

**Mr. Harris:** Those, in sum, are the two changes we might consider.

**Mr. Hayes:** You have made it look as if we spent an awful lot of time just to come to that conclusion, Mr. Chairman.

**The Chairman:** It was not my intention to do that.

Unless there are any more questions, I thank you very much for your presentation. And may I say this, while I was trying to boil down what we might do to the act, we fully appreciate the great deal of work you have put into this, to bring to us the presentation so that we will understand and be better able to understand the kind of thinking that has gone into this legislation and the reasons why we should be giving the kind of careful consideration we are to it.

**Mr. Herman:** For the assistance of the committee, the Convention on Genocide is found in the special committee report at page 289, so if any of you learned senators wish to refer to it, it is all set out there. It is headed:

United Nations Documents. Convention on the Prevention and Punishment of the Crime of Genocide. (Adopted by the General Assembly of the United Nations on 9 December 1948).

**Senator Roebuck:** Just before you go, I would like a little more consideration given to this thought of making a prosecution subject to the consent of the attorney general. It does not strike me as a practical measure at all. It is a police proposition; it must not get cold. It is another matter to say that some of the materials which may be seized later on shall be put in the charge of the attorney general. That is a continuing matter and subsequent to the excitement. But to delay a prosecution until application can be made to the attorney general, when somebody like Beattie gets up in a public place and disturbs the peace with outrageous statements such as he did actually make, that is not practicable. That is a matter for the police force.

**Mr. Garber:** I do not think we will insist on it.

**Senator Roebuck:** I would not go and mess up this situation.

**Mr. Geller:** We felt obliged to point out to the committee that Chief Justice Wells made this suggestion. On the other hand, we do not

feel in any way the bill would be defective unless Chief Justice Wells' suggestion were given effect to.

**Mr. Herman:** We also acknowledge that the learned Senator Roebuck is the only person here who has had experience as a former attorney general, and is more qualified to judge.

**Senator Roebuck:** That is a long time ago.

**The Chairman:** Are there any more questions? If not, may I thank you all very much for coming to us and offering us your assistance and doing the great deal of work, which obviously you have done, in order to assist us.

Our next witness is Dean Maxwell Cohen. I understand, Dean Cohen, that you have a presentation, and there are copies of this which are available to everyone. I suggest we follow the same procedure with Dean Cohen, that he make his presentation first, and then we can go into the question period afterwards. It gets the presentation on the record in an orderly way, and does not preclude debate at a later stage.

**Dean Maxwell Cohen, Faculty of Law, McGill University:** Mr. Chairman, thank you for the invitation to come and address this committee. I wanted to do so. I have studiously avoided making any public statements on this report ever since it was published. I have taken the position that the chairmen of special committees and royal commissions have a duty to keep silent once they have done their work, though there seems to be some dispute about this as a matter of policy. Nevertheless, I thought the first forum in which I would speak would be the forum of Parliament itself, and this is the first occasion I have had to have a public discussion of this matter, apart from a radio discussion of it shortly after the report was published. I am glad to have this opportunity to do so.

I would not like to begin my remarks without, through you, sir, felicitating your most senior member who, in a way, is one of the fathers of this kind of effort. Senator Roebuck should not, I think, forget that he has inspired a whole generation of thinking about the problems of the quality of life in Canada. I would like to go on record as taking part in the great pleasure we all have in the fact that he is now fit for joining the Faculty of Law at McGill University on a post-retirement appointment which we shall be glad to offer him.