

*Hate Propaganda*

of democracy and have been included in the Criminal Code of Canada since its inception. The laws are not written for selected individuals. The laws are proper because they apply to all individuals in Canada without regard to colour, race, religion or ethnic origin.

But the present bill, which is defended as providing for groups protection hitherto granted to individuals, introduces new standards. This bill proposes to apply to all groups equally. In fact, it would not apply to most groups within the community. It would not for example, and this is what I think the hon. member for New Westminster (Mr. Hogarth) was dealing with when he talked about identifiable groups or classes, apply to groups within which hatred and contempt are most acutely felt, where individuals are most systematically maligned, threatened and slandered. This bill would provide no protection for the victims of hatred and contempt if they belonged to the wrong groups.

The hon. member for New Westminster, in dealing with a group or class, dealt with the unfortunate situation of those who are categorized as retarded children. An identifiable group is defined in the bill. It deals with the group and not with any one class. The law does not threaten two years in jail for those whose "communicated statements" incite hatred or contempt of our police officers, military leaders, separatists or political opponents, civil servants or Members of Parliament. I shall go into detail about this in a few moments. A Canadian would still be able to make a profession of inciting hatred and contempt against any group he dislikes, except identifiable groups, and therein lies one of the weaknesses of the bill.

If the bill is to be proper at all then "identifiable" is the wrong word to use. Every group is identifiable. It might be a group of farmers who march to the legislature in Edmonton with their chickens and let them loose, and so on. But they are not an identifiable group under the bill. However, they are a class of people or a group of some kind. Obviously, the word meant is, "designated". Certain groups will be designated and these groups will be protected from hatred and contempt. If this bill passes it will be possible to incite hatred against groups A, B and C but henceforth illegal to incite hatred against groups D, E and F. This is indeed a new principle in criminal law, a principle quite different from that of providing protection for individuals.

Clearly, the bill is not concerned with hate and contempt as evils in themselves, as bills are concerned with assault or theft as evils in themselves. If hatred and contempt were the evils to be prevented, why make it illegal to promote hatred of race but not illegal to promote hatred of class? Why is hatred of an ethnic group illegal but not of a national or social or cultural or labour or linguistic group? The defence that this bill would extend to groups the same protection hitherto given to individuals will not withstand examination. Protection is given to individuals equally, but protection is proposed to groups selectively. The law should be the same for every citizen from coast to coast in Canada.

Without drawing any dogmatic line, it would seem to me that whatever protection an individual citizen needs that can be given in law he should have by right as an individual equally with other individuals. Anyone looking at the Criminal Code as it is now worded will see that it provides for freedom of speech, freedom of thought, freedom of assembly and, above all, for freedom of the press and freedom of the medias of communication. That will be the strong point I shall stress in a few moments when I argue about our right to speak here and our right to have our speeches reported in the press, through the radio or television, or through any other media that may arise in the future. It seems to me that this bill works on the principle on which we used to bar Indians from beer parlours. We said they were especially vulnerable and needed special protection.

May I refer to the Bill of Rights and what the Supreme Court of Canada said about it. Clearly, the Bill of Rights in itself gives us all the protection we need. I think we all agree, including the Minister of Justice (Mr. Turner), that the words used by that great Canadian, the right hon. member for Prince Albert (Mr. Diefenbaker), in this House on July 1, 1960, were great words. I was in the House, as were several other senior hon. members and heard him say these words, found on page 5649 of *Hansard* for that date. He said:

I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

Those are great words spoken by a great prime minister and a great Canadian, and the Supreme Court of Canada has upheld the Bill