

this type of law is good education, because it teaches people that they ought not to preach hate. Yes, but it also teaches them that the way you stop hate is by having the police lay charges and putting a man in prison.

Honourable senators, I have just brought those few quotes to your attention so that senators who are not members of the committee may appreciate the type of arguments we had before us from such distinguished men and jurists.

Honourable senators, there is no one in Canada more anxious than I to see the foul-mouthed purveyors of hate eliminated. There is no one more anxious than myself to see effective means devised for doing it. No one, least of all myself, would quarrel with the objectives of this bill.

The tragedy, honourable senators, is that it fails altogether. Rather than eliminating hate, it will encourage it through the publicity afforded by the prosecution of a few sleazy purveyors. Rather than encouraging the free and open society we so cherish, it raises the spectre of police oppression. Rather than bringing all Canadians of good will together in brotherhood, it will impose between them fear and distrust. This bill is a dark shadow over our freedom.

In speaking tonight I feel I have discharged my duty to my conscience and, perhaps, to my limited intellect. I also want to be sure that I have discharged my responsibility to this institution in its role as a watchdog over the liberties of the Canadian subject. I hope the Senate will never fail in that role.

Hon. David Walker: Honourable senators, more in sorrow and certainly not in anger, might I address a few remarks to the house, because none of us had the opportunity of doing so on second reading, it having been agreed that the bill should go to committee.

A week ago we passed the omnibus bill giving freedom in respect of homosexuality, no penalties; and freedom in respect of abortion, no penalties—two shocking things, but the world is for freedom, and it does not matter what kind of freedom it is.

Now, what is happening this week seems almost ludicrous. We appear in this august body, a chamber of sober second thought, and we are proceeding to pass a bill which derogates from the freedom of speech and action which have been cherished by us since the days of Magna Carta. One week we give freedom in respect of homosexuality and abor-

tion, and the next week we take away freedom of speech and action. It is a shocking indictment of this house of which, of course, as one of its members, I must bear a part.

We have heard tonight from Senator White, with 30 years' experience in both chambers, he having never been defeated for the House of Commons. He is also our former Speaker. He was faithful in his attendance at these committee meetings, and he has pointed out to you that no one has outlined any reason why this bill should be passed.

There is the well-known maxim that "No law, if there is no reason for it." That is British and American justice, American justice following on the common law of Britain, and it is Canadian justice.

I admire Senator Lang because he is such a friendly person, and with members on both sides of the house too. Throughout he has been a prisoner of his own conscience and has overcome any desire to stand up and be counted with the majority.

Three new crimes are created under this bill, and there is no reason for them. One thing is a tremendous mistake, and almost the whole bill deals with it. You are insulating against criticism groups, no matter what the group—something that the Criminal Code would never do and that British jurists would never do. This was no omission in the Criminal Code, because hundreds of years of experience have indicated that if you protect groups, as such, by surrounding them with protective laws, they get too powerful. You can think of instances whereof I speak. To give a group power which it has never had to this day in any British country, except for the recent narrow basis in England, to bring a libel action, would make that group, surrounded by able attorneys and brilliant men with lots of money—and I can think of a dozen such groups—almost more powerful than the Government.

To give a group power to prosecute is unnecessary, because a group can take care of itself. It can write, advocate, advertise, and convince more easily than the individual. It is not pleasant to realize tonight, because this is really the purport of this bill, that you are going to give groups, wherever they may be, power to grind down individuals and take away their freedom to express themselves. This is a shocking thing. Even in the State of New York, where there is every temptation to pass such a law as this, it has been vetoed by the Governor.