

SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)

B E T W E E N:

ERNEST ZUNDEL

Appellant

- and -

HER MAJESTY THE QUEEN

Respondent

FACTUM OF THE INTERVENOR  
ATTORNEY GENERAL OF MANITOBA

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FACTUM OF THE INTERVENOR ATTORNEY GENERAL OF MANITOBA

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No. 21811

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PART I: THE FACTS

1. The Attorney General of Manitoba does not take issue with the Statement of Facts as set out in the Factum of the Respondent.

PART II: POINTS OF ISSUE

1. By Order of the Chief Justice of Canada, made the 14th day of June, 1991, the following constitutional questions were stated:

- (1) Is Section 181 (formerly 177) of the Criminal Code contrary to section 7 of the Charter of Rights and Freedoms as being a vague and uncertain restriction upon the fundamental freedom of expression?
- (2) If so, is Section 181 (formerly 177) of the Criminal Code a reasonable limit prescribed by law demonstrably justifiable in a free and democratic society, pursuant to Section 1 of the Charter of Rights and Freedoms?

2. The Attorney General of Manitoba submits that the questions should be answered as follows:

Question 1: No

Question 2: If necessary to answer this question, the answer should be no.

PART III: ARGUMENT

1. The Attorney General of Manitoba adopts the position of the Respondent as set out in paragraphs 82 through to 94 inclusive of the Respondent's Factum.

PART IV: NATURE OF RELIEF SOUGHT

It is respectfully submitted that the constitutional questions hereinbefore referred to should be answered as follows:

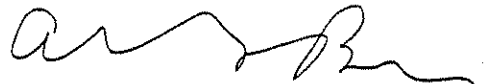
Question 1 Is section 181 (formerly section 177) of the Criminal Code of Canada contrary to section 7 of the Charter of Rights and Freedoms as being a vague and uncertain restriction upon the fundamental freedom of expression?

Answer No.

Question 2 If so, is section 181 (formerly section 177) of the Criminal Code of Canada a reasonable limit prescribed by law demonstrably justified in free and democratic society pursuant to section 1 of the Charter of Rights and Freedoms?

Answer No.

ALL OF WHICH IS RESPECTFULLY SUBMITTED:



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Aaron L. Berg  
Counsel for the Attorney General  
of Manitoba