

*Hate Propaganda*

for Sault Sainte Marie (Mr. Murphy) tried very ably to define it more accurately. As far as I am concerned, the words "other than in private conversation" have the same effect as the amendment put forward, though I do not particularly like the words "other than in private conversation". I would prefer a judge to have to determine whether a man was seriously advocating genocide or whether he was simply making a private comment.

**Mr. Andrew Brewin (Greenwood):** I realize, Mr. Speaker, that we are dealing with a specific amendment, but perhaps I might be permitted to make a general comment which applies to a number of amendments as well as to the present one.

I believe that taking into account the amendments made in the committee and, perhaps, some changes which could still be made in this House, we have eliminated any ground for fear that this bill is an unreasonable or improper invasion of freedom of speech. If hon. members will permit me to be a little autobiographical, I would say that concern for freedom of speech was part of my career before I came to this House. Both as an advocate at the bar and as a promoter of organizations concerned with civil liberties, I have always considered it one of my prime duties to seek to defend the right of individuals to freedom of speech. I believe this freedom to be vital to our whole parliamentary system and to our whole democratic structure. It is against this background that I am able to give the House the assurance, as far as I can, that there is nothing in this bill which involves an undue invasion of freedom of speech or a curtailment of the fundamental rights of Canadian citizens.

There has, it is true, been some opposition to this bill but most of it, in my opinion, is based on misunderstanding. There are various sorts of amendments which might be made to the bill. Some might constitute improvements; others could be considered as wrecking amendments. Although the particular amendment before us is not intended to be a wrecking amendment, I nevertheless find it unacceptable and I intend to oppose it, not because I doubt the good faith or the good sense of the hon. member who introduced it, but because I disagree as to its necessity and efficacy.

First, the hon. member seeks to introduce into the genocide clause the concept that an offence, to be actionable, must be committed in public. What is genocide? Genocide is the murder or destruction of a race, and I say its

advocacy should be prohibited whether or not it is done by subtle circulation in private circumstances or whether it is done in public. We are speaking here about the advocacy of the murder of people on the basis of their racial extraction. It is no light matter. We are obliged by international treaty to deal with it. What does "publicly" mean? A public place is one to which the public is invited, or to which it has access. If this amendment were carried, one could call people to attend private meetings in private houses, and organize a campaign of genocide there.

• (3:50 p.m.)

I entirely approve of the amendment made by the committee to the subsequent clauses that deal with the propagation of oral statements and excludes private conversation. I think it is entirely proper that we should make it clear that the part of the bill that deals with the dissemination of hatred should not apply merely to casual conversation. But I say, to use a colloquialism, that it is a horse of an entirely different colour to talk about genocide, which is the purposeful destruction of a race.

I would point out to the hon. member that the definition of genocide clearly implies a positive intent; it does not apply to matters merely of a casual nature. I know from having had to consider the question of genocide in a different context that it is probably one of the most difficult things in the world to prove. It implies within its own definition a very clear and definite intent to destroy a race. I suggest it would not apply to any casual conversation or occurrence that took place between individuals. This is not the way one plans the destruction of a race. But it might very well be planned by means of a clandestine conspiracy that would not be public, and therefore would not be covered by the legislation. It is necessary that there be a wilful offence.

My hon. friend suggested that there was some difficulty in this connection in that there was the possibility of frivolous prosecutions being laid. I would remind him that protection against that is afforded, even in respect to the crime of genocide: the approval of the attorney general of the province concerned must be sought. I cannot conceive of a responsible official like an attorney general consenting to lay a frivolous prosecution in connection with a charge of genocide. Surely, such a grave offence would require pretty grave consideration by the attorney general before he authorized prosecution.