

I hasten to say, lest my words by misunderstood, or lest the object of this bill be misinterpreted, that there is no such prospect at present in this country—in this well-fed community. Lest somebody misunderstands what we are doing, let me say that there is now no such crisis in Canada. But, on the other hand, I pause to remind honourable senators that great oaks from little acorns grow. If the cloud on the horizon at the present time is no bigger than a man's hand, it is still there. There are people in Canada who do offend in this matter of hate propaganda, and who do offend against certain groups in the community. I suggest that every group in this community is interested in this matter, for every group is open to attack and the possibility of attack, both by way of insult and the actual dangers of such propaganda.

While these purveyors of hate are few in number, and perhaps unimportant from some points of view, their potential for mischief is very great. At present, honourable senators, there is no prohibition in law—in the Criminal Code or elsewhere—against their poisonous appeal. There are thousands of law-abiding citizens in this country who have already experienced the bitter fruits of hate propaganda. Some have lost mothers and fathers, brothers and sisters and cousins in gas chambers. These people now look to us for protection against the insult as well as the dangers of hate propaganda directed against identifiable groups to which they belong. Honourable senators, that is the purpose of this bill.

Before discussing the bill itself may I refer briefly to such protection as is now afforded by the Criminal Code. While I cannot, of course, give a complete reference, I can point out some of the outstanding features, such as section 153 that prohibits the use of the mails for the transmission of scurrilous material.

Mr. Justice Dalton Wells, a member of the Appeal Division of the Supreme Court of Ontario, has defined "scurrilous" as "grossly offensive and abusive", which I suggest would certainly include hate propaganda.

Section 160 of the Criminal Code prohibits disorderly conduct in a public place, and there are other sections such as those dealing with riots, unlawful assemblies, blasphemous and defamatory libels, murder, forcible entry, assault, and so on. I could mention very many others.

These are valuable and really necessary provisions for the protection of the individual. However, there is nothing in the Code for the protection of groups as such. There is also no mention of hate propaganda. We must realize, of course, that our Criminal Code was drawn long before the Nazi tragedy. Our radio and television regulations have been much more modern in draftsmanship because they are, comparatively speaking, quite recent. The radio regulations prohibit the broadcasting of:

Any abusive comment on any race or religion.

Our television regulations prohibit:

Any abusive comment or abusive pictorial representation of any race, religion or creed.

Hon. Mr. Choquette: Is religion included?

Hon. Mr. Roebuck: It is not; but I will discuss that later.

Hon. Mr. Choquette: It is not?

Hon. Mr. Roebuck: No, not directly.

Hon. Mr. Choquette: I do not want to interrupt you, but I heard you say "religion," and I note its absence from the act.

Hon. Mr. Roebuck: It is not referred to directly but it is covered. I will discuss that later.

What I have mentioned is all that there is in the present law, and the failure of our criminal law to suppress these mongers of hate and to protect the public from such propaganda has been the cause of very serious concern by the public at large and in Parliament. For instance, a private bill was introduced in the House of Commons on February 20, 1964 dealing with genocide and hate propaganda. It was introduced by Milton Klein, M.P., Q.C., of Montreal, and seconded by Mr. James Walker, M.P., of Toronto, the then chief whip of the Liberal administration. I think these men are entitled to a good deal of credit, because they broke the ice, as it were, in parliamentary circles. They initiated the parliamentary procedures which followed and culminated in the bill I now have the honour to sponsor. I congratulate them because it is not often that those who advocate public reforms live to see the fruits of their enterprise.