

11 public meetings; it heard the views of some 17 organizations, and it heard no less than 32 witnesses. I mention the protracted record first to establish that the long delay was unavoidable; second, to show that there was nothing sinister about it, and that no one was dragging his feet; it was just one of those things in parliamentary procedure; and the third reason that I have gone over the history is in the hope that the house will realize how thoroughly, how long and how vigorously the substance of this bill has been canvassed among us, debated and considered.

When the first reference was made to the joint committee, the hope was expressed here, and on the other side as well, I believe, that the bill could be made more acceptable. This the committee in question has earnestly attempted to do.

May I refresh honourable senators' memories by recalling that the measure is really in five parts. The first part concerns section 267A, regarding the advocacy of genocide. The second part is with respect to section 267B (1), making illegal statements inciting hatred or contempt of identifiable groups made in a public place and likely to lead to a breach of the peace. The third part concerns section 267B (2), making illegal the communicating of statements wilfully promoting hatred or contempt against an identifiable group or groups. The fourth part deals with section 267B (4), providing that, after conviction under the act, the court may order the seizure of "anything by means of or in relation to which the offence was committed"—that is, illegal material. And, the fifth part is section 267C, providing that the court may order hate propaganda to be brought before the court for adjudication and disposal.

That is a broad outline, a skeleton, as it were, of this bill.

Let me now return to the sections in detail, to the protection provisions provided in the bill, and to the amendments the committee has reported.

First let me say that of prime importance is the fact that your committee has provided that in every section of the bill except the second one, no proceedings can be instituted without the consent of the provincial Attorney General. This is an effective answer, I suggest, to the fear so often expressed that the power conferred on the court by the bill may be abused. Frivolous or malicious use of the processes of the court are negated in practice when the fiat of an Attorney General

is a prerequisite to the institution of proceedings.

Let us look at the bill itself and the proposed amendments. Section 267A prohibits the advocacy or promotion of genocide, and genocide includes a series of acts committed with the intent of destroying in whole or in part any, and I call attention to the word "any", group of people. The amendment reported by this committee would restrict this to any identifiable group—not just any group, but any identifiable group. This amendment brings the section into harmony with the rest of the bill, and it restricts its application to groups identifiable by race, colour, religion or ethnic origin. It excludes from the bill, honourable senators, the Maple Leaf hockey team, which was suggested in committee by one of the members with a sense of humour. I can assure honourable senators that they may scream "kill the umpire" as loud as they like without invoking the terms of this measure.

Now if honourable senators will look at the bill in question they will observe that, as referred to the committee, it has a number of clauses explaining what genocide includes. Three of these have been omitted by the amendments now before us for consideration. The first one was paragraph (b) in the bill which dealt with "causing serious bodily or mental harm to members of the group". This wording comes from the United Nations resolution which was signed by Canada, but the committee was of the opinion that it might well be omitted. It might well describe nothing more than an assault, perhaps, or even a common assault, and so it is proposed that this clause should be dropped.

The next one is paragraph (d), "deliberately imposing measures intended to prevent births within the group". This comes dangerously close to the pill or the manufacture of contraceptives, and so we thought it should also be omitted.

Then finally paragraph (e), "forcibly transferring children of the group to another group". Someone in the course of our debates actually suggested that this might cover the action of the Attorney General of British Columbia who was responsible for sending Doukhobors to boarding schools. Of course this was not with any intent to destroy the group but rather with the intent of making good citizens of the children. However, we were of the opinion that the paragraph might well be omitted, and so we have reported accordingly.