

Private Members' Business

righteousness, the profound and anointed purveyors of public opinion *The Toronto Star* naturally ran an editorial opposing this bill.

The Toronto Star thought it would reinforce that by having a telephone poll. On January 28 it ran a telephone poll over a couple of days and well over 400 people responded. Sixty-nine per cent said that the flag should be protected; 31 per cent said no.

This endorses and underlines the results I had from my own riding in which well over 80 per cent of respondents favoured some type of protection for the flag.

I thank hon. members once again for their input in these important amendments. I think everyone will agree that the bill is much better now as a result of them and I look forward to the debate.

Mr. Russell MacLellan (Cape Breton—The Sydneys): Mr. Speaker, I appreciate the words of the hon. member and I congratulate him on his sentiment toward our flag.

Our flag is a symbol of our country, a symbol in which we take a great deal of pride. As such we look to the Canadian flag with a great deal of deference, a great deal of pride, and a great deal of respect. Therein we see our country and what our country stands for.

It is the flag of our country and not our country. The flag of our country, although it represents the honour which we feel toward our country, is a symbol. It is a symbol as the beaver is a symbol, as the CBC is a symbol. The fact is that our country must develop a respect for itself and see in the flag a respect for itself.

I would like to be able to support the private member's bill of the hon. member. I feel, however, to do so would add concern and problems to the law we have. At the present time the Criminal Code already contains laws that we are not following, to which we are not giving proper approval.

Mr. Hicks: On a point of order, Mr. Speaker. I was of the opinion that we were in the House today to address three specific amendments which have been offered. The hon. member opposite is speaking with regard to the bill itself, a bill which passed this House by unanimous consent at second reading.

[*Translation*]

The Acting Speaker (Mr. DeBlois): The hon. member for Scarborough East points to the relevancy of the debate. I would prefer to give the benefit of the doubt to the hon. member for Cape Breton—The Sydneys. He was indeed speaking to the point, and I think it may be a little premature to raise a point of order.

Mr. MacLellan: I agree with you, Mr. Speaker. I think it is premature to claim, as the hon. member did, that my speech is not relevant to the debate. I therefore wish to go on speaking on the same subject.

[*English*]

I was talking about the Criminal Code. The Criminal Code contains laws which we must uphold. We have to be able to apply our Criminal Code to particular incidents and say that these laws have been broken.

If we put into the Criminal Code a law pertaining to the desecration of the Canadian flag, we will be causing problems. We are going to bring our flag more into more disrepute than if we left this situation alone.

In that regard, I want to follow up what the hon. member said. I want to deal with the first motion which says:

That Bill C-227 be amended in clause 1 by striking out line 5 at page 1 and substituting the following therefor:

"one who, in a public place wilfully burns, defaces, defiles,"

This situation happened in the United States. It was against the law in the United States to desecrate the American flag. In the case of *Texas v. Johnson*, in 1989 I believe it was, the Supreme Court of the United States stated that this law could not apply.

This situation arose when a young man protesting outside a nuclear installation burned the American flag in public. The Supreme Court in a decision of five to four, of which three were opposed in one way and one was dissenting for another reason, said that this law could not be upheld because it conflicted with the first amendment of the United States, which protects a person's right to self-expression and to free speech. The U.S. Supreme Court said that setting the flag on fire was a message. People might not like the message but in conjunction with the first amendment that person had the right to give the message. It was not necessary that the message be spoken words or written words only, there were various ways to convey the message.