

**Hon. Douglas D. Everett:** Honourable senators, in continuing the debate on Bill S-49, I would, in making my maiden speech, beg your indulgence to allow me to thank the Leader of the Government and the honourable Senator Beaubien (Provencher) for having introduced me to this chamber, and the Leader of the Government and the honourable Senator Thorvaldson for their kind references to me.

Honourable senators, I would also like to refer to my predecessor the honourable Thomas Crerar, and I shall do so, very briefly, for there are far better orators than I who have spoken of this great man. I would like to make just one point in reference to him: In 1921 he had an opportunity to become the Leader of the Opposition of the other place, but he was sent here as the head of the Progressive movement that had as its objective the enshrinement of certain principles in the laws of the country. He was prepared to forsake that opportunity. For Thomas Crerar is a man who always put principle before power.

**Hon. Senators:** Hear, hear.

**Hon. Mr. Everett:** Honourable senators, in the years I might spend in this chamber, I can never replace Thomas Crerar, but I shall attempt to emulate him.

In regard to Bill S-49, and in particular in regard to clause 1 thereof, which proposes to introduce section 267A into the Criminal Code, and which deals with persons who advocate or promote genocide, it has been said in this chamber that if such a section had been in the laws of Germany prior to the Second World War, it would not have prevented the frightening things which happened during that war. Yet, in the period prior to the time that Hitler took power, he was constantly advocating and promoting genocide. He created the conditions in which genocide took place when he did come into power.

It has been said in this chamber that this matter should be dealt with by the United Nations. I question whether the United Nations can really deal with the problem of the advocacy and promotion of genocide. I agree that it may be they can deal with genocide itself. But would we permit the United Nations to invade our law to punish the advocating or promoting of genocide? I doubt it very much. What we are really proposing to do here is implement a United Nations convention which was ratified by the Parliament of Canada.

It has been said in this chamber that the criminal code already protects against that

which is contemplated by section 267A. But surely there is nothing wrong in covering in a specific way what the Code already protects? And further, honourable senators, I question whether the Code indeed does protect against the act of

deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

Section 267A (2) (c) does.

It has been said in this chamber that the Bill of Rights, through the operation of Section 107 of the Criminal Code, would protect. I wonder. I wonder whether a charge could really be successfully framed against one who advocates or promotes genocide, under the Bill of Rights and the operation of that Section 107. Again I suggest to you that, if the Bill of Rights protects, then there is nothing wrong with implementing it in the Criminal Code. I cannot find anything wrong with doing so.

Honourable senators, I have no hesitation in endorsing the principle of this legislation. The United Nations convention on genocide has been ratified by 66 countries of the world. We have a duty and an obligation when we ratify a convention to implement that ratification, and that is what we are doing. I suggest to you that we should do it.

There are demagogues, there are people even in Canada who can sway crowds, and Canadians, no matter what we may like to think, are not exempt from being swayed. This section is required.

Honourable senators, while I say I endorse the principle of the section, I am concerned about certain aspects of its drafting. It says, "in this section, genocide includes..." The word "includes" gives rise to a dictionary definition. The United Nations convention, however, states in this regard "that genocide means..." In forming laws such as this we should be precise. We should define genocide in all its aspects.

Furthermore, section 267A refers to "any group of persons." I believe that if we turn to the dictionary, we find that the word "group" means any three persons. I cannot believe that that was the intention. Again, I think the drafters of the legislation should be precise. I would like to know why in section 267A they use the word "group" when in section 267B they used the words "identifiable group" and then defined "identifiable group".

I would also like to know why there were five categories, when the Special Committee on Hate Propaganda used three. Admittedly, the UN Convention definition does use the