

Honourable senators, groups do not need protecting. They can protect themselves. But, you are going to protect them and allow them to build themselves up into powerful institutions for oppression. And who is going to be oppressed? The little man. He cannot stand up against these groups and defend himself. The little man, whether or not he is sued for libel by the group, is going to be in constant fear, because the group can lick him. They have the money, the power and the numbers, and he had better be careful in what he says about them.

Honourable senators, you will be downgrading British justice, as we understand it. The Criminal Code is a wonderful piece of legislation, and it is accepted by all provinces of Canada without exception. It is a codified rarity of British justice. Even Britain has not a criminal code, but we have. Can anybody show where the Criminal Code is not adequate in this respect? Certainly it does not establish protection for groups as such against criminal libel, but why should it? It deliberately does not do that.

During these eleven weeks of tedious and long discussion we could hardly open our mouths without being accused by at least three honourable senators, acting like parrots, of being prejudiced. It appeared that one could not express his opinion of this bill without being told he was prejudiced. But, honourable senators, here is the Criminal Code, the refinement of British justice that has come down to us through the centuries. Show us wherein it is lacking. There is no necessity for any such law as this, and that is why it is not included in the Code.

We can be shown, of course, that there is no protection for a group, as such, against criminal libel, but I say: Show me a judgment in respect of the criminal law as it applies in the Province of Quebec or any other province of Canada, which states there is a lack of such law in this country. Show me any part of our jurisprudence that is not sufficient in this respect. Show me a test case in which a law such as that provided by this bill has ever been tried out in our courts.

There has been no such test case, because there has been no necessity for such a law. Where there is no such law, there can be no such case.

But, honourable senators, you are asked to vote tonight on this harsh, restrictive, unfair, and unjust measure. Why? Because some day something might happen. Never in the history of this Senate has there been such a show of

force to get a bill through without, as far as I can make out, any reason to support it.

Honourable senators, you are going to vote on this bill. Is there a set of facts, or is there an incident in Canada at the present time that requires a measure such as this? Has there ever been a test case to test out the Criminal Code for any lack in respect to preventing the oppression of any person in Canada? If there were any such, then I would agree that the Criminal Code must be amended.

All I can say is that for four years this bill has been kicked around. Even on the other side I do not think there was much support for it. It is sometimes said, "Walker, you get angry at times," but I should like to point out that I am never angry at individuals. As soon as a certain situation is over, then I feel nothing but goodwill and friendliness. I even feel friendly towards Senator Roebuck.

Hon. Mr. Choquette: Are you against groups?

Hon. Mr. McDonald: Yes, but not individuals.

Hon. Mr. Walker: Here is the situation. Why should you at this late stage vote for this bill just because pressure has been brought on the cabinet to have this bill passed over the last three years? The order has gone out: "This is Government legislation. We want it passed. We want all the senators who are supporting the Government to line up." Can't you see, honourable senators, where this is going to lead? You are on a sticky wicket. This is the time at which to exercise the power you have. You on the Government side outvote those on this side by three to one, and you do so constantly, but if you are going to vote in that fashion on a matter of this kind at this time then what is going to happen to the Senate? What is the meaning of the Senate? What is the use of our coming here? What good does it do? What good will come from those eleven weeks of pain and suffering that we have endured—and they have been weeks of pain and suffering, although not for Senator McDonald because he enjoys these things—

Hon. Mr. McDonald: I enjoy listening to you.

Hon. Mr. Walker: I am glad you do. That is something new. I had not heard that before from anyone.

But, honourable senators, I say that if this is Government policy, if you are going to