

the assembled crowd started shouting and running towards them. Suddenly he felt hot and feverish and everything was boiling inside him and he was unable to control himself when he became part of the fighting mob. When taken to the police station his mind went blank and he was unable to think of anything but of his family.

May I say parenthetically that this was the second family, his first having been wiped out. The psychiatrist goes on to say the following:

As a result of my studies and my experience in practice, and my interview with Mr. D-, it is my opinion in regard to him that, (a) Mr. D- is one of those survivors of the Nazi holocaust who have tried to bury the unfortunate past by adjusting themselves to the society of their choice which was helpful in the process of repressing the past to a considerable degree. His hate against his criminal tortures was never allowed to find an outlet, neither during the years of persecution nor following the Nazi empire's breakdown. However, it was sufficiently securely repressed and chances are that it would never have come to the fore without the provocation of a public Nazi demonstration. The latter may appear childish, silly and ridiculous to the majority of people who were not directly afflicted by the Nazi atrocities. On the other hand to a person who has been a personal victim of these atrocities with all their consequences to himself and to his beloved ones, a demonstration must evoke the most profound fears leading to a loss of control which would be unthinkable under any other circumstances. To this person it means the most horrible threat of an imminent or already existing revival of the past, threatening his very existence and possibly destruction of his family. It is well known that this type of experienced threat, although irrational in the eyes of the unbiased observer, is apt to create a state of panic with short circuit reaction, loss of control and violence. This process is much more likely to occur in a group than when the person is confronted with this situation as an individual,

There is much more in the psychiatrist's analysis and we append it herewith.

The Law as Public Policy:

In the 1940's and to some extent in the 1950s in the effort for fair employment and fair housing legislation we found ourselves immersed in the debate as to whether education or legislation were more effective instruments in coping with the social problem of racial and religious discrimination. Time has fortunately resolved that debate. The experience with such laws in Canada since 1951 has established, as we argued then, that the two instrumentalities must accompany each other—and that legislation is itself an extremely effective form of education. The existence of these laws, public knowledge of them and their enforcement are acts which are themselves educative in nature, and which reflect public policy as enunciated by government.

The bill before you deals with a question on which the government cannot be neutral any more, as is now recognized, than it can be neutral on racial and religious discrimination in employment and housing. It will stand as a formulation of public policy expressing the wish and goal of this nation as represented by its Parliament.

The Need for Legislation:

In confirmation of our position on the need for effective legislation we cannot better underline our view than to cite to this Committee the very cogent words of Chief Justice Gale of the Ontario Supreme Court who addressed the York County Law Association in Toronto in the following words in part:

As you know, all criminal law involves a balancing of the rights of the individual on the one hand, and the rights of society on the other. Our Criminal Code is a statement of the rules which have evolved to place limits on the freedom of action of every individual so as to safeguard the basic rights and freedoms of all individuals...

Let me give a very simple illustration of the problem involved. Freedom of speech is a time-honoured liberty in Western legal systems, and has now been made a part of the Canadian Bill of Rights. But it is not, as it cannot be in any organized society, an unlimited right. The right to speak one's mind is not a licence to preach vilification and violence...

...Recently, we have all been made aware of the inability of our present legislation to curb the evil outpourings of