

Honourable senators, in addition, among the distinguished company opposing this bill are some prominent organizations and witnesses who appeared before your committee. Those who opposed this legislation include the Canadian Civil Liberties Association, represented by Mr. Eamon Park, Vice-President; Professor H. W. Arthur, Associate Dean, Osgoode Hall Law School, Toronto; Professor Frank Scott, McGill University, one-time Dean of the Faculty of Law at McGill University; Very Reverend Dr. E. M. Howse, Past Moderator of the United Church of Canada; and, although not a witness, Dr. Walter Tarnopolsky of the Faculty of Law, Windsor University, who has written in literary publications across this country.

Honourable senators, first, I would ask a question: What in fact does this bill do? In answer, I would say it creates three new crimes hitherto unknown in our law. They are, first, advocating or promoting genocide; secondly, in a public place, inciting hatred or contempt against a specific group, which is likely to lead to a breach of the peace; and the third crime, in a public or a private place, promoting hatred or contempt against a specific group. In short, if this bill becomes law we will have a new concept in crime—not in civil law but in crime—of promoting hatred or contempt.

The breadth of activity that might be embraced in those vague words and brought within the ambit of our criminal law, is one of the most alarming things that has happened in Canada for many years.

Honourable senators, my opposition to this bill is based on two main grounds, namely, that this law is unnecessary in Canada today and, secondly, the indefinable vagueness of the proposed new crime of promoting hatred or contempt is at the root of very dangerous procedures. It strikes at what the *Globe and Mail* editorial refers to as the heart and guts and life of all our freedom.

Firstly, I would like to examine briefly with you my conclusion that this law is unnecessary. As you are aware, the bill stems from a report of the subcommittee on hate propaganda, which produced a report known as the Cohen Report, which was brought down here on November 10, 1965. The report states in its own words, that the committee "examined into the extent of the hate propaganda problem in Canada."

Hon. Mr. Martin: What date is that?

Hon. Mr. Lang: It was brought down on November 10, 1965. It says that "the propaganda in Canada was mainly anti-Jewish, anti-Negro and neo-Nazi in nature."

Having examined and so determined the committee concluded, and I quote from page 14 of the report, as follows:

The committee has been made aware of about 14 organizations, several of which, however, are splinter groups derived from now expelled elements of the Social Credit movement; a few are outright Nazi type parties; and a few are indigenous Canadian-Fascist associations. One or two are simply "extremist" with little ideological content. However odious the behaviour of these groups and however offensive the materials they distribute the Committee believes that none of the organizations represents today a really effective political or propaganda force and that, in any case, very few individuals as such are involved.

Honourable senators, again to the point of the necessity for this legislation, Appendix III of the report is a list of hate propaganda pamphlets then known to have been distributed in Canada. The appendix lists 53 pamphlets, of which 37 were published in the United States; five were published in two other foreign countries, four were published by persons unknown and seven were published in Canada.

In other words, of the 53 then known hate literature pamphlets that had been circulated in Canada at that time, only seven, namely those published in Canada, would fall within the purview of this proposed legislation. Publication of the remaining 45 can only be dealt with through our control of the mails, and prohibitory orders of the Postmaster General are now outstanding against those foreign publishers.

Honourable senators, of the seven pamphlets known to be published in Canada, one is identified by a post office box number in Scarborough, one is identified by a post office box number in Toronto, and the remaining five came from one crackpot who is identified in the report as a man named Taylor who publishes in Gooderham, Ontario, under the name of Canadian Publications. A prohibitory order of the Postmaster General is outstanding against that man.

Besides the pamphlets of Taylor, to whom I referred, the report identifies two other crackpots, one a man named Stanley, who ap-