

that even in its present terms it may be used to silence individuals and groups whose cause might be either innocuous, or, indeed, highly meritorious, but whose methods are found to be distasteful by those who are in a position to initiate prosecution...

...it does strike me as being particularly ironic that we seek to protect liberty by diminishing it.

Dr. Howse, in his presentation, referred to the similarity of the situations surrounding the introduction of the Padlock Law in Quebec and this bill. I think the analogy is worth noting. He says:

In Quebec at that time no questioner could be any rational consideration of the true nature of the Bill, or the dangers of its sweeping clauses. Every objective consideration of the Act was drowned in emotional references to the blood-bath in Russia, and in tirades against the perils of Bolshevism. The Act could be understood, said its defenders, only by knowing Quebec's horror of Communism. If you opposed the bill, the inference quickly ran, you were soft on Communism, and probably a Communist in disguise.

This bill on hate propaganda, though not a "Padlock Law", yet seems to me to be dangerously vague and susceptible to abuse. And, this time, any question concerning the nature of the bill and the dangers of its clauses is drowned in an emotional tirade against Nazism.

Professor Frank Scott made a very scholarly presentation before the committee and he based his objection to the legislation around four main principles or concepts which I think are rather interesting because they raise a somewhat different approach. He says:

First of all, I think this bill is retrograde, it is a looking backwards type of bill. Secondly, I think it is unnecessary. Thirdly, I think it is dangerous. And fourthly, using a non-legal expression, I think it is old-fashioned.

May I speak to the first of my propositions, that it is retrograde. I think it is running contrary to the spirit of our times in the development of legislation to protect human rights.

He refers again to the Padlock Bill as analogous, and at a later stage says:

—Mr. Duplessis in Quebec passed the "Padlock Act", as it is called, technically an "Act to Prevent Communistic Propaganda in the Province".

Communistic propaganda may not be quite the same as hate propaganda but the concept and principles present the same legal problems.

I think this is why the analogy is so important.

—Mr. Duplessis got this law passed in 1938. Of course, it was passed unanimously in the Quebec Legislature, because when this kind of law comes up all sorts of people vote for it who do not really like it but they do not want to appear to be against it. If you voted against the law you seemed to be for communism. Well, who can be for hate? Therefore, if you are against this law you might be thought to be in favour of hate. There is a psychology about this type of legislation that, I hope you appreciate, often subconsciously motivates people's attitudes.

He goes on to say:

My second main point is, I do not think the law is necessary. It is crisis legislation, and there is no crisis. Why do we need it now? Is not our country reasonably tranquil? Have we not a great deal of law capable of coming into use if there is really a series of great disturbances caused by hate literature?

Further on:

My second point, as I was saying... is that I do not think this bill is necessary. By that I mean it undoubtedly is an increase in the prohibitions of the Criminal Code and therefore a decrease in the freedom of the individual. I see no pressing evil in Canada at this moment that makes it necessary—

Even in the report, the members had before them Doctor Daniel Hill, who is Director of the Ontario Commission on Human Rights, and he said he believed that Canadian public, because of its social stability and the high standard of living, is relatively immune to extremist anti-Semitic and other "hate" materials...

My third point... is that the legislation as drafted is very dangerous because of certain ambiguities and, to use a phrase that has been coined in the American Supreme Court, because of its "overbroad sweep", it covers too much ground.

He also goes on to say:

—it is bad education for the public. I know that the Cohen Report argues that