

their country. The Bill of Rights was enacted after Canada had become a party to this convention of the United Nations, and could be read in conjunction with Canada's obligations under that convention.

While there is no provision specifically dealing with the penalty for breaching these provisions, it will be recalled that there is a general provision in our Criminal Code, which has been there for a considerable time. Section 107 provides that:

Everyone who, without lawful excuse, contravenes an Act of the Parliament of Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years.

So there is a penal provision that could be correlated even to this declaration in the Bill of Rights.

Paragraph (d) in the genocide section of the bill reads:

Deliberately imposing measures intended to prevent births within the group.

I find it difficult to determine or to fix in my mind the scope and extent of that provision. What does it mean? How far does it go? If I counsel or promote, deliberately imposing measures intended to prevent births within the group, what does it conflict with that we now have in our law in the way of organizations and societies, and even in recognition of advances that are being made in this area and that will continue to be made?

These matters bring me back to where I started, that is, that some of the provisions of the bill, particularly paragraphs (c) and (d) of section 267A (2) which I have already read, are situations that could only develop as a factor in substantive law through the Government imposing this sort of law. True, the proposed offence here is "who advocates or promotes."

Within the scope of our present law we have the Criminal Code and the governing by-laws in cities on gatherings of people. How do you go about promoting these things? You write a letter to the newspaper. One must always look at these things in their context.

Honourable senators, my own personal view is that emotion has dictated these provisions in the definition of genocide. Emotion is an honest sense of feeling, and the emotion has been stirred by the most terrible events that

history has ever disclosed. For that reason, it becomes important that we try to be as objective as we can in achieving something which will accomplish a purpose. To me, section 267A will accomplish nothing that we cannot already achieve under our present laws.

In any event, it is inadvisable to think of attempting to deal with a problem of this kind by such vague, indefinite language as we have here. If this is passed into law it might bring a new rash and a new set of situations encroaching on freedom, with problems at least as serious and perhaps more serious than any we were trying to overcome. I couple with that the fact that we do not know this sort of thing in Canada. Believing that the people in Canada are a tolerant, friendly, sociable people, I believe this is not the kind of soil in which this reaction would develop, or develop to any extent.

It did arise in the field of discrimination, as I mentioned earlier, but that has been corrected; and even Senator Croll, speaking the other day, referred to the fact that, by legislation in force over the last number of years, discrimination has ceased to be a real problem in Canada.

Having expressed my views in relation to genocide, I would add that, if this bill goes to a joint committee for study and the hearing of witnesses, and if the committee reports this bill in the form in which it is now, I would vote against it, because I do not believe that genocide should be dealt with in the bill at all.

On that point, since there has been some discussion on the principle, and on what we are doing on the second reading stage, let me say that, if the bill were going to a committee of the Senate only, where this proposed legislation would be carefully studied and where an effort would be made to maintain the substance of the bill, I would be more firm in my opposition than I feel I need be at this time. If you vote for the study of this bill by a joint committee, I may very well say, when it finally comes to a vote, "on division". That is because I feel that the purpose of the joint committee is to analyze this bill and to find its weaknesses. It may be that the whole bill has weaknesses which make it impossible to pass it into law. But let the joint committee study it and tell us so. I would not have committed myself, in my view, to the principle of the bill beyond this.

Honourable senators, I ask you, what is the principle of this bill? Is not the real principle of the bill an attempt to deal with propaganda by hate literature? That is another reason for