

*Hate Propaganda*

Rex v. Russell. I also mentioned in passing Woodsworth and referred to the time when unions in Winnipeg were being organized in order to try to get for the average working man the right to arbitrate and make deals in regard to wages, time and working conditions. In those days the courts were way behind the times. The law had not been changed in Canada and brought up to date as it had in England. This is what the court said in Russell's case:

What took place before the strike shows that the accused and his associate "Reds" aimed at something much more drastic.

I am not quoting a newspaper; this is the statement of a judge of the Manitoba Court of Appeal. He went on:

Their ultimate purpose, as declared in their public speeches, was revolution, the overthrow of the existing form of government in Canada—

Pausing there, why should they not overthrow the government? These men had gone overseas for four years during the first war. They had suffered in the trenches, had to contend with lice and all sorts of unpleasant things. They saw their friends killed and wounded. They came back to find no jobs and a society that would not look at them. As a result, they dared to incite, to cause ridicule, and perhaps create a little hate—because they must have had a little hate.

These men were tried before the courts and thrown into jail. They included Woodsworth and Russell, men who helped lay the cornerstones of the labour movement today and the labour legislation that I hear so much about from my friends to my left. I think they will go along with me, because one or two of them were in the committee with me on the bill. I do not know how they can justify the cause of the labour movement if they give their support to certain clauses of this bill.

Let me return to the Russell case and read what was said:

This was to be accomplished by general strikes, force and terror and, if necessary, by bloodshed. The Bolsheviks in Russia were greeted and approved.

That is what the judge said. He was shocked. He went on:

A vast quantity of propaganda in the shape of pamphlets, booklets, printed papers, etc. was distributed by the conspirators—

Mr. Woodsworth had an unusual library, one that was filled with material which gave him a deep and dedicated sense of feeling for humanity, a sense of feeling for men who had

[Mr. Woolliams.]

served in the war and for the workingman. But the authorities said this was awful. They said this man had this literature which he read to the crowd, thus inciting the crowd to break the peace. As a result they were put in jail. This is not a story taken from a newspaper or a magazine hastily written. This is not a speech made by a crackpot; it was written by one of the judges of the land at that time. The judge continued:

All of this contained matter intended to excite discontent and stir up class hatred—

Perhaps these men were glad that something was stirred up, because they were tired of going home hungry. They were tired of being sworn at and being fired. They were tired of working for 20 cents an hour. He continued:

The agitation prior to and during the strike showed no desire on the part of the leaders to bring about by constitutional means an improvement in the position of the wage-earner or by securing for him of a greater share in the fruits of his labour. Writing to brother socialists prior to the strike the accused contemptuously refers to the rank and file of the working men as the "plugs."

This engendered hatred and he was thrown in jail. What did Parliament do? They accepted the judgment which was confirmed in the court of appeal. I will not read any more of this case; it is there for all to read. It follows the same kind of line. The judgment was put in the wastepaper basket because the legislators took their responsibilities and passed the sort of laws that this House and this Parliament would today pass with ease.

Let me refer to a great Liberal who met with an accident which caused his death, Blair Fraser. He talked in the same vein as I. He said he would go along with the first clauses dealing with genocide, but then he said:

The Cohen committee suggested making it an offence, punishable by up to two years in jail, to "incite hatred or contempt against any identifiable group, where such incitement is likely to lead to a breach of the peace." The inciter would thus be the guilty party, even if the breach of the peace were committed by the group he was slandering, as has happened at neo-Nazi rallies in Toronto.

This sort of thing is a lot trickier. It recalls the famous case of Boucher vs. The King in 1950 and 1951—

That is the case to which I have referred.

—when after two separate hearings the Supreme Court of Canada quashed the conviction of a Quebec Witness of Jehovah who had been convicted in his own province of "seditious Libel" for distributing the Witnesses' tract—