

a whole a most friendly, kindly and tolerant people. We Canadians are more than generous. One has only to look around his own community and across the country at the yearly appeals and the amounts of money raised on behalf of the Red Shield, the United Campaign, the Cancer Society, the Red Cross, the March of dimes, the Heart Fund, the Salvation Army and many others. Consider the dozens of service clubs across this country and the money they raise and the good they do. Canadians are always most anxious and willing to help and assist others not as fortunate as themselves. Everyone can recall disasters outside of Canada where an appeal was made and Canada always responded in a most generous manner, such as our foreign aid policy, with contributions of money, food, goods, materials and technical assistance to underdeveloped countries. This is just another example of the generosity of Canadians, the type of people we are, and our desire to help others.

Every honourable senator can recall cases in his own community where immigrants from other lands have moved in and how they have helped and assisted and, in a short time, they were woven into the fabric of the community. Our immigration policy has been to welcome people from lands all over the world, generally from countries where freedom is not known as we know it in Canada. Our Government assists with their passage, and in every way on their arrival, in their learning of our language and in finding employment. We welcome these people from many lands who come to Canada because of our freedom and our good name. In turn, these people have contributed in many ways to the growth and development of our country, and we Canadians have gained much in the culture that they bring with them from their native lands.

In Canada, and speaking as a native of Ontario, we have provincial legislation which deals with discrimination on grounds of race, colour, religion and anything pertaining to an ethnic background. I have in my hand the clipping from the *Toronto Globe and Mail* of June 14 reporting that the Ontario Human Rights Code has been amended whereby the minimum fine for an individual convicted under the act has increased from \$100 to \$500 and for a corporate trade union upon conviction the fine has been increased from \$500 to \$2,000.

Honourable senators, I am simply trying to remind you of the type of people we Canadians are. Are we the type who would ever

advocate or promote genocide? I say that the natural instinct of every Canadian is to assist and build, not to destroy. Why then must we Canadians be insulted by placing on the statute book a law making it a crime to advocate or promote genocide?

There was discussion in the committee as to the onus of proof. Surely we in this chamber are not going to approve of an act whereby the onus of proof is placed on the accused. Various examples were given in the committee as to far-out cases that could be prosecuted under this act. The honourable chairman mentioned a hockey game. I remember that one witness in the committee gave an example that if Shakespeare were alive in Canada today he could be prosecuted under the act for writing *The Merchant of Venice*. If Kipling resided in Canada today and wrote his recessionary hymn, which has the line "Or lesser breeds without the law", no doubt he could be prosecuted under this act.

I would point out that under section 267c(3), it seems most peculiar that any such provision should appear to be necessary in any bill presented to this chamber. Surely, anyone charged with an indictable offence is entitled, not only to appear in court, but to be represented by counsel.

If this bill passes there will be great confusion in our courts with various legal interpretations of many words in the bill. I refer to such words as "public place". What is a statement which "incites hatred and contempt"? When would such incitement "lead to a breach of the peace"? What is meant by "communicating statements, wilfully promotes hatred or contempt..."? What is meant by:

... were relevant to any subject of public interest, the public discussion of which was for the public benefit, and that on reasonable grounds he believed them to be true.

How is the word "statement" as defined in the act, to be interpreted by the courts? What is hate propaganda as defined in the last section of the bill?

Honourable senators who reside in Ontario will recall that during the past few years there have been several prosecutions dealing with obscene literature, movies, stage plays, paintings and sculptures. Everyone remembers the prosecution against obscene literature where a defence counsel called some of the most prominent and outstanding literary men on the North American continent to give evidence on behalf of the author, and they stated