed, "Quebec's burning hate for God and Christ: Freedom is the shame of Canada". The author was charged under the Padlock Law and put in jail. This is what Justice Rand said in dealing with sections of the Code:

22218-5

The definition of seditious intention as formulated by Stephen, summarized, is, (1) to bring into hatred or contempt, or to excite disaffection against, the King or the government and constitution of the United Kingdom, or either House of Parliament,—

I am not going to quote all that he said, but I want to make the point that the definition the learned Justice of the Supreme Court of Canada set out in 1951 in the Boucher case is basically identical to the protection this bill is supposed to afford. The law is there. As the hon. member for New Westminster (Mr. Hogarth) said, this is a vote-getting job and it threatens freedom of speech, freedom of thought and freedom of the press in this country. In other words, so far as law goes, freedom of the press is only the right to be let alone. The law itself does nothing affirmative; it leaves the whole task of promoting truth in the hands of authors, editors, reporters, publishers, broadcasters, motion picture producers and the rest of the communications people.

What will happen to books in the library which fall within the provisions of this bill? What will happen to a member who reads those books? Will he be charged under those sections and be liable to two years imprisonment? Is some Attorney General going to say to the member, "Because you read the book of Woodsworth or the book *Out of the Night*"—one of the most terrifying books I have ever read—"you will be charged"? What will happen to these books? I would like somebody to answer that question.

Unless they do something worth while, not a mite of truth has been attained or communicated. All that has happened is that a bunch of outsiders with official titles and police badges have been reduced to inaction. The law is kept away, but is truth any further ahead? Freedom of speech, and therefore freedom of the press—freedom from what? That is a good question but a much bigger question is, freedom for what?

I would like to ask some questions at this stage when dealing with this bill, which can become a very emotional and inflammatory issue: Is the government implementing this law with an eye on the next election? Has the government party an axe to grind? Are its decisions moved by emotion rather than intellect? I leave those questions with the House.

● (8:20 p.m.)

I now wish to turn to another question which puzzles me. What will happen in connection with parliamentary immunity? We