

any man to be able to explain. One cannot get to the bottom of it.

The Chairman: At some point in our law we have to depend on the good sense of our courts. This is the basis of all justice.

Senator Bourque: That is right.

The Chairman: Over the years our courts have shown ability in drawing distinctions between the situation to which you refer, where a person says something in the heat of a quarrel without thought or contemplation, and the situation in which somebody deliberately spreads a vicious rumour about someone else, deliberately and cold-bloodedly designed to hurt that person. For example, in some of the literature reproduced in the Cohen Report the people putting it out talk about the "lies of Dachau" and allege that what we have heard about the concentration camps were stories "cooked up" by Hollywood with the aid of plastic bodies to obtain photographs. It is alleged that nothing of what we have heard about the concentration camps ever happened, that it is all part of a Jewish conspiracy to undermine public opinion.

Senator Lang: Surely this is so childish that nobody can believe it.

The Chairman: It has been alleged and some people do believe it.

Senator Lang: The documents reproduced in the back of the Cohen Report do not incite me to hatred or contempt of the Jewish people. They incite me more to hatred and contempt of the publishers. I just cannot believe this could be a matter of real concern, and I think this is what bothers us, as to what is behind this bill.

Senator Bourque: That is right.

The Chairman: I know there is a great deal of controversy about this bill. This morning we have had Mr. Scollin here to explain the bill to us. He has been asked as the representative of the Department of Justice to prepare the legislation as a matter of Government policy. He has done that and has been asked to come here and explain it to us, which he has done. We will now have Professor Cohen here, who will explain a number of the things that went into his report and what lies behind it. He may quarrel with some of the items proposed in this legislation. We will also have people from the Canadian Citizenship Council. We have a letter from the Canadian Bar

Association approving the bill in principle. When I asked Mr. Merriam, the secretary, whether they wanted to submit a brief he said he did not think so but he would let me know. I have been advised that there are one or two individual lawyers who want to appear. The World Jewish Congress will be sending representatives next Thursday, following Professor Cohen. I have given press releases and appeared on television asking people across the country to write to us if they want to come and make representations on the bill.

I would make this suggestion to all of you. While I may have spoken in defence of the legislation, I was in fact speaking in defence of what I believe to be a principle, not necessarily this legislation. I would suggest that what we must do in all fairness is to hear all these people who wish to come before us, and when we have heard them all we can have a useful discussion in which we can get right down to the business of deciding whether we like the bill at all, whether we like parts of the bill or whether we would like it better if some changes were made.

I do not think we should be making these decisions when all we have is a bare explanation of the bill. When we read the section of the report prepared by the sociologists on the effect of hate literature, the type of people affected by it, the type of people who write it, the effect on groups subjected to the abuse and the general effects on society, we may have an understanding of the problem which we do not at the moment possess.

Senator Lang: I would say with respect, Mr. Chairman, that you will occupy the chair throughout these hearings and we will occupy the role of committee members. I think we all understand your point of view, but I am sure we shall get along a lot more easily if we do not experience antagonism from the chair.

The Chairman: I apologize. You are quite right, Senator Lang.

Senator Lang: I should like to suggest some specific considerations to Mr. Scollin and put some general questions on the law, which is certainly not familiar to my practice. Referring to section 267c, is it not possible to confiscate so-called hate propaganda under the section in the present Criminal Code dealing with obscene literature?

Mr. Scollin: I think the word "obscene" has now been sufficiently closely related to sex