

*Private Members' Business*

On the question about Canada being a work in progress, and I assure my friend I will get to the point of the amendments very shortly, we give each other a lot of room and a lot of space in this country. We realize that we come to this country with tremendously different points of view and that we are in the process of forging a common Canadian point of view. Therefore, we avoid some of the excesses other young countries have fallen prey to, such excesses as jingoism and chauvinism as have been referred to by my friend from Port Moody—Coquitlam and xenophobia. We are falling into having a bit of that fear of strangers now, but by and large we have avoided it.

I was reminded of some of these issues when it was my duty to take the broadcasting bill through Parliament. In that context we were dealing with an amendment to the previous Broadcasting Act which had mandated the Canadian Broadcasting Corporation to be an instrument of national unity. I argued, and I still believe it was the right position to take, that the CBC, the state broadcaster, ought not to be an instrument of national unity, that is an extension of the state. I need only remind you, Mr. Speaker, and remind my colleagues of the difficulties we might have got into during the rather acrimonious referendum campaign we went through last fall if indeed our state broadcaster had been mandated to be an instrument of national unity. We backed away from some of these statist exercises.

I was amused by my friend from Port Moody—Coquitlam whose party tends to be a party of national symbols. He laments the loss of our national symbols. He was speaking against the consecration of a national symbol. It is unusual for that group to be on the side of the police.

To deal with the amendment, the first amendment bringing us into the realm of a public place and limiting the scope of the bill to desecration in a public place is a constructive amendment. I believe the second amendment is constructive also in introducing a sense of *mens rea*, an intent to desecrate, the purpose of desecration, as part of the bill. Finally, the question of the representation of the flag being exempted from the scope of the bill is a constructive move.

The point remains that this bill would criminalize an act of protest. That troubles me because I think we must each day defend our liberties and our freedoms, or we run the risk of losing them. I do not believe for a

moment that it is an appropriate expression of public opinion to desecrate the flag wilfully or intentionally. However, by the same token I think it would be a mistake to criminalize such an act. If that seems to be a contradiction, perhaps I can refer my friend from Scarborough East and the House to an editorial that appeared in *The Montreal Gazette* in June of last year.

• (1140)

It reads: "Flag burning may be sappier and more obnoxious than flag waving, but both are legitimate expressions of political opinion. The desecration of the Quebec flag in Brockville was offensive and so was its exploitation as an example of anti-French feeling in English Canada. The Canadian flag has been defiled again and again by Quebec nationalists in recent years and that was offensive too. But a law making flag abuse a crime would not make the malcontents any happier about their country. It could make things worse—intensifying hostile feelings".

I concur with that editorial. I also concur with a point made in an editorial of *The Globe and Mail* on June 24 of last year. It states:

Canadians hold another national symbol, Parliament, in lower esteem than they ever have. Yet no one is proposing that, since public criticism of Parliament might undermine respect for a national institution, we ought to restrict such criticism. There is also that little problem of Charter of Rights guarantees of freedom of thought, belief, opinion and expression. It's time for the flag-burning bill to hit the showers.

That is pretty strong stuff but I think it underlines the fact that no one is proposing that criticism of Parliament be restricted. Therefore, this other national institution, our national flag, while we revere and respect it, ought to be available as an item of expression of reverence and otherwise.

Finally, I would appeal to my hon. friend from Scarborough East and suggest that where this issue ought to be tried is not in the courts but in the court of public opinion. With regard to public opinion polls, I think I heard my friend say 69 per cent of Canadians favour such legislation. I wonder if Canadians would still favour such a restriction of expression if it were put within the context of a restraint on public expression of opinion. That is the issue that I think we need to ponder and it is on that issue alone I differ with my hon. friend. While we agree on most other things, I feel that I cannot support his bill even with its proposed amendments at this time.