

I agree entirely with Senator Phillips when he said that with this legislation, the organizations promoting and distributing hate literature will be driven underground.

At this stage, I would like to quote excerpts from a few editorials published in recent months on this important matter. Let me read first from the *Toronto Star* of November 12, 1966. The title of the editorial is "The Hate Law: Well-meant but Perilous". It says, among other things:

The second amendment provides a two-year penalty for anyone who incites hatred or contempt against any identifiable group in any public place where such incitement is likely to lead to a breach of the peace...

This provision is not particularly objectionable, but we question whether it is necessary. The sections of the Criminal Code dealing with seditious, unlawful assemblies and riots would seem to provide ample protection against speeches and meetings which lead, or are likely to lead, to a breach of the peace.

It is the third amendment which is the really dangerous one. It makes it an offence punishable by two years imprisonment to promote hatred or contempt against any identifiable group by words, writings, signs or gestures.

This is aimed, of course, at the leaflets and other propaganda of the Nazis and similar extremists. But it could very easily have the effect of stifling free discussion over a wide field of public affairs. Canada is a country of many ethnic groups, and a measure of friction between them is inevitable.

Let me quote the title from an editorial in the *Globe and Mail* of November 8, 1966: "A Stick for neo-Nazis would be a Stick for all". Honourable senators can imagine the content of the article, as it is explained by the title.

Let me quote from the *Brandon Sun* of May 24, 1966, an editorial entitled, "The Problem of Hate".

Laws are intended for people who have their personality under control. The man who deals in hate literature reacts to forces that no law could correct. So a law against hate literature will not prevent it, and the attempt to enforce such a law could have serious consequences for free speech in this country.

The *Vancouver Province* of August 10, 1966, has on its editorial page this title, "Hate Control Cure worse than the Disease".

The *Toronto Globe and Mail* of August 23, 1966, has the title, "Value of Hate Literature Law questioned".

The *London Free Press* of August 29, 1966, in an article under the title, "Laws of Libel and Slander sufficient," says this:

As for hate literature, most of it is so biased that it stands self-condemned, and only those warped beyond hope of redemption will fail to see it for what it is. No law can teach or alter a hate-filled mind, nor can bigotry or prejudice be legislated out of existence.

Honourable senators, with your indulgence I will quote some excerpts from an article written by the Reverend Ernest Marshall Howse in the *Jewish Voice*, a Toronto paper, and copied in the *Globe and Mail* about November 12 last.

Hon. Mr. Macdonald (Brantford): Would you say who wrote the article? I did not hear the name.

Hon. Mr. Choquette: The Reverend Ernest Marshall Howse, a former Moderator of the United Church of Canada.

I should like to read some extracts from that article:

It is of course thing to pass a law against the public advocacy of genocide. This is a definite offence and can be specifically named.

In my judgment such a law is unnecessary. In Canada in our present day it is almost as unnecessary as passing a law making it an indictable offence to advocate the burning of witches. Canada is no more likely to undertake a programme of genocide than it is to take on a programme of burning heretics in the public square. However, genocide is a definite term and can be dealt with specifically.

Here is another paragraph from his lengthy article:

The attempt to use law as a means of sending to jail those who spread hatred is apt to cloud still farther the processes of justice. We have not enough jails in Canada to hold people whose statements might be considered—by those who suffer from them—to incite hatred or contempt. Think of all the earnest but misguided souls who denounce the Pope as anti-Christ. Will they forthwith be carted off to jail? Should I immediately report to the police those who write to me in similar terms about the World Council of Church-