Nowhere in the English-speaking world is the statement about freedom of speech so determined as in Article I of the United States Constitution. Indeed, the Supreme Court of the United States has given it the highest possible priority. If one were to take that as an illustration, Senator Lang, of how far in the Anglo-American, Anglo Commonwealth world, the idea of free speech has gone, as to the central part of your question, for example, you would find limits even in the United States—where the Bill of Rights is enshrined it in a way that no English document and no Canadian document has done, where you have almost a touch of absolutist rights in Article I, and Mr. Justice Black has said so.

This is an absolute right, he said the right of free speech. What do you find the Supreme Court of the United States doing? In the *Beauharnais v. Illinois* case which our Report discusses, the Supreme Court of the United States had no trouble saying that there is a point beyond which you cannot go in dealing with your neighbour. In that case vilification of a Negro group in Chicago was found improper under Illinois law and that law was deemed to be constitutional. There was no problem on the part of the majority of the court, speaking through someone as conservative as Mr. Justice Frankfurter, in finding that there were limits, to the extent to which a person could go within the framework of free speech to vilify a group of fellow citizens.

This can take place in the society which has by far the most sophisticated approach to the role of law in the control of behaviour or the role of law in the control of governmental activity, which is the United States. By far the most elaborate effort to control legislative executive behaviour in the modern world exists, in my mind, under United States law, constitutional theory and practice. If the Supreme Court of the United States, despite its refusal to put any restraints upon free speech in theory, finds it quite possible to say, "Yes, we give free speech the highest possible role because in the Anglo American tradition it must be given this role, and we have given it this place in our constitution, but despite that fact we say that there are limits beyond which you cannot go, and group vilification may be one of those limits, and it is not unconstitutional in the State of Illinois to say something about it in an appropriate statute," then I put it to you that it is not alien to our own traditions, for the Canadian people to do something ourselves.

These hard won civil liberties are only 150 years old. They were never absolute in the first instance, and they are not absolute even in the most sophisticated English-speaking country in the world, where the idea of free speech has been advanced to the point—far beyond the statements of law that exist in Canada, the United Kingdom or Australia—where their highest tribunal says, "You can go thus far but no further", in order to make group life viable in modern society. That is my first general answer.

My second answer is on a less juridical and more psychological level. When John Stuart Mill was writing in the 1850s and 60s the idea prevailed that debate in the market place of ideas freely engaged in, would result in "truth" and the understanding of truth. Distinguishing between what is false and what is true was really part of the general mystique that, given the educational levels on a rising standard in the community, and given freedom of speech you would at the end of the day have the best of all possible types of social systems because what was true eventually would come out in free debate.

This is really based in turn upon a deeper premise. The premise was on the nature of human belief, human thought and human response to facts and so on. Put it this way: what John Stuart Mill said about free debate was really a reflection of his then state of knowledge about the nature of belief, psychology, prejudice, persuasion, formation of opinions. The state of public knowledge about the human mind and its persuasion in the 1860s underlay a large part of the political and legal analyses he made. One cannot divorce his general political-legal analysis from the social data that pervaded his environment and from which he drew much of the juices of his thought. That being so, what did they know in the 1860s that was relevant to the situation we face today? Or, to put it conversely, Senator Lang, do we in the 1960s have a deeper awareness, as to how groups form opinions, as to what it is that causes misunderstanding, prejudice and hatred, than we had in the 1860s? I put it to you, sir, that there is undoubtedly a degree of knowledge and understanding and insight today that there was not 100 years ago.

Put aside the superficial remarks made often about the effects of "advertising". That