

my saying that genocide has been dragged in but has no place in this bill.

I doubt if there is a senator or a Canadian who would say in principle that he is not opposed to hate literature, to the sneaky or the dastardly and wide-open material that might be distributed and that might select some sections of the public, by reason of race or colour or ethnic origin, and revile those people. It is difficult not to be against that sort of thing.

Therefore, I think the principle is "hate literature." Since the bill goes further than that, I do not feel that, in sending the bill to a joint committee, I am subscribing to any principle other than the principle that hate literature is something I despise and that I am in favour of trying to find some way by which it can be regulated, controlled or prevented.

On that point, I believe there are other ways in which it should be treated rather than the way selected here, taking a breach of the peace as a method and creating that as the offence. In my view, the language in which this is done is vague and confusing, and would give rise to many difficulties and many applications that were never intended. We might build up a conflict among various ethnic groups in Canada, with one group asserting that another group had made certain criticisms or was promoting certain ideas against another group. We may have an incitement to hatred that does not exist at the present time and we may create many tender spots which do not now exist, simply through the desire of each group to keep itself immaculate in its own eyes and in its own judgment, so far as its heritage and its background is concerned. I do not know where this would end, so I would hesitate a long time before approving of a start along those lines.

For instance, remarks or writings of the character described as hate literature may constitute a defamatory libel; and defamatory libels are covered in our Code as a criminal offence. The provisions in the Code may not go far enough to cover groups and sections of the public; but Parliament has power to create new law. There are many offences in the Criminal Code today which did not exist previously and which were introduced accordingly as changes in our social relationships indicated a need to create new offences. That would be one way of dealing with it.

As a matter of fact, that is not an original idea of mine. When the commission was set up to deal with this question, a number of bills were introduced by private members of the

House of Commons. One bill, introduced by Mr. Monteith, proposed that the matter be dealt with by amending and broadening the applicable provisions in relation to defamatory libel. Other bills followed the line of dealing with it under seditious libel, while others suggested dealing with it as a breach of the peace. Which is the best method? I would like the joint committee to study that, to determine, first, whether we need this type of legislation; and, secondly, what is the best way of doing it.

I do not know why we are so concerned about the person who has created this sort of literature, surrounding him with all the rights of our law, borrowed from the rights that we have provided in the case of obscene literature. If this charge is not proven, the documents are returned in the ordinary way. I do not know why we have to be so particular, on a question that is so important, that is so fraught with emotion and which so easily can stir up hatred. Why should we not create the offence, in whatever way we intend to do so, and simply provide the penalties? Then, if a person is acquitted, he will get back his documents.

Honourable senators, to summarize the points I have been making, first, it is not necessary to incorporate a section on genocide in this bill in order that Canada may fulfil the undertakings given by its ratification of the United Nations convention on genocide, secondly, in that connection, the provisions in our Code and in our general law go far enough.

On the question of hate literature specifically, it would appear from looking at the report of the commission that a great deal, perhaps a very large percentage, of so-called hate literature that was presented to the commission represented importations from other countries, with much of it coming from various states in the United States.

We do have regulations in our Post Office Act under which the entry of such literature can be prohibited and prevented; we do have provisions that, if you are in possession of such things in Canada, in violation of the provisions of an act such as the Post Office Act or Customs Act, whichever it is, you are guilty of an offence and can be prosecuted. So we do have methods of keeping anything originating on the outside from coming into Canada; and, in my view, we have enough strength in our law to control the situation, having regard to the present state of education and tolerance of the people in Canada.