

same five categories, but, again, we are trying to protect against any encroachment on the freedom of speech, and I would like to see us examine whether we should not reduce the categories. Frankly, on my reading of the proposed act I would think paragraph (a), "killing members of the group", and paragraph (c), "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction", would be sufficient for the purposes at hand.

I am also concerned, honourable senators, with the drafting of section 267B which talks about an "identifiable group." In our legislation we say an "identifiable group" means any section of the public distinguished by colour, race, or ethnic origin. The Special Committee talked about religion, colour, race, language, and ethnic or national origin. If I am correct, the words "religion", "language" and "national origin" have been omitted. Now, the honourable Senator Roebuck said that the omission of those words widened the definition but that the inclusion of them would narrow the definition. Well, I am in favour of narrowing the definition.

Honourable senators, I also feel that perhaps the consent of the Attorney General of Canada should be required before an action could be brought under this act. That may restrict it too much, but at the outset I do not think that that would be a bad thing; and, if we found that it was too restrictive, then Parliament could amend it to include the Attorneys General of the provinces.

What then are my conclusions in reviewing this act? I find fault with it from a procedural point of view, but I am in favour of it from a substantive point of view. I think that we have to extend the law of defamation to groups.

Admittedly, in doing so, we are limiting free speech. But we do not live under a laissez-faire society; we live under a society which believes in the rule of law. So, we have provisions of the Code on defamatory libel which restrict the freedom of speech but make freedom a more perfect thing. The question we have to ask ourselves is: are we better preserving freedom by restricting by a slight amount the freedom to speak? I suggest an examination of this act would indicate that we are indeed better preserving freedom by doing so.

Honourable senators, there is a real and present danger. I admit to my honourable colleague who has just spoken that the number of occurrences are not great, but they are

vicious and they are occurring now. Listen to this example given by the Committee on Hate Literature:

We do not say that every Jew is a Communist, but that the majority of the Communist leaders and spies were and are Jews. Therefore, Communism is Jewish. Christians unite! Boycott Jewish filth! Nazism is dead, but Communism lives. Fight Communism or die a slave!

That is a vicious attack. It does not have to be repeated over and over again.

Senator Croll, in his great speech, said that hate is a corrosive force. Indeed it is, and with today's modern communication methods it is a force whereby a drop of water of hate can be a tidal wave of hate tomorrow. I suggest to you, honourable senators, that we have to stop this and stop it now.

There is ample precedence for what we are doing. There is the United Nations' Genocide Convention, as I told you, ratified by 66 countries, including Canada. There is the Declaration on the Elimination of Racial Discrimination passed, I believe unanimously, by the General Assembly. This sort of act is to be found in the laws of most western European countries. It is to be found under the Public Order Act in the United Kingdom. Even in my Province of Manitoba, we have had since 1934 an act which extended defamation laws to groups. I might point out that while that same law may be ultra vires and only provides for an injunction, there is only one hate case recorded by the Special Committee on Hate Propaganda in Manitoba between 1963 and 1965, whereas Ontario has had 40.

I suggest to you that if this act errs, honourable senators, it errs on the side of free speech. Look at Section 267A. It requires an "attempt to destroy"; Section 267B requires an action which is "likely to lead to a breach of the peace." Section 267C requires someone who "willfully promotes", and 267C provides two defences: truth and a condition in which the utterer reasonably believes the statement is true so long as it is within the public interest.

These two defences are not found in the British act. I suggest to you that Bill S-49 puts no ban on the advocacy of any viewpoint, except genocide and grossly abusive statements.

There are those who have said that education is the answer. Of course it is. But that does not mean that we should dispense with the law. The law is still required, and I suggest to honourable senators that legislation is