

with the Senate for the above purpose, and to select, if the House of Commons deems advisable, some of its members to act on the proposed Special Joint Committee.

Hon. Walter M. Aseltine: Honourable senators, I find this an unusual motion. I am forced to agree more or less with the point that honourable Senator Pouliot raised yesterday.

I am not prepared to vote for this motion and then continue the debate on the hate propaganda bill. We have never followed that course before. The only occasion I can remember when anything approaching this has ever taken place in the Senate was when there were a number of divorce jurisdiction bills before the Commons and we had one before us which we had been debating. On that occasion we made a motion that a joint committee of both houses be set up to deal with the question of divorce jurisdiction, but the debate on the bill before this house ended there and then.

Now it is proposed to pass this motion and then go on to deal with the bill. Then, if we give it second reading we will have voted on the principle of the bill. This I am not prepared to do now. There are many aspects of this bill which I do not like and I do not think are at all necessary. If we are going to refer this whole question to a joint committee, I think the motion should be amended to read that the subject matter of the bill be referred to the committee.

I hope I make myself clear, honourable senators. I do not want to compromise my position by voting for the principle of this bill now. I do not know whether or not I will be in favour of the bill after the whole subject has been considered by this joint committee.

The motion is not unusual and it may be out of order. I wanted to put my remarks on record to that effect.

Hon. John J. Connolly: Honourable senators, I would hate to think that the principle of the bill was being decided by the establishment of a joint committee. I have very little to add to the remarks I made yesterday on this subject. I believe it is an appropriate procedure to take, particularly in view of the fact it is a joint committee that is proposed. In view of the fact that progress in the other place is not as expeditious as it is here, it seemed to me this was the appropriate time to make the motion.

However, I would say to honourable Senator Aseltine that the setting up of the committee in advance does not commit him in any way to accept the principle of the bill.

Hon. Mr. Aseltine: But we are going on to debate the bill in principle and vote on second reading.

Hon. Mr. Connolly (Ottawa West): Quite so. Let me put it to the honourable senator this way. If, for the sake of argument, the motion for second reading is defeated, no damage will have been done by setting up the committee, because there would be nothing to refer to it. The matter would die and the committee would never assemble. I have consulted the authorities on this, and I can assure the honourable senator that what I am saying is on very sound advice.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Carried.

Hon. Mr. Aseltine: On division.

Motion agreed to, on division.

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill S-49, to amend the Criminal Code.

Hon. Orville H. Phillips: Honourable senators, I find it rather strange to be rising and taking part in the debate on this bill when I find that I have a good deal of sympathy for the viewpoint just put forward by Senator Aseltine.

I am not going to attempt to discuss the legal aspects that have been so ably mentioned by Senator Walker, Senator Lang and others, but rather, I am going to ask the question: Do we really need this legislation?

I take a great deal of pride in Canada, and I feel quite certain and contented that these things do not and will not happen in Canada. We do not attempt completely to eliminate any race; we do not attempt forcibly to remove children from one race to another; and I am quite proud of the fact that we do not do these things. Therefore, I seriously question whether we need an amendment to the Criminal Code outlawing these acts.

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