

**Senator Roebuck:** Thank you.

**Professor Cohen:** Perhaps it might be as well if I were to read these few pages.

**The Chairman:** Yes.

**Professor Cohen:** They are an attempt to summarize as briefly as I can the essence of the problems we face. We have done this quite objectively. I am not here as an advocate for the report in any partisan sense. I am here to explore with you the report, the reasons for it, and the extent to which those reasons justify or do not justify the kind of legislation that is before you.

I. Explanatory note: These remarks, Mr. Chairman, are concerned primarily with a brief explanation of the Report of the Special Committee on Hate Propaganda. They are not intended to do more than introduce the principal facts and conclusions underlying the Report.

II. General Remarks: The Report of the Special Committee on Hate Propaganda was first of all a unanimous report on the part of the seven members of the Committee, five of whom were persons with legal training, one a journalist, and one a distinguished social scientist and student of industrial relations, and of problems of civil liberties in general. Among the five members with legal training, there were those that had some personal research experience in criminal law studies while others were widely experienced in the problems of law and public policy in general. The Committee was aided by an Executive Assistant to the Chairman who was a professional criminal law student and practitioner at the Montreal Bar devoting himself almost exclusively to problems of criminal law.

The Report itself is quite clear about the reasons which moved the Committee to unanimity. These reasons may be summarized as follows:

1. We were satisfied that, on the facts, there was a very unpleasant and frequently threatening situation, particularly in Toronto and often elsewhere in the distribution of varieties of hate propaganda.

2. We were satisfied that the matter was not an "emergency" matter but it could become, under conditions of political or economic instability, a source of serious infection in the relations of Canadian citizens, members of different identifiable groups, to each other.

3. Members of the Jewish community were particularly vulnerable, for historical reasons well known to most sensitive, educated people, and certainly other minority groups were among groups identified in hate propaganda attacks and could be assumed to be equally sensitive to the situation.

4. The Committee came to the conclusion that psychological insights of the present generation made it impossible to ignore the effects of propaganda on inter-group relations. Recent events in Europe, and the dominant role of racist propaganda in poisoning much of the political life of central Europe and particularly that of pre-war and wartime Germany, were clearly related to the role of false and malicious information disseminated in such a form and with such frequency as to be persuasive enough to influence people already conditioned to varieties of prejudice. The major study prepared for the Committee by Professor Kauffman, to be found in Appendix 11 of the Report (the study in Appendix 11 is the basis for the analysis set out in Chapter IV of the Report), was a convincing document for the Committee both in its analysis of the literature as a whole and in its application of that modern research information and theory to situations such as the one exposed to the Committee through the information available to it about propaganda in Canada. In short, the Committee was satisfied that on the facts before it, and while there was no "crisis", there was clearly a very unpleasant, provocative, and potentially dangerous situation; that such danger lay in the capacity of propaganda to influence potentially prejudiced persons; and finally, that the democratic processes did not require any group to stand idly by and be vilified in the name of free speech when the effects of such vilification were, under our modern understanding of propaganda, likely to be much more severe than often was assumed two or three generations ago.

5. The Committee firmly believed that the theory and practice of free speech must be defended at every possible level but that free speech did not require that everything could be said about individuals or groups no matter how untrue, unfair, or malicious, particularly when what was said could in fact accentuate prejudice and stimulate antagonisms between groups. The Committee was satisfied that the theory and practice of our legal and constitutional system did not create for free speech a totally unlicensed status. For example, it was clear that already the law pro-