

## **JUSTICE COMMITTEE**

### **HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

#### **SUBMISSION FROM GEORGE FALCONER**

Dear Justice Committee,

Thank you for giving me the opportunity to comment on the above Bill. I write with deep concern and a feeling of grave foreboding at the Scottish Government proposal to prosecute for what it postulates as a 'hate crime'. I respect the Committee's good intentions and desire to have the best justice system possible, but regret to say this Bill will not achieve fairness and equity for all.

This idea, that any opinion legitimately expressed, can be proscribed on the grounds that it is an offence or an insult to an individual, is the establishing of a new and terrifying censorship, and censorship is the foundation of tyranny.

I believed we lived in a society based on liberty and freedom of speech, founded on Magna Carta 1215 and the Bill of Rights 1689. This has been defended and fought for at great sacrifice and cost millions of lives, particularly in the 1st and 2nd World Wars. If I recall correctly, the country's leaders stated at the end of the 1st WW, that for the returning soldiers, it would be a land 'fit for heroes'.

If you are going to prosecute people for expressing a sincerely held belief or opinion, then you are prohibiting freedom of speech. To say that a person cannot have a strong disagreement, even to the point of stating that every other opinion is wrong, is to condemn us to being subjugated by a repressive authority, which will lead inexorably to being coerced into what to think, not how to think.

There is a great principle at stake here. Everyone has the right to their opinions. If someone strongly disagrees with me, I will defend with every fibre of my being, their right to disagree. When I express an opinion and there is strong disagreement, I don't feel offended or insulted, so why should anyone feel offended and insulted by me. Since when did being offended mean you're automatically right? This is perceived victimhood. To determine that a strong opinion is classed as a new stirring up hatred offence is unjust. Any new stirring up hatred offences should only cover threatening conduct. Also any new stirring up hatred offences should only cover conduct that is intended to stir up hatred. Just because something is likely to stir up hatred does not mean the person was aware of this. It is very serious to accuse someone of stirring up hatred, so it must be clear they were doing so deliberately. There must be a clear distinction between legitimate debate and overt troublemaking. The Bill does not differentiate between these two types of conduct. I will never support obvious threatening or abusive behaviour. Existing criminal law already covers threatening or abusive behaviour likely to cause fear or alarm. No new law is needed.

MPs and MSPs have diametrically opposing views and opinions against each other and vehemently hurl strong disagreements and criticisms at each other and often is vitriolic, yet this is considered acceptable and necessary. I'm astonished at your temerity to judge, that other people with sincerely held beliefs and principles, would be

defined as being hateful, whilst MPs and MSPs are not. I am a strong believer in democracy and the need for serious debate, including strong disagreement between politicians, but democracy equally applies outside politics, therefore people have a right to debate and disagree, without a 'hate crime' being levelled against them.

I'm horrified at the direction this Bill is taking us here in Scotland, where I used to think we were at the forefront of justice. It is truly frightening that as a result of making an innocuous remark, we can be arrested at the whim of someone who takes offence. For it to be considered, that an offence could even be unwittingly committed in the privacy of your own home, is utterly shocking. We are fast heading towards a maelstrom of oppression and the repression of civilised standards. This Bill is the 'thin edge of the wedge', and the slippery slope towards a totalitarian state. History is littered with the terrible repercussions of bad laws being passed. Witness what happened in this country with the witch hunting trials, under the Witchcraft Act 1563, dunking people in village ponds and if they drowned, they were innocent, and if they didn't drown, they were guilty, and burned at the stake. Thankfully we are not barbaric at present, but beware of a bad law, as it will lead to persecution. The word 'witch-hunt' is in the dictionary, which states the meaning is, 'A rigorous campaign to round up or expose dissenters on the pretext of safeguarding the public welfare'. I have a palpable sense of dread, there is a strong chance this will be the unintentional outcome of this Bill.

I am 77 years, born in Scotland and lived here all my life. For the last 4 years I've been Vice-Chairman of a Housing Association, responsible for the maintenance and upkeep of amenity and landscaped areas of our private residential estate of nearly 600 houses. I am a law abiding citizen and have no criminal record.

I love the land of my birth and want to see it grow economically, to have high educational standards, an efficient well funded NHS, and the development of our legal structure, for the protection and wellbeing of all citizens. If this Bill in its present form is passed, then it will have profound consequences for free speech and religious liberty. I will have no wish to continue living in such a country.

Yours sincerely,

George Falconer  
19 July 2020