

*Hate Propaganda*

dean of law at McGill University. We believe we are talking about so heinous a crime that its advocacy or promotion should not be condoned either in public or private. I agree with the hon. member for Nanaimo-Cowichan-The Islands (Mr. Douglas) that it is very difficult, in the terms in which the hon. member has drawn his amendment, to define just where he would draw the line.

Let me read from page 62 of the report of the special committee presented under the chairmanship of Dean Cohen. He is talking about advocating genocide. This is under Section 267A. The special committee reports as follows:

But because existing Canadian law already forbids most substantive aspects of genocide in that it prohibits homicide or murder vis-à-vis individuals, and because it may be undesirable to have the same acts forbidden under two different legal categories, we deem it advisable that the Canadian legislation which we urge as a symbol of our country's dedication to the rights set out in the Convention—

That has reference to the United Nations.

—should be confined to "advocating and promoting" genocide, acts which clearly are not forbidden at present by the Criminal Code.

Canadian law generally has not gone to the length of prohibiting mere intellectual advocacy of a forbidden act, but has contented itself with proscribing conduct which incites to illegal action in a present, immediate way. However, we are convinced that, in the one case of the urging of physical violence against identifiable groups, to the point of genocide, there is no social interest whatever in allowing advocacy or promotion of violence even at the highest level of abstract discussion. It is odious and unacceptable at any level.

The hon. member argues that without the adoption of the word "public" some private casual conversations might be brought within the web of this legislation in this particular clause. I wish to argue against that as well. Here we are talking about the words "advocates" or "promotes". As the hon. member for Greenwood (Mr. Brewin) said to the House a few minutes ago those words do not apply to accidental, haphazard, occasional unthought, nondeliberate statements. The words "advocates" or "promotes" will be given by a court and jury their ordinary connotation. The shorter Oxford English dictionary, the 1967 edition, defines "advocate" as "to argue in favour of; to recommend publicly", and "promote" as "further the growth, development, progress or establishment of; to further, advance, encourage; to support actively the passing of (a law or measure)". These words imply a course of conduct and they imply some deliberate intent.

[Mr. Turner (Ottawa-Carleton).]

• (4:10 p.m.)

Whether that advocacy or promotion is done within the confines of a home or whether it is done in public, it is quite clear by the use of those words that we are talking about the deliberate advocacy or promotion of a type of conduct within the meaning of genocide that is surely abhorrent to the world. Moreover, the hon. member for Greenwood has already mentioned, and indeed the hon. member for New Westminster was fair enough in his own presentation to suggest, that there was and there is an additional defence or precaution in this section militating against a frivolous proceeding undertaken on behalf of one private citizen against another, or a vexatious or mischievous proceeding, because it is clear, and the words of the section bear it out, that under this section no proceeding for an offence shall be instituted without the consent of the attorney general. Within the meaning of the Criminal Code, this is the attorney general of a province.

In summary, we believe that the type of conduct contemplated here against which a criminal sanction is to be imposed is so heinous and so abhorrent to civilized men and women in Canada that the sanction ought to apply no matter where the crime is advocated or promoted; secondly, the terms "advocate" and "promote" are such that they would cover only deliberate, preconceived conduct toward the elimination of a race or of a people of certain colour religion or ethnic origin. Finally, the risk of mischievous, vexatious or frivolous proceeding has been side-stepped hopelessly by the requirement of a fiat of an attorney general. For these reasons, I urge the House at this report stage to confirm the committee's decision to reject this amendment.

**Mr. Bruce Howard (Okanagan Boundary):** Mr. Speaker, I would like to deal briefly with the amendment proposed by the hon. member for New Westminster (Mr. Hogarth). I want to say, first of all, that I consider this amendment to be a most admirable one to present. I do not think there are any members in this House who would disagree with the general provisions and objectives of such an important bill, but I think it very important when we draft a bill of this kind that we be specially careful not to restrict the freedom of all individuals. In looking at the provisions of this bill I think that they come very close to thought control because we are saying to a man that in the privacy of his own home he cannot advocate a reprehensible thought to