

or. When you make a general statement to the effect that the Negro is inferior then, in the context in which it is made, it is obviously intended to hold up to contempt the whole of the Negro people, and every Negro person. But, if I say, "This man is inferior," then I may have an excuse for so saying.

Another thing that runs through these examples is the statement: Communism is Jewish. This applies particularly in the United States where they have such a fixation on communism, and even in this country I know of an instance where a man was awarded, I think it was, damages of \$3,000 because someone called him a communist. At the particular time and in the particular circumstances it was felt that that was defamatory. This was in a civil libel action.

It so happens that a group at the present time cannot take such civil action, nor is it desirable that they be able to do so. Should damages be awarded to one person in the group, or should everyone in the group be allowed in?

This is why this is put under the criminal law, because the State then steps in. This applies particularly in a country like Canada, where we are trying to build what has been called a multi-national, a multi-racial, or a pluralistic society, or, as someone has called it, a mosaic, and where every man is entitled to be proud of his ancestry and his culture. If we are to succeed in this then, surely, we have to prevent the abuse of people by even well-meaning individuals, because of the actions of a character over which a person had no control in the first place, and in respect of which he could do nothing to change, in the second place. This is what this is intended to cover.

If anybody in Canada holds a group of people up to contempt or hatred, or, in other words, tries to incite people to hate them or to be contemptuous of them, then this law says it shall be a crime, and upon conviction it shall be punished by the State. There are also defences set out in order to protect as far as possible legitimate freedom of speech.

There is certainly some interference with freedom of speech, but there is some interference with freedom of speech in the laws that make obscenity a crime. There is interference with freedom of speech under section 246 of the Criminal Code, for example, where blasphemous libel is made a crime. Do not ask me what blasphemous libel is, because I do not know. I do not think there has ever been a

case on it in Canada, but it is in the Code. These are things which are for our protection, and because it is in the national interest that they be made crimes. These are questions this committee has to determine. If we can get a better definition we will be glad to have it, whether there should be additions or subtractions.

Senator Bourque: For many years I represented a group in the House of Commons composed of practically all the ethnic groups you could find anywhere. I was also mayor of a city and knew practically everybody. We all got along fine because we understood what was detrimental to each other and tried not to say anything to offend, but we have not got the same understanding in the wide, wide world. You have been very convincing, Mr. Chairman, but I would remind you that a man convinced

against his will

Is of his own opinion still

I am now nearly 80, so I have a lot of experience. I have travelled all over the world and I do not believe the situation is as easy as you suggest. I have been trying all my life to discover what hate propaganda is. Sometimes things are said which the heart does not mean and afterwards the person saying them is sorry. No harm was meant, but the feelings of his brother man were hurt because hurtful things although they were not really bad were said.

When speaking about coloured people, for instance, it can be assumed that even one little word can cover them all, yet no harm is meant to anybody and it is merely an expression. It is like referring to "damned Frenchmen." When that expression is used it does not mean the person hates Frenchmen. I am reminded of the story of the man who went to his parish priest and said, "Father, I have a sin to confess. I hate the French." To this the priest replied, "Tut, tut! Don't say anything. I hate them myself."

Although people may say detrimental things about others, they would run great risks to try to help those same people if they were in danger; people can hurt the feelings of others by saying something they do not really mean, and the next moment go out of their way to take them to hospital because they were injured. A family of a father, mother and six children cannot live in continual harmony. From time to time one child will say something which hurts the feelings of others. This sort of situation is too broad for