

*Hate Propaganda*

of freedom of speech. I believe that this legislation is totally unnecessary and it is not in keeping with the Canadian parliamentary, constitutional and political traditions. I further submit that if this bill becomes law, it will work to the disadvantage of those minorities which it has presumably set out to protect. I can only conclude that there is more to this bill than immediately meets the eye.

One wonders just what this government intends to accomplish by making such a law. One also wonders what they wished to achieve by imposing rule 75C, or the official languages act. We wonder what motivation lies behind this carefully laid plan. I have recently wondered about the broad sweeping powers that have been granted to the CRTC, the subject of considerable debate and controversy which is taking place right here in Ottawa at this time. We wonder, as do many Canadians, about the eventual effects of Information Canada upon the daily lives of Canadians. We are also increasingly concerned about the recent attempts to muzzle the effectiveness of the Auditor General by decreasing his staff, while in fact it should be increased, and by subjecting him to a great deal of criticism inside and outside the House. His effectiveness as the watchdog of government spending has been lessened and he has been subjected lately to the threat of being removed from his office.

We wonder just what is behind proposals such as the one with which we are dealing now. I have said that this law, so far as I am concerned, is unnecessary, given the Canadian Bill of Rights and the libel laws in the Criminal Code. When you take those laws into consideration, I say that this bill is redundant. The Canadian Bill of Rights was passed by Parliament and sponsored by that great Canadian and great humanitarian, the right hon. member for Prince Albert (Mr. Diefenbaker). The Bill of Rights assures the rights and freedom of all Canadians when it recognizes and declares "the right of the individual to life, liberty, security of the person and enjoyment of property". I submit, furthermore, that every Canadian is further protected by the laws of libel and slander as already expressed in sections 246 to 251 of the Criminal Code.

The other day the hon. member for York South (Mr. Lewis) asserted as recorded at page 5693 of *Hansard*, that this bill, —is nothing more than a projection of the libel laws from libel against an individual to libel against an identifiable group.

[Mr. Mazankowski.]

After having done some research on this aspect I humbly submit that this is not so and, furthermore, that this is a phony analogy. I support my argument with the words of a much greater authority on the law than myself, namely, the late Justice Ivan Rand of the Supreme Court of Canada in his 1957 ruling against the notorious padlock law of the province of Quebec which sought to repress the propagation of communism. The following is a quotation of a statement made by Mr. Justice Rand from the book entitled "Leading Constitutional Decisions" by Peter H. Russell:

Mr. Tremblay in a lucid argument treated such a limitation of free discussion and the spread of ideas generally as in the same category as the ordinary civil restrictions of libel and slander. These obviously affect the matter and scope of discussion to the extent that it trenches upon the rights of individuals to reputation and standing in the community; and the line at which the restraint is drawn is that at which public concern for the discharge of legal or moral duties and government through rational persuasion, and that for private security, are found to be in rough balance.

But the analogy is not a true one. The ban is directed against the freedom or civil liberty of the actor; no civil right of anyone is affected nor is any civil remedy created. The aim of the statute is, by means of penalties, to prevent what is considered a poisoning of men's minds, to shield the individual from exposure to dangerous ideas, to protect him, in short, from his own thinking propensities. There is nothing of civil rights in this; it is to curtail or proscribe those freedoms which the majority so far consider to be the condition of social cohesion and its ultimate stabilizing force.

So that at best the aim of Bill C-3 could be to prevent what is considered a poisoning of men's minds, or to protect the individual from exposure to the most scurrilous and vicious of men's thinking. We have heard before, and I said in my first speech, that we cannot legislate against the emotions of hatred or prejudice. Therefore, it is better that it be in the open where we can keep an eye on it, as the hon. member for Halifax-East Hants (Mr. McCleave) just pointed out. Personally, I would rather have my enemy attack me in the open where I can see him than underground or behind my back.

This leads me into my second point, that I do not believe this bill will in fact protect those minorities, which it allegedly sets out to do, from the injustices which may affect those people. It is more likely to constrict and condemn their leaders. I am sure many of you have heard of Mr. Harold Cardinal. I do not know how many of you have heard him deliver a speech or have read his book "The Unjust Society". But I believe it is fair to