

recognized as a reformer. He incited the people of the United States; he told them about the deep prejudices in the south, and as a result of that incitement change was achieved. The cost for that incitement was his own life. We should take a good look at the clause in the bill which says that everyone who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of an offence. The defences under the bill to which the minister referred do not apply. I would like every member in the press gallery to pick up this bill and read page 2, section 267B. The defences do not follow that section; they are in reference to the other section which reads:

Everyone who, by communicating statements, other than in private conversation, wilfully promotes hatred—

These persons are guilty unless their statements are true. How can you prove whether a religious statement is true or untrue? Clarence Darrow in the monkey case illustrates the point. The section goes on to read: "if, in good faith, he expressed" an opinion upon a religious subject. The defence does not apply to the section about incitement. The hate bill should come to a knowledgeable vote. First of all, it segregates Canadians and does not build up the Canadian spirit; second, it is unconstitutional; and third, there is only one good thing that can come from this bill being approved by Parliament. If a person is charged with an offence, and that person so charged takes the case to the Supreme Court of Canada the hate bill will be declared *ultra vires*. The people of Canada will then know what horrible legal monstrosity has been passed to destroy the faith of minority groups and our right to speak our thoughts.

I say that without incitement there can be no charge. Read the editorial in the *Globe and Mail* of this morning. It points out that the past leaders of our national parties who brought about confederation would have been put in jail under this bill. John A. Macdonald and Laurier have stated matters of hate. As long as I am in parliament and changes are necessary, I will incite people to obtain reforms. If, as a result, I cause a breach of the peace and some attorney general wants to lay a charge, I am prepared to be a martyr because one could not give a man a better cause. All great men have accomplished reform in human behaviour and relationships by inciting people. What kind of pantywaists are we?

Amendment to Standing Orders

Mr. Deputy Speaker: It being five o'clock the House will now proceed to the consideration of private members business as listed on today's order paper, namely notices of motion.

• (5:00 p.m.)

PRIVATE MEMBERS' NOTICES OF MOTIONS

HOUSE OF COMMONS

SUGGESTED RULE CHANGE

Mr. Thomas S. Barnett (Comox-Alberni) moved:

That the Standing Orders be amended by adding thereto the following:— 117. The Standing Orders shall be amended only by the affirmative votes of at least three quarters of the Members of the House of Commons.

[Translation]

Mr. Yves Forest (Parliamentary Secretary to President of the Privy Council): Mr. Speaker, I rise on a point of order with regard to the irregularity or illegality of the motion moved by the hon. member for Comox-Alberni (Mr. Barnett), specifically with regard to its wording.

The motion reads as follows:

That the Standing Orders be amended by adding thereto the following:

The addition to the Standing Orders of a new rule, that is Standing Order no. 117, is being proposed.

117. The Standing Orders shall be amended only by the affirmative votes of at least three quarters of the members of the House of Commons.

I should like to point out that the motion is not worded in the usual terms: That, in the opinion of the House, the government should study the possibility or the advisability of doing such or such a thing. That motion is not proposing an amendment to the B.N.A. Act, which says under section 49:

Question arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Now if the motion, as worded, were passed, it would mean that the Standing Orders of the House have priority over section 49 of the British North America Act. I think this motion, in its present form, should be declared void by the Speaker, in accordance with the provisions of Standing Order 51 which says, and I quote:

Whenever Mr. Speaker is of the opinion that a motion offered to the House is contrary to the rules and privileges of Parliament, he shall apprise the