

CRIMINAL CODE (HATE PROPAGANDA)**BILL TO AMEND—SECOND READING—
DEBATE CONTINUED**

The Senate resumed from November 30, the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill S-49, to amend the Criminal Code.

Hon. Jacques Flynn: Honourable senators, I yield to honourable Senator Belisle.

Hon. Rhéal Belisle: Honourable senators, I was going to request permission to speak instead of Senator Flynn, since he is not ready to proceed today. Thank you for allowing me this privilege.

Honourable senators, in rising to take part in the discussion of this bill, I do so with a certain amount of trepidation, due to the discussion and comments already made by so many able and experienced senators.

It is not my intention to discuss the legalism of this bill if it becomes law. In the first place, not being a lawyer, I am not qualified to do so. Secondly, that point was so well covered by experts such as the honourable Senators Walker, Choquette and Hayden, that we all feel this bill will only add confusion and annoyance to the already burdensome Criminal Code. Even Senator Roebuck admitted that the proposed legislation is almost a codification of the law of libel as embodied in the Criminal Code.

While I was listening with great interest to all the previous speakers, I was deeply impressed by the honourable Senator Walker's argument, and also by the logical and thoroughly exemplified thesis of the honourable Senator Choquette. However, when the honourable Senator Hayden commenced his impressive and legal argument about genocide, I could not help but think that he was giving the bill the "kiss of death". Having concluded his remarks in such an able fashion, he tried not to disagree with the intent of the bill that was advocated by the distinguished Leader of the Government in this house.

Again, I could not evade the thought that Senator Hayden was performing the same service to this house as the honourable Senator Crerar did on many occasions. I hope honourable senators will permit me to quote Senator Crerar's remarks, which appear on page 735 of Senate *Hansard* of 1963:

What this country needs today, above everything else, is clear thinking on these matters. It needs wisdom and sometimes I

wonder, when I read the debates in the House of Commons, if we have a clear thinking and as much wisdom as the country requires at this juncture of our affairs.

At any rate whatever that may be, let this house, this chamber, be an illustration to our country of what temperate, well-considered, wise judgment may produce in the way of our contribution to the national business.

If I may be permitted to add, I would say we need it more now than ever before.

I am sure that if Senator Crerar were here he would strongly object to this bill. After reading the contents of this bill, with due respect for those who composed it, I cannot help but agree with Senator Crerar that wisdom and sagacity are found to be lacking.

We all agree that hate propaganda is an undesirable thing, but it is most difficult to find effective means to eliminate it.

May I present a suggestion in this regard? The crux of the problem was stated by the Prime Minister when he posed the following question to the Canadian Jewish Congress:

How to discourage wanton incitement to racial hatred while preserving the right to free expression of opinion?

He obviously believes it can be done by legislation.

There are two main assumptions upon which this legislation is based. One, that there is a great enough quantity of hate propaganda being circulated and distributed in Canada to justify the passage of legislation to control it; secondly, that the Canadian people do not have enough common sense or sense of fairness or fair play to be able to recognize and reject such propaganda on sight. To put it another way, the Government does not have enough confidence in the Canadian people to believe that they are capable of recognizing and rejecting such propaganda outright. By introducing this bill, the Government must be convinced that such literature will poison the mind of the Canadian reader.

With regard to the first point, do honourable senators truly believe that there is enough hate literature being circulated in this country to warrant and justify outlawing it by bringing down an amendment to the Criminal Code? I do not believe there is, when talking strictly in terms of quantity.

Honourable senators know the amount of mail we receive, from every nook and cranny of Canada dealing with every subject imagin-