

evil of hate propaganda. This bill was introduced following the Report of a Special Committee set up by the late Hon. Guy Favreau, then Minister of Justice, to inquire into this problem and recommend the most effective way of dealing with it. The seven distinguished men whom Mr. Favreau named to this committee were in our view admirably fitted by their background, training and experience to examine this problem. The chairman was Prof. Maxwell Cohen, Dean of the McGill University Law School. The other members were Dr. J. A. Corry, the principal of Queen's University in Kingston, whose own field of teaching is political science and law; Abbé Gérard Dion, a sociologist teaching at Laval University in Quebec, whose views on social issues are known throughout Canada; Mr. Saul Hayes, Q.C. of Montreal, executive vice-president of the Canadian Jewish Congress;—who is with us today; Dr. Mark R. MacGuigan, a Maritimer by birth, who at the time of his appointment was professor of law at the University of Toronto, lectured at Osgoode Hall Law School, and is now Dean of Law at the University of Windsor and who at the time he served on the Special Committee and until his departure from Toronto was President of the Canadian Civil Liberties Association; Mr. Shane MacKay, who was then executive editor of the Manitoba Free Press; and the Honourable Pierre-Elliott Trudeau, then professor of law at the University of Montreal.

The members of this Special Committee on Hate Propaganda were members of the bar who traditionally and professionally are alert and conscientious in the defense and protection of the freedoms of the individual, sensitive to any attempt to deprive the citizen of the basic and fundamental rights which are his in law; a sociologist and political scientist who have studied social problems and political trends and who are well informed on the vexing complexities of our society; and a journalist who has a personal and professional stake in freedom of the press and freedom of expression and who has reason to be vigilant about any measure that would diminish or inhibit this freedom.

This body of men composed we repeat, of persons dedicated to our tradition of free speech and civil liberties and having examined in detail the evidence, some of which you have now seen and which you will find permanently embodied in their Report, determined unanimously that the protection of

individuals as members of groups in our society required the enactment of legislation to curb the spreading of racial and religious hatred.

Their conclusions were:

that freedom of speech is not an unqualified right; (Report of the Special Committee on Hate Propaganda in Canada 1965, page 60, 1.5 ff.)

that the law has exerted a role in balancing conflicting interests;

that in this delicate balancing preference must always be given to freedom of speech rather than to legal prohibitions directed at abuses of it; the legal markings of the borderline areas should be such as to permit liberty even at the cost of occasional licence;

that at the point that liberty becomes licence and "colours the quality of liberty itself with an unacceptable stain the social preference must move from freedom to regulation to preserve the very system of freedom itself" (Report, page 61)

that with respect to the offense of genocide or its advocacy no social interest whatever exists in allowing the promotion of violence even at the highest level of abstract discussion: "the act is wrong absolutely, i.e. in all circumstances, degrees, times and ways". (Report, page 63)

that the distribution of hate propaganda reported in all parts of Canada is a serious problem; (Report, page 59)

that this material can not in any sense be classed as sincere, honest discussion contributing to legitimate debate, in good faith, about public issues in Canada; (Report, page 59).

that given a certain set of socio-economic circumstances, public susceptibility to such material might increase significantly and that its potential psychological and social damage "both to desensitized majority and to sensitive minority groups is incalculable" (Report, page 59).

that our Canadian law is "clearly...inadequate" with respect to the intimidation and threatened violence