

CANADA

steyn

A READER objects to Steyn's 'kangaroo court' epithet. After a day in Ottawa observing the CHRC at work, Steyn is happy to explain.

## Kangaroo court is now in session

At the Canadian Human Rights Commission, it all comes down to double-sided faxes

BY MARK STEYN

"If anything I said above upsets you, please lodge a complaint with the Canadian Human Rights Commission," Kevin Baker advised his readers the other day. "You pay nothing. Filing is risk-free." The *National Post* columnist had penned a gloriously insensitive opening paragraph suggesting that Ontario's polygamous welfare deadbeats collecting individual dole handouts for each of their wives might like to corral their better halves (better eighths?) into a Muslim curling team. Mr. Baker proposed this because he's decided he wants a slice of the human rights action, such as yours truly and *Maclean's* have been enjoying these last three or four months. "I want to be a free-speech martyr, too. Give me some of that CHRC hate-speech love." The big bucks are in getting your ass sued off for "flagrant Islamophobia."

As Mr. Baker sees it, before I became the metaphorical Nelson Mandela metaphorically tasered into metaphorical submission by the metaphorical Gestapo of the sadly non-metaphorical Canadian Human Rights Commission, I was an amusing fellow prancing gaily through the flotsam and jetsam of the culture, twittering merrily on such weighty topics as Princess Margaret, Liza Minnelli and John Ralston Saul's pre-vice-regal fondness for the nude beaches of the Côte d'Azur. Ah, those were the days. As they say in *Casablanca*, I remember it as if it were yesterday. Liza wore black, John Ralston Saul wore, er, nothing. But I've put that flesh-coloured see-through thong away. When the CHRC thought police march out, I'll wear it again, even if he won't.

While the career benefits of free-speech martyrdom are perhaps not quite as lucra-

tive as Kevin Baker assumes, I do take a quiet satisfaction in knowing that, publicity-wise, the last three months have been the worst in the entire existence of the "human rights" commissions. When news of the lawsuit against *Maclean's* broke in early December, those who spoke up for the right of privately owned magazines to determine their own content were what one might call (*Casablanca* again) the usual suspects: George Jonas, Barbara Amiel, David Warren. No disrespect to my eminent comrades, but I had the vague feeling we might end up holding the big capacity-only free-speech rally in my Honda Civic. For a while, there was more interest abroad than at home, with the *New York Post*, the *Australian*, *The Economist* and the BBC taking up the story, while the *Toronto Star* et al. stayed silent. But then Liberal MP Keith Martin embraced the cause and proposed abolishing the grotesquely mismanaged Section 13 of the Human Rights Code, and the Canadian Association of Journalists and PEN Canada (i.e., all the CanCon lefties, and headed by nude playboy John Ralston Saul to boot) decided to sign on. The *Globe And Mail* eventually came out against the speech police, and so did CBC colossi Rex Murphy and Rick Mercer, and even Noam Chomsky. And by the time the Canadian Human Rights Tribunal was obliged (after a court motion filed by *Maclean's*) to open its doors to the press and public, the presiding judge Athanios Hajdis uttered words rarely heard in the Canadian "human rights" biz: "Nice to see you all," he offered the crowd. "More of an interest than there was before."

I'll say. Meanwhile, you can't but notice how few friends the "human rights" racket has. Almost everyone who speaks up for a

system that drags Canada's biggest news-weekly into court for thought crimes turns out to be either a current or former beneficiary of the aforesaid system. Take, for example, our own letters page the other week. Bill Baergen of Stettler, Alta., wrote:

"I take exception to Mark Steyn's unfounded allegation that the human rights racket is a disgrace. I am proud to say I was one of seven commissioners on the Alberta Human Rights Commission from 1995 to 2006 and never felt I was part of a racket, much less a disgraceful one. Nor do I accept the kangaroo court epithet thrown around by the erudite generalization-manufacturer, Steyn."

"First, why does he place 'human rights' in quotation marks? The Universal Declaration of Human Rights, forged by the General Assembly of the United Nations in 1948 uses the phrase, so it needn't be treated as something foreign to most people."

Well, since you ask, I put "human rights" in scare quotes when I refer to, say, the Alberta "Human Rights" Commission because the "human rights" commissions' notion of "human rights" has nothing to do with real human rights such as those adumbrated in the UN declaration. Indeed, Canada's scare-quote "human rights"—the "human right" to a labiaplasty or to smoke marijuana in another guy's doorway or to not be called a "loser" in the hair salon—explicitly trample over several of the real human rights in the Universal Declaration, notably the right to the presumption of innocence. That's why there's a 100 per cent conviction rate for federal Section 13 cases. So Bill Baergen's pals are in sustained systemic breach of the UN declaration.

As for Mr. Baergen's "pride" in being on the Alberta Human Rights Commission for a decade, *chacun à son goût*. Personally, I'd be ashamed. Here's why: the Danish cartoons

crisis precipitated a lot of predictably craven remarks by European commissioners, U.S. State Department officials, the British foreign secretary, etc., all giving aid and comfort to the thugs and bullies threatening to "behead the enemies of Islam." Yet, for all the Anglo-Euro-American squishiness and generalized anguish about the need for the media to be more "sensitive," only one government agency in the Western world actually hauled a publisher into court for the "crime" of publishing those cartoons—and it was the Alberta Human Rights Commission, which dragged Ezra Levant of the *Western Standard* into an interrogation room to explain himself before one of Mr. Baergen's colleagues. So, yes, the Alberta HRC is a racket, and a disgraceful one, and that's why the system has so few defenders other than its apparatchiks.

I can't claim to be privy to the thoughts of the HRC inner circle, but I would imagine if they could turn back the clock they'd gladly drop the *Western Standard* and *Maclean's* prosecutions, and go back to their nice little earner of sticking it to neo-Nazis, homophobic Christians, and other underfunded losers in basements whom they could chastise with impunity, far from the prying eyes of press and public. Instead, on Tuesday morning, dawn broke in Ottawa, not just in the hey-Steyn-what's-with-the-purple-prose-scene-setting-stuff, but in the sense that a rare shaft of sunlight penetrated the 11th floor at the Canadian Human Rights Tribunal on Elgin Street.

We were there to hear how Canadian Human Rights Commission "investigators" go about their work. The last time anyone tried asking that, the commission's lawyers invoked Section 37—the James Bond clause: we can't answer your questions because of national security. If sunlight is the best disinfectant, the CHRC prefers to operate under conditions of total eclipse. It's a measure of how far the "human rights" racket has departed from the norms of Canadian justice that the CHRC saw nothing wrong in attempting to exclude even the defendant, Marc Lemire, from his own trial.

Who is Marc Lemire? Ah, well, he's not the poster boy one would pick for a campaign to restore Canadian liberties, particularly if the poster shows him in the quasi-Nazi getup he's wearing in that picture of him standing behind Holocaust denier Ernst Zundel. Mr. Lemire is the former leader of Canada's supposed neo-Nazi group, "Heritage Front," and, when Richard Warman, the CHRC's former employee turned serial human rights "victim," decided to sic his old buddies at the commission on him, he presumably assumed Lemire was just the latest no-name "white supremacist" basement-loser he could hound into submission and penury.

Unfortunately for the CHRC, Marc Lemire has been inconsiderate enough to defend himself, and their determination to obstruct him has wound up making the issue not him but them, and some of their dodgier practices. Let's start with the easy stuff first. If Bill Baergen doesn't like my scare quotes round "human rights," let's move 'em: The "Canadian" Human Rights Commission does not treat all Canadians equally. The lead investigator testifying on Tuesday, Dean Steacy, is blind, but the justice his commission administers certainly isn't: if you're one of their allies, they'll start lurking on websites before you've made a formal complaint. But, if you're not simpatico, they'll reject your complaint on the grounds that it was on double-sided paper. Which was what happened to Mr. Lemire, when he tried to file his own Section 13 complaint against the police. Apparently, Mr. Lemire's complaint was double-sided—which came as news to Mr. Lemire, since he faxed it in. But by the time it uncoiled itself at the other end it had become the first double-sided fax on the planet. "I don't know what happened to the fax," said Mr. Steacy non-committally. Hey, it's a federal bureaucracy: things happen. Evidently one reason why Richard Warman has been the complainant on every Section 13 case since 2002 is that he's the only one who remembers the critical single-sided rule.

Marc Lemire then wrote a post on the Stormfront website explaining that his complaint had been rejected by Dean Steacy. Up popped "jadewarr" with a follow-up post. Who, you're wondering, is "jadewarr"?

"It's 'jade war' not 'jade ware,'" said Dean Steacy, a little tetchily, to counsel. Mr. Steacy is the lead Section 13 "hate" investigator of the Canadian "Human Rights" Commission, but he may be better known—at least to the white supremacists and neo-Nazis among you—as "jadewarr," his *nom de guerre* when he goes lurking on the Internet. "Jadeware" sounds like a nice wedding gift from Eaton's, whereas "jadewarr" is an abbreviation for Jade Warrior, who is "a character out of a novel that I read as a teenager," explained Mr. Steacy.

I'm sure many Canadians have found themselves in that embarrassing situation where you cruise an Internet dating site, hook up with a hot blond 17-year-old cheerleader and arrange to meet only to find that Candii is, in fact, a 54-year-old overweight male accountant. Alas, the problem's far worse for a neo-Nazi hoping to find a friendly website and meet a few kindred spirits. There must be a few genuine white supremacists whooping it up over at "Stormfront," but they seem to be thin on the ground. Mr. Steacy, the CHRC's lead investigator, is a member of Stormfront; Richard Warman,

## MACLEAN'S BESTSELLERS

COMPILED BY BRIAN BETHUNE

### Fiction

- |   |        |
|---|--------|
| 1 <b>GODS BEHAVING BADLY</b><br>by Marie Phillips       | 5 (8)  |
| 2 <b>BEFORE GREEN GABLES</b><br>by Budge Wilson         | 3 (6)  |
| 3 <b>MISTRESS OF THE SUN</b><br>by Sandra Gulland       | 9 (5)  |
| 4 <b>A THOUSAND SPLENDID SUNS</b><br>by Khaled Hosseini | 1 (38) |
| 5 <b>LATE NIGHTS ON AIR</b><br>by Elizabeth Hay         | 4 (24) |
| 6 <b>REMEMBER ME?</b> by Sophie Kinsella                | 2 (4)  |
| 7 <b>THE APPEAL</b> by John Grisham                     | 6 (8)  |
| 8 <b>LUSH LIFE</b> by Richard Price                     | (1)    |
| 9 <b>UNCOMMON READER</b><br>by Alan Bennett             | 7 (2)  |
| 10 <b>PEOPLE OF THE BOOK</b><br>by Geraldine Brooks     | 8 (9)  |

### Non-fiction

- |   |        |
|---|--------|
| 1 <b>IN DEFENSE OF FOOD</b><br>by Michael Pollan        | 2 (11) |
| 2 <b>IN THE REALM OF HUNGRY GHOSTS</b><br>by Gabor Maté | 1 (6)  |
| 3 <b>THE SEXUAL PARADOX</b><br>by Susan Pinker          | 6 (4)  |
| 4 <b>AN APPLE A DAY</b> by Joe Schwarcz                 | 7 (7)  |
| 5 <b>JOHN A: THE MAN WHO MADE US</b> by Richard Gwyn    | 4 (3)  |
| 6 <b>YOUR INNER FISH</b> by Nell Shubin                 | (1)    |
| 7 <b>MUSICOPHILIA</b> by Oliver Sacks                   | 3 (20) |
| 8 <b>THE MITFORDS</b> by Charlotte Mosley               | 5 (2)  |
| 9 <b>I DON'T BELIEVE IN ATHEISTS</b><br>by Chris Hedges | (1)    |
| 10 <b>WHO'S YOUR CITY</b> by Richard Florida            | 10 (2) |

LAST WEEK (WEEKS ON LIST)

celebrated Canadian "human rights" crusader and plaintiff on every CHRC case since 2002, is a member of Stormfront; and Sgt. Stephen Camp is a member of Stormfront. What proportion of Canada's "white supremacists" are, in fact, government employees? On a quiet day, chances must be pretty good that you'll log on and find the joint deserted except for "jadewarr" (Mr. Steacy) trying to entrap "estate" (Sgt. Camp) while "estate" (Sgt. Camp) is simultaneously trying to entrap "axetogrind" (Mr. Warman). "There really should be a register of pseudonyms," urged lawyer Doug Christie, "so that investigators don't wind up investigating each other."

Welcome to the wacky world of Canadian "human rights." If it sounds like a fetish club for servants of the Crown, well, that would be a lot cheaper. This is a long battle to reform a secretive and decadent institution. But Keith Martin is right: Section 13 should be repealed. We need a royal commission. And "jadewarr" and chums might be encouraged to find more useful employment. M



# Canadian Immigration Hotline

(sample)

## Globe Readers Nix Immigrants With AIDS

The homophobic Globe and Mail (Oct. 6, 2004), which has seldom seen a homosexual cause it hasn't applauded, reported the results of a recent poll of its readers. The question was: "Should Canada accept immigrants who are HIV-positive?" The readers gave this costly and dangerous idea -- actually, it's now government practice -- a resounding no. Of 16,886 responses, a mere 3395 (20%) voted yes, while 13,491 (80%) said no.

## Another Kick In The Teeth

Get out your pen before you read any further: For long years Canadians concerned about the refugee debacle have been told to calm down and wait for the **Safe Third Country Agreement**. The idea being that refugee claims would not then be made by opportunists arriving here from perfectly safe havens like the U.S. (genuine refugees don't go asylum shopping). "Last month the government quietly passed regulations relating to the **Safe Third Country Agreement** [a deal that] demonstrates all too clearly the willingness of Canadian politicians to cater to the interests of special lobby groups and set aside the national interest -- even on matters of national security. ... The agreement has been signed by both [U.S. and Canadian] governments, [however,] there is time for Canadians to let their Members of Parliament know that they want the agreement scrapped or radically amended. This is an opportunity for direct citizen action. ... [And please do so, the proposed amendments are fiendish] The American negotiators were aware that many of the refugee claimants crossing into Canada were using this route as a means of avoiding normal Canadian immigration requirements. They insisted that anyone with a relative in Canada [brothers, sisters, uncles, aunts, nephews, nieces, grandchildren and grandparents -- a list far exceeding current family reunification provisions] must be allowed into our country to make a refugee claim. [Not to enter as a sponsored relative, but allowed immediate entry as a refugee supported by the Canadian taxpayer.] Our negotiators yielded to this demand. ... Another rule requires that Canadian border officials admit into Canada anyone who has been charged or convicted of an offence punishable with the death penalty. In other words, once the agreement is enacted, any murderer or terrorist appearing at our border must be let in. The excuse for this astonishing folly is that it 'supports the long-standing practice not to return persons to a country where they may face the death penalty.' This is absurd. Surely there is a difference between returning someone already in Canada to face a possible death penalty and *facilitating* the entry of such a person into our country. ... Despite all this, the agreement and the associated regulations were passed by the government and met with the approval of the **House of Commons Standing Committee on Citizenship and Immigration**. Discussions were also held with refugee activists [but] given the security implications, why were consultations not held with the nation's police forces, as well as provincial governments?" (James Bissett, National Post, November 16, 2004) Write, phone, fax, e-mail your MP -- or better yet, do all of the above. Above all contact **Immigration Minister Judy Sgro** c/o House of Commons. Ottawa, Ontario, K1A 0A6; Fax: (613) 947-8319; E-mail: Sgro.J@parl.gc.ca. This time let's short circuit one of these diabolical lapses before it's implemented.

## HEALTH WATCH

### Is This How To Solve The AIDS Crisis?

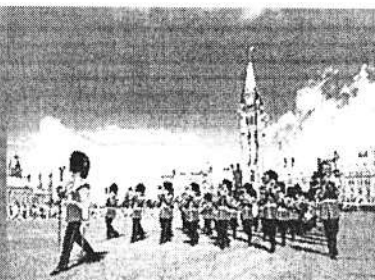
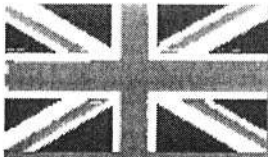
It is typical of Ottawa's unique pathology that while independent class immigrants (the very group most likely to contribute) can be refused entry if there is a reasonable apprehension of *ex-cessive demand* (more

than \$15,016 over 5 years) on health care, those streaming in through the refugee and family class entrants are exempt. It sounded dodgy when Ottawa cleared the decks for same sex "spousal" sponsorships, but you mustn't question homosexual policy any more than immigration policy in Canada. When it was revealed that Ottawa admits 85% of those identified as HIV-positive, it sounded like a recipe for disaster. And guess what? "Immigrants from Africa and the Caribbean ... now form the fourth largest group [of HIV positive people in Canada] In Ontario, they are the second-largest HIV group, fewer than gay men but more numerous than injection-drug users. [Predictably, no concern is squandered on unloved Canadians; the outrage is all narrow focus] *governments have failed to protect some of the country's most marginalized communities.* ... In the **Palliser Health Region** [where a large African community is employed at the **Lakeside** abattoir] officials worry the virus will spread without effective prevention programs. Yet, they also fear that the safe-sex campaign they plan to unveil will cause a backlash by linking HIV with immigrants in the public mind in a town besieged by racial tensions. [Just how many AIDS sufferers are there in the average small Alberta town?] According to the **Canada Communicable Disease Report**, an estimated 3,700 to 5,700 people (7 to 10 per cent) of the 56,000 people in Canada living with HIV or AIDS at the end of 2002 were heterosexuals from African and Caribbean countries. ... Early data suggests that in 2002 only 75 would-be immigrants were barred from Canada because of HIV. ... **Esther Tharao** of **Women's Health in Women's Hands**, a Toronto community health centre ... noted that mainstream organizations *do not understand* the sexual habits or attitudes of people from traditional cultures. For example, some African and Caribbean cultures are homophobic, so men hide their gay relationships. Some women have undergone genital mutilation, making the use of female condoms impossible. Others engage in cleansing with herbs that can cause vaginal lacerations, making transmission of HIV more likely." (Globe and Mail, October 2, 2004) If there were any point in saying so, we'd suggest that Canada select immigrants from cultures fully emerged into the present century. More to the point, the HIV excursion rate is an indefensible extravagance for a country that pays lip service to "sustainable" health care.

## CRIME WATCH

### Viet Oldster Selling Coke for a Hearing Aid

Another refugee success story! "Drug charges against a convicted drug dealer were stayed Monday, while her 81-year-old, hard-of-hearing father was convicted of dealing cocaine and given a conditional sentence." Wow! That will deter him! "**Thi Kim Dung Phan**, 34, and her elderly father, **Tham Phan**, were arrested when police raided their Stirling Avenue home in south Nanaimo in October last year.. On searching the senior, police found several small balls of cocaine, packaged in plastic and ready for sale, wrapped in tissue in his pocket. A further search of the residence uncovered more cocaine associated with **Tham Phan**. ... **Kim Phan** said he was selling drugs so he could buy himself a hearing aid." The daughter is a real prize. "**Kim Phan** was arrested in September 2000 for trafficking in a controlled substance and possession of a controlled substance for the purpose of trafficking. In January, 2002, she received a 12-month conditional sentence. In March, 2001, while on bail for the Sept. 2000 charges, she was arrested and charged again with two counts of possession for the purpose of trafficking. Those charges were stayed when she appeared in court in January, 2002. She was also sentenced to three days in jail in February 2002 for theft under \$5,000. **Kim Phan** may be subject to deportation to Vietnam if convicted of further drug offences. **Tham Phan** is a Canadian citizen." (Nanaimo Daily News, August 17, 2004) Conditional sentences, bail for drug peddlers?



## ***Immigration is changing our country***

In 1961, Toronto was 99% European; in 2002, the New York Times reported it was 60% non-White.

Did Ottawa ever ask your opinion?

### **Immigration hurts:**

- when we have 7.8% unemployment
- when 45 % of recent immigrants speak neither English nor French
- when poorly screened immigrants bring hepatitis, malaria, multidrug resistant TB, SARS and AIDS

### **Immigration costs:**

- Canadians jobs
- \$4-billion a year to process immigrants and "refugees"
- Tens of millions of dollars in ESL and job training
- Tens of millions of multicultural grants
- Employment opportunities for Canadians to favour newcomers with "employment equity" jobs

Get more information: Check out <http://www.canadafirst.net>

Canada First Immigration Reform Committee  
Box 332, Rexdale, ON, M9W 5L3

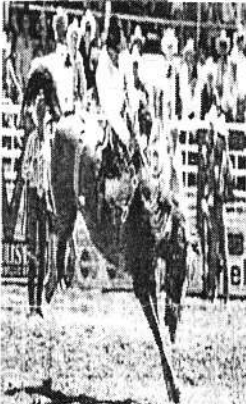
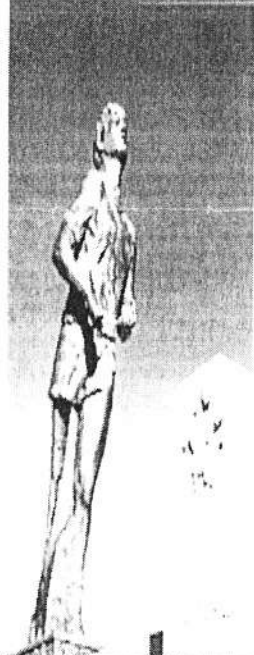
Subscribe to the Canadian Immigration Hotline (10 times a year; \$20 subscription)

### **Other Groups Interested in Immigration Reform**

Canadian Freedom Site: [www.freedomsite.org](http://www.freedomsite.org)

Canadian Heritage Alliance: [www.canadianheritagealliance.com](http://www.canadianheritagealliance.com)

European Peoples' Talk Forum: [www.stormfront.org/forum](http://www.stormfront.org/forum)



# **Immigration Hurts**

## **HER FUTURE**

<http://www.canadafirst.net>



# Diversity & Us

Most of our immigrants now come from Asia and the Middle East

The latest census figures on immigration are bound to resurrect the perennial debate over Canadian identity and what binds together a nation of newcomers who speak everything from Arabic to Urdu.

Immigrants now make up 20% of Canada's population, the highest proportion in 75 years. And between 2001 and 2006, Canada's foreign-born population increased by 13.6%, four times higher than the 3.3% growth rate for the Canadian-born population.

Most of our immigrants used to come from Europe, but the largest proportion now hails from Asia and the Middle East, while others increasingly pour into Canada from all over the world. In a telling reflection of our diversity, Canadians reported more than 200 languages on their census forms.

Because of history, geopolitics and the sheer luck of being a resource-rich nation, Canada has long been viewed as the promised land for wave after wave of immigrants and, along the way, we have evolved into one of the most colour-blind countries on earth.

We know what we like about Canada — freedom, democracy, tolerance and a comparatively

generous social safety net.

But we have never been able to get a handle on what constitutes a Canadian identity. The renowned Canuck affability and our universal health-care system, even with its faults, make us stand out from the pack. But does that shape a national identity?

Terrible crimes happen here, as they do everywhere else, but Canada is one of the safest nations around. Compare our murder rate to, say, that of South Africa or Haiti, and you get an idea why people look to Canada as a beacon of hope for the future.

On the quality-of-life scale, Canada also shines brightly. Unemployment is low, our education system is among the best in the world, inter-ethnic unrest is rare and, except for the social stain that is our system of impoverished native reserves, Canada is free of the kinds of

urban ghettos that blight other countries.

Because we are a nation of immigrants, we have become pluralistic almost by default and if the consequence is that we have no true Canadian identity, have we failed? I think not.

Canada is a mixture of different cultures that have come together throughout our history and, as a result, we've evolved into a country of compromise, says Michael Mehta, executive director of the Population Research Laboratory at the University of Alberta.

"Identity is fluid to begin with," he says. "There's really no such thing as a quintessentially Canadian identity."

Globalization has also put a different spin on how people view themselves, he adds. "In a globalizing world, where people have access to technology and information from any-

where, identity might be more than simply living in the same country."

The latest census figures underscore more than ever that there is no such thing as a typical Canadian, adds Andrew Ramlo, a director of Urban Futures, a Vancouver research institute.

"If I was to try to paint a picture of the Canadian identity, (it's) one of diversity," he says.

## Integration

Because Canada is a relatively new country, we've successfully integrated immigrants into the mainstream, Ramlo adds. "The Canadian ethic isn't as much an us-and-them mentality, compared to some other countries."

There are exceptions, of course, he says, repeating a joke that will resonate with many newcomers. "Where's the best place in Toronto to have a heart attack? In a cab because your cab driver is most likely a doctor."

So we have no Canadian identity. Big deal. We live in one of the most peaceable places on the planet. And that must count for something.

mindy.jacobs@sunmedia.ca



Mindelle Jacobs

If the consequence is that we have no true Canadian identity, have we failed?

## HALTON REGION

### 3 charged with fraud in credit card scams

Police have laid more than 50 fraud-related charges after arresting three people.

In a joint operation between Durham and Halton police, a search warrant was executed on a home on Medland Dr. in Burlington on Monday.

Police seized counterfeit money, credit cards, computer equipment and merchandise bought with fake credit cards.

Charged are Gary Persaud, 39, and Jatinder Dhalwal, 34, both of Burlington and Harjinder Singh, 27, of Brampton.

## DURHAM REGION

### Large pot bust second at Pickering home

A pot bust at a Sheppard Ave. house in Pickering resulted in the seizure of 1,100 plants worth more than \$1 million. The house was also raided in 2002.

The house was sold in 2001 and again in 2006. The current owner was not arrested.

Charged are Van Duc Nguyen, 53, and Thi Mac Nguyen, 50, both of Toronto.

From Star staff and Torstar News Service

## QUEBEC

### Province spends \$17.6M fighting street gangs

The Quebec government is allocating \$17.6 million over three years to fight street gangs with sports and theatre projects aimed at keeping youth out of gangs.

From the Star's wire services



NICE NEO-KAKADA CITIZENS<sup>ON</sup>

TORONTO STAR, DEC. 8, 07

## Alleged gang leader faces drug, gun charges

**BETSY POWELL**  
CRIME REPORTER

The alleged leader of a Toronto gang acquitted of first-degree murder three years ago is facing numerous drug trafficking and firearms charges after police made what they called a "significant seizure" of cocaine and guns.

Jose "Cheesie" Vivar, 26, was arrested along with nine other people earlier this week in and around the GTA and Brockville, east of Toronto.

The investigation resulted in the seizure of six handguns, more than 300 rounds of ammunition, 10 kilos of cocaine, crack cocaine, ecstasy and marijuana. Also seized was \$130,000 in cash.

Det. Sgt. Doug Quan, of the gun and gang task force, said the investigation began in the summer after "certain things came to light." He wouldn't reveal many details since the case is now before the courts.

In 2004, a jury found Vivar not guilty in the slaying of a man out-

side a Bloor St. W. cafe.

The victim, Gary Malo, 26, was shot in the chest after being lured to a café on Bloor St. W.

At the trial, Vivar took the stand and denied pulling the trigger, claiming that in the minutes before the shooting, he tried to defuse a confrontation over money between Malo and two brothers, who testified against him.

Defence lawyer John Struthers, who represented Vivar at the trial and has been retained again, said in an email "we look forward to defending these allegations in a court of law."

Police say Vivar is the leader of the Latino Americanos (L.A.) gang.

Quan said not all of those charged are gang members, but police have "not closed the door" on laying criminal organization charges against some of the accused.

Also charged with Vivar were Ken Yu, 25, Carlos Minero, 28, Karina Guajala, 25, along with Wayne Sicard, 41, and Michael Dibble, 25.

### Project recovers painting sold to pay Nazis

Montreal-based Max Stern Art Restitution Project announced yesterday it has located a landscape by 17th-century Dutch painter **Jan de Vos I**, whose forced sale in the 1930s went to benefit the Nazis. The painting belonged to German-Jewish art dealer **Max Stern**.

The Canadian Press

TORONTO STAR, DEC. 7, 07



[illegible]

TONY BOCK/TORONTO STAR



GTA = GREATER  
TORONTO AREA

# GTA's changing face

## Nearly half a million immigrants in the last 5 years

**BRYN WEESE**  
Sun Media

Look around and you may not be surprised to learn nearly half of all of those living in the GTA were born on foreign soil.

Statistics Canada announced yesterday that in 2006, 46% of GTA residents were born outside of Canada and 69% of all immigrants to Canada from 2001 to 2006 settled in the country's three biggest cities — Toronto, Montreal and Vancouver.

In the past five years alone, 447,930 new immigrants — mainly from India, China and the Middle East — have moved to the Toronto area, according to the new data.

**A happy mayor**

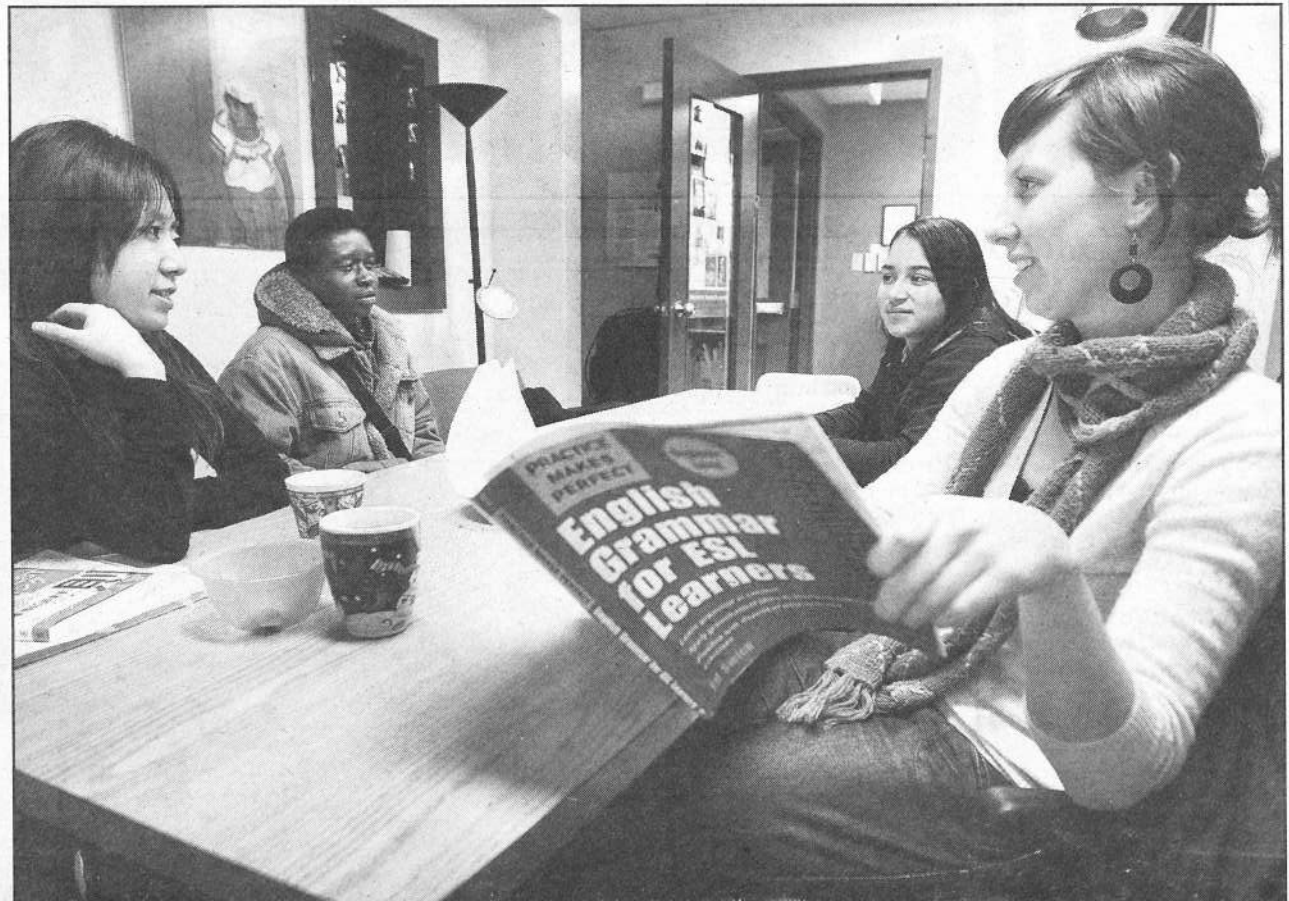
And Mayor David Miller

Miller, though, like the province, would like to see more money from the federal government to help settle the newcomers.

Michael Chan, Ontario minister of citizenship and immigration, said Ottawa is \$100 million short in payments to provincial settlement service providers, according to the two-year-old Canada-Ontario Immigration Agreement.

While Chan admits more could be done by the province to better accommodate immigrants, officials have been working hard to keep Ontario's services up to date.

"On anything, we can always improve it, always more can be done ... (but) the programs that we have, we try to pinpoint what the new immigrant needs," he said, noting there are 80 service centres around Ontario, as well as numerous websites, to help guide newcomers to the





couldn't be happier, not only because the diversity of the city helps put Toronto on the world map, but also because the influx of immigrants adds greatly to the labour force.

"It's good for Toronto, in an international economy, to be an international city," he said. "It's good for us because it's really exciting to be a vibrant world city."

"And it's good for us because all studies show, without immigration, we won't have enough people to do all the work that has to be done."

## NEW HOMES

Here's a selected list of local towns and cities and how many foreign-born immigrants they welcomed as residents from 2001 to 2006:

- Barrie: 2,115
- Cobourg: 145
- Collingwood: 130
- Hamilton: 20,785
- Kawartha Lakes: 235
- Kitchener: 16,870
- London: 13,025
- Midland: 230
- Orillia: 300
- Oshawa: 4,150
- Peterborough: 895
- Port Hope: 25
- St. Catharines: 7,615
- Stratford: 300
- Toronto: 447,930
- Woodstock: 405

Statistics Canada

appropriate services.

"In terms of agencies, in terms of websites, I think it's quite a good number providing the service. Of course, the more the better."

Annually, the province spends \$160 million on services for immigrants.

But immigration lawyer Mendel Green said the services available are not being utilized by a large number of new immigrants.

### Unfamiliar

In fact, even though he plays a significant role in landing new immigrants, he's not even familiar with what the governments are offering.

"The government is spending millions of dollars on these settlement services and not a single immigrant is advised when they arrive at the port of entry ... where they can get anything. It's shocking," Green said. "I'm embarrassed to tell you, I know English as a second language is available, but what are the other (services)?"

The increase in immigrants, which makes the country's proportion of foreign-born people living in Canada the highest it has been in 75 years, has some people wondering whether the city's services can keep up with the demand.

"There's a huge need out there for settlement services. In the Chinese community in particular," said Karen Sun of the Chinese Canadian National Council.

Volunteer Rebecca Sutton, with book, teaches, from left, Fumika Yoshida, Anguel Pal and Bleidys Petro in a settlement and language course at St. Christopher House. Nearly half of the GTA are now foreign born and need help fitting in.

DAVE ABEL/SUN MEDIA

# Immigration nation

'Canada is like a world within a country' with 20% foreign-born

GREGORY BONNELL  
The Canadian Press

OTTAWA — One in five people in Canada is foreign-born according to the latest census, an immigration surge unprecedented in a quarter-of-a-century and one that

comes as the country grapples with acts of racism that tarnished Canada's reputation for tolerance.

Canada garners kudos from around the world for laws promising equality for all, but experts say the true test of a tolerant nation is in day-to-

day living. Reports of assaults against Asian fisherman in Ontario and open anti-Muslim sentiment in Quebec have recently become the subject of inquiries and commissions.

"It's important for us to have human rights written down ... but really where human rights exist is on the street," said Marguerite Cassin, a Dalhousie University professor who has written papers on racism.

"We know we have human rights when there is an absence of (racist) incidents."

The latest census figures show that 19.8% of the population in 2006 was foreign born, the highest proportion since 1931 and up 13.6% from five years earlier. By contrast, the entire Canadian population grew only 3.3% in the same period.

Almost two-thirds of the nation's foreign-born population resided in Canada's three biggest cities: Toronto, Van-

couver and Montreal.

The highest percentage of newcomers to Canada were from China (14%), followed by India (11.6%), the Philippines (7%) and Pakistan (5.2%). For the first time, the proportion of foreign-born immigrants from Asian and Middle Eastern countries (41%) outstripped those of European heritage (37%).

"The newcomers who came between 2001 and 2006, we have about 1.1 million of them, and they added to Canada's diverse population because they report coming from about over 200 countries," Statistics Canada analyst Tina Chui said. "When you look at that, Canada is like a world within a country."

An aging population and the declining birth rate has Canada on track to becoming fully dependent on immigration for population growth by around 2030, Statistics Canada data suggests.

## FACE OF DIVERSITY

OTTAWA — Statistics Canada released information from the 2006 census that gives a snapshot of people who came from other countries to live here.

**Canada — Country of Origin 2006 (per cent change since 2001):**  
■ Canadian Born 24,788,720 (3.3%)  
■ Foreign Born 6,186,950 (13.6%)  
**Canada — Country of origin 2006:**

- United Kingdom 579,620
- China 466,940
- India 443,690
- Philippines 303,195
- Italy 296,850
- Canada - Mother tongue 2006:**
- English 17,882,755
- French 6,817,655
- Chinese (all dialects) 1,012,065
- Italian 455,040
- German 450,570
- Punjabi 367,505

— The Canadian Press

Here is an example of what can happen to a white nationalist in Canada for having a website.

### **Marc Lemire's Defence before the Canadian Human Rights Tribunal**

**Filed: February 17, 2006**

1. On March 25, 2004, Mr. Lemire received a letter from the Canadian Human Rights Commission informing him that it had received a complaint from Richard Warman alleging that the website [www.freedomsite.org](http://www.freedomsite.org), including <http://chat.freedomsite.org> were discriminating against persons or groups of persons because of religion and national or ethnic origin by repeatedly communicating messages through Internet websites that would likely expose Italians, Mexicans, Puerto Ricans, Haitians, francophones, blacks, First Nations persons, East Asians, non-whites and Jews to hatred and/or contempt contrary to section 13(1) of the Canadian Human Rights Act.
2. Attached to the letter was a Complaint Summary dated November 24, 2003 with File Number 20031961. The date of the alleged conduct was September 24, 1999 and ongoing.
3. The particulars of the alleged conduct stated that Richard Warman had visited the Freedomsite website message board on November 11, 15, and 23, 2003 and found jokes and other entries which he alleged were discriminatory. The complaint alleged that "material contained in other sections on the message board is replete with further bigoted commentary." Further particulars from the message board were set out.
4. Only one message from Freedomsite.org, the website, was included in the complaint. This was an article by Kevin Strom entitled "AIDS Secrets: What the Government and the Media Don't Want You to Know."
5. The complaint alleged that Marc Lemire was responsible for the chat room because he was the webmaster of the website hosting the message board. Mr. Warman also alleged that Mr. Lemire was responsible for posting the article "AIDS Secrets" to the Freedomsite itself and of posting an article by Ian MacDonald to the message board.
6. No writings by Marc Lemire himself were alleged to be discriminatory.
7. The respondent Marc Lemire, is the owner and webmaster of the Internet website, Freedomsite.org.
8. The message board formerly available at <http://chat.freedomsite.org> was permanently removed by Mr. Lemire on January 1, 2004, prior to receiving any notice of the complaint.
9. After receiving notification of the complaint, Mr. Lemire voluntarily removed the only message complained of which was still on the website, that of "AIDS Secrets." He did so in the interests of settling the complaint.
10. The Freedomsite.org is a website devoted primarily to the discussion of the immigration policies of Canada and the restrictions of speech in Canada. There is extensive coverage of the case of Ernst Zundel, including commentaries and photographs of demonstrations held in support of Mr. Zundel which did not appear in the mainstream Canadian media. The website is a major alternative source for news and commentary for Canadians. It has been in operation since 1995 and has received over 10 million visits in that time.
11. The complaint by Mr. Warman was the first complaint received by Mr. Lemire concerning the site since its inception.
12. Mr. Warman did not contact or complain to Mr. Lemire prior to laying his complaint with the Commission.
13. The message board of the Freedomsite was not accessible to the public generally. To participate



and to read messages, a person had to fill out a form to create a "new user profile." This required a login name, first name, last name and email address. Optional information to be provided was city, province, and home page. The board required email address verification, meaning that a password to the message board was sent to the email address specified. The password was required to gain access to the board.

14. Once registered with the message board, the user was instructed on how to use it and how to change password or user settings.

15. The rules for use of the message board were: "Keep discussion civil. Post only to appropriate conferences. DO NOT advocate or suggest any activity which is illegal under Canadian law."

16. The conferences available on the message board included Freedom-Site and ZGram mailing lists, Canadian Heritage Alliance, Movement Activists Chat, News, General Messages, Heritage Front, Immigration, Free Speech, History and Historical Revisionism, Religion, Enemies of Freedom, Jokes and trivia, Media Propaganda, Music and Singles-Companionship.

17. All of the matters initially complained about, with the exception of the "AIDS Secret" document, were messages posted on the "Jokes and Trivia" conference on the message board. The vast majority of these were written by a man named "Craig Harrison" according to Mr. Warman.

18. Mr. Lemire does not know Mr. Harrison, and has never met him or spoken with him. He is not sure if "Craig Harrison" is a real name.

19. Mr. Lemire did not monitor the message board regularly. There was an option to complain about posts on the message board but he did not receive any complaints. Mr. Lemire himself posted messages only infrequently.

20. Mr. Lemire relied strongly on the message board complaint option to receive complaints from readers such as Mr. Warman about offensive or possibly illegal postings.

21. When Mr. Lemire received the Warman complaint in March of 2004, every message which had been complained about, except one, had already been removed from the site months before.

22. After receiving the complaint, the solicitor for Mr. Lemire, Barbara Kulaszka, wrote the Commission on April 23, 2004 indicating that the message board had been removed permanently as of January 1, 2004 and that Mr. Lemire had voluntarily removed the one remaining article, "AIDS Secrets", in the interests of settling the complaint. She indicated that Mr. Lemire was undertaking not to post the article on the website in the future. In the letter, Ms. Kulaszka stated that a settlement might therefore be reached between the parties, given that all matters complained of were no longer on the website. She reserved the right to make further submissions should a settlement not be reached, particularly with respect to sections 13, 41 and 47 of the Canadian Human Rights Act.

23. There was no reply from the Commission or from Mr. Warman.

24. In July of 2004, Mr. Lemire learned that details of the complaint against him had been posted on <http://www.rabble.ca> in a document entitled "Call to Action Against Holocaust Denier Ernst Zundel and the White Supremacist Canadian Far-Right" posted by the violent group, Anti-Racist Action (ARA). Mr. Lemire had kept the complaint strictly confidential. Ms. Kulaszka wrote to the Commission on July 30, 2004 that only Mr. Warman could have revealed the complaint to the ARA. She submitted the complaint should be dismissed due to the bad faith of Mr. Warman in disclosing the complaint to a group dedicated to violence as a means of silencing its political opponents.

25. There was no reply from the Commission or Mr. Warman.

26. More than a year after receiving the initial notification of the complaint, the Commission informed Mr. Lemire in a letter dated April 15, 2005 that it had completed its investigation into the complaints filed by Mr. Warman. It included a copy of the investigation reports. Mr. Lemire was informed that the complaints would be submitted to the Commission but that he could provide further submissions prior to May 17, 2005.

27. On April 21, 2005 the solicitor for Mr. Lemire, Barbara Kulaszka spoke with Ms. Hannya Rizk of the Commission regarding the case. Ms. Kulaszka indicated that Mr. Lemire wished to settle the matter and to enter into negotiations. She was told to put the request in writing and the Commission would contact Mr. Warman to get his position. Repeatedly during the conversation, Ms. Rizk stated that the matter would be going to the Commission.

28. By letter dated April 25, 2005, Ms. Kulaszka requested that settlement negotiations take place between the parties. She expressed concern about Ms. Rizk's apparent knowledge that there would be no settlement and no conciliation proceedings. She pointed out that the Investigator's Report recommending that the matter proceed to Tribunal contained new material submitted by Mr. Warman which had never been revealed to Mr. Lemire. This included material from another website, jrbooksonline.com. Further, the investigator herself had found new material which likewise had never been revealed to Mr. Lemire. Ms. Kulaszka proposed a procedure whereby she would make a motion to the Commission under section 47 of the Act for the appointment of a conciliator in the event Mr. Warman did not wish to settle.

29. By letter dated May 8, 2004, Mr. Warman refused any negotiations to settle, alleging Mr. Lemire had dirty hands since jrbooksonline.com continued to be online. This letter was forwarded to Ms. Kulaszka by the Commission by letter dated May 13, 2005.

30. Mr. Lemire does not own or operate jrbooksonline.com and has no responsibility for the content on the website.

31. By letter dated June 3, 2005, Ms. Kulaszka provided proof that Mr. Lemire was not the owner of jrbooksonline.com. She reiterated that Mr. Lemire wished to continue the settlement discussion. In the event Mr. Warman continued to refuse to negotiate, Ms. Kulaszka requested that the Commission send the matter to conciliation pursuant to section 47 of the Act.

32. By letter dated August 19, 2005, the Commission informed Mr. Lemire that the Commission had decided pursuant to paragraph 44(3)(a) of the Canadian Human Rights Act to request the Canadian Human Rights Tribunal to institute an inquiry into the complaints because the evidence supported that Mr. Lemire was the owner and/or was causing to be communicated the material identified on the websites and the evidence supported the allegations that the material contained on the websites, when viewed as a whole, were discriminatory.

33. On September 23, 2005, Mr. Lemire agreed to mediation of the complaint. Mr. Warman refused mediation.

34. The messages complained of, to the extent that they have been disclosed by the complainant, do not incite hatred of the named groups.

35. Mr. Lemire cooperated fully with the Commission and repeatedly offered to enter into negotiations with Mr. Warman to settle the case, to enter into conciliation proceedings and mediation. Mr. Warman ignored all such attempts at settlement and refused mediation before the Tribunal.

36. The messages complained of are coarse ethnic jokes, which could be heard on any day of the week in Canada in private conversations, in emails and websites on the Internet. They are trivia, the equivalent of jokes scrawled on washroom walls in bars. They were not available to the public but to persons who voluntarily registered on the site and accessed the "Jokes and Trivia" conference.



Extremely small numbers of people read the messages. The message board did not attract persons likely to be exposed to hatred by the jokes. No complaints were ever made to Mr. Lemire concerning the messages. Mr. Warman made no complaint to him prior to filing the complaint.

37. The ethnic jokes are a crude form of humour which does not expose any group to hatred. All ethnic groups in every society are subject to this type of humour. It is one of the oldest forms of humour and will never be suppressed by human rights commissions. It is part of the human condition.

38. Ethnic jokes are found on the Internet in the hundreds of thousands if not millions. They cover Jewish jokes, Polish jokes, black jokes, English jokes, newfie jokes, Asian jokes and so on. By far the largest number of jokes is with respect to "blonde jokes", which are jokes about white women.

39. The largest number of jokes, however, is in respect of "lawyer jokes." Some of the jokes complained of herein are variations of well-known lawyer jokes.

40. Questioning facts of the events of World War II concerning what happened to the Jews of Europe does not constitute hate and does not expose them to hatred.

41. The cartoon included on page 6 of the Investigator's Report does not constitute hatred against Jews. It refers to Zionism which is a political belief and movement. It is not a religion or ethnicity protected by s. 13 of the CHRA.

42. The "Immigrant Poem" does not expose any group to hatred. It is a biting and satirical commentary on how immigrants are treated in Canada at the expense of the Canadian taxpayer. It constitutes political commentary regarding Canadian immigration policies. While the poem refers to Pakistan, there is no indication that the speaker is Pakistani. The poem speaks of "Canadian dummy" and "Canadian crazy" and "too damn good for the white man race." No such biting references appear regarding the ethnic groups listed in the complaint. The poem is a commentary on the alleged stupidity of Canadians regarding immigration.

43. The complainant has provided no proof that the respondent posted the poem or even that it appeared on Stormfront. The poem, however, appears on hundreds of websites around the world and in Canada.

44. "AIDS Secrets" is a discussion alleging that AIDS is predominantly found in homosexuals, drug users, and blacks. The author relied on public source documents such as the American Journal of Public Health. This is not hate propaganda but a serious discussion of public health issues which affect different groups differently. Race and sexual practices impact differently on different health issues. The tainted blood scandal in Canada is proof that there must be open and free discussion of health issues even if homosexuals or any other sexual orientation group are offended. Nevertheless, the respondent removed the article in the interests of settling the complaint.

45. A message board on the Internet is a unique form of communication which allows anyone in the world to freely add a comment on the issue or issues being discussed or to begin a new discussion on another issue. It allows free comment, free argument and back and forth arguments and discussions on matters of every sort.

46. Mr. Lemire suffered physical attacks and damage to personal property after the complaint was initiated. He did not publicize the complaint. Yet a violent group, Anti-Racist Action (ARA), learned of the complaint and posted details on the Internet. Mr. Warman denied giving the information to the ARA.

47. Mr. Warman was a keynote speaker before the ARA in August of 2005.

48. The Commission endorsed the ARA in a poster distributed by it in 1995 but was forced to retract it

after receiving complaints.

49. The ARA has a long history of violent actions against those it deems hate-mongers, racists and fascists.

50. Mr. Warman is a former employee of the Commission and has filed numerous complaints under section 13 against individuals and/or groups in Canada. He is a prominent member of the Green Party of Canada, having run in several elections as a candidate both federally and provincially.

51. Mr. Warman participates on a regular basis on message boards of such websites as Stormfront.org, entering messages and repeating messages which are sympathetic to the causes of those who also frequent the sites.

52. Mr. Warman communicates with ISP's hosting websites which he dislikes to urge them to stop hosting the sites or remove them. He has been involved in attempting to stop meetings, radio programs, book signings and TV appearances of such people as David Icke and tax dissidents. He has instituted several defamation lawsuits against various persons and/or groups relating to such activities. Attempts to charge Mr. Warman criminally have failed. He instigated an incident of pie throwing against David Icke in Vancouver in a book store by his associates, resulting in damage to store inventory and hitting Mr. Icke in the arm.

53. In September of 2003, several messages were posted on freedomsite.org written by Paul Fromm, Director of the Canadian Association for Free Expression, which set out the activities of Mr. Warman in laying a complaint against a London man named T. Winnicki and Bell Canada and his libel action against a group called Northern Alliance. These messages and the others detailed in the paragraphs following also were sent out on the Freedomsite mailing list, of which Mr. Warman was a subscriber.

54. In October of 2003, a message was posted on freedomsite.org announcing a protest which was being organized by the Canadian Association of Free Expression against the government funding of "Censorship Advocates", including Mr. Warman, in Victoria, British Columbia. A second message was posted on October 28, 2003 giving an account of the protest in front of the synagogue where Mr. Warman and Mr. Adler of the Simon Wiesenthal Centre spoke about the Internet.

55. On October 29, 2003, a message was posted on freedomsite.org which announced that CAFÉ would be holding a protest of the actions of the Canadian Human Rights Commission, including one of its employees, Richard Warman, in suppressing free speech on the Internet.

56. On October 31, 2003, a message was posted on freedomsite.org which provided a summary of a press conference given in the Parliamentary Press Gallery in Ottawa by Paul Fromm regarding the what it termed the "extensive campaign of harassment against dissident websites by the Canadian Human Rights Commission and by one of its lawyers, Richard Warman..." Two men, Tom Kennedy and Jason Oewendyk, appeared with Mr. Fromm at the press conference and were described in the summary as "victims of Richard Warman." The message outlined various activities of Mr. Warman in attempting to shut down meetings and websites.

57. On Nov. 2, 2003, a message was posted on freedomsite.org entitled "Warman on the Warpath - Threatens CAFÉ" which stated that Richard Warman had served Paul Fromm and CAFÉ with a Notice under the Libel and Slander Act of Ontario alleging that words defamatory of Mr. Warman had been posted on the freedomsite.org. The notice demanded that a retraction be published on the freedomsite.org and on the freedomsite email announcement list.

58. On Nov. 2, 2003, a message was posted on the freedomsite.org which was the text of the CAFÉ press conference in Ottawa in the Parliamentary Press Gallery on Internet censorship.

59. On Nov. 12, 2003, a message was posted on freedomsite.org entitled "CAFÉ complaint against



CHRC lawyer Richard Warman.” The message set out a letter which Paul Fromm, director of CAFÉ, had sent to Chief Commissioner Mary Gusella by fax on Nov. 11, 2003 in which Mr. Fromm lodged a formal complaint against Mr. Warman who worked as a lawyer for the Commission. The complaint alleged that Mr. Warman was “using his position at the Commission to carry on an ideological vendetta against people whose views he disagrees with...” Mr. Fromm listed Mr. Warman’s recent activities and demanded an investigation of his behaviour which he stated harmed the integrity of the Commission.

60. On Nov. 11, 2003, the same day Mr. Fromm faxed his letter of complaint to the Commission, Mr. Warman visited the Freedomite website message board, looking for and finding messages which he would include in the present complaint. He returned to the site on November 15 and 23, 2003 to find further matters to include in the complaint. He filed the within complaint on November 24, 2003.

61. The herein complaint was filed by Mr. Warman with the intention of shutting down a website that was active in publishing messages outlining his activities, protests against those activities and complaints laid against him with the Commission. Freedomite.org is one of the very few websites which publishes criticism of the Commission and the activities of Mr. Warman to the public.

62. The Commission did not follow the normal procedure used in screening complaints in handling this complaint. For instance, Mr. Warman was not required to contact Mr. Lemire in order to see if the matter could be settled privately.

63. The Commission itself had an interest in shutting down a website active in criticizing one of its lawyer’s activities and which was leading to controversy about the Commission and its activities under section 13. On the day Mr. Fromm’s complaint was lodged with the Commission, Mr. Warman began his search for messages to complain about.

64. On Jan. 2, 2004, a message was posted on freedomite.org entitled “Complaint Against Warman filed with Law Society.” The message was the text of a complaint filed by Mr. Gordon Watson concerning Mr. Warman’s activities in stopping meetings of the Tax Honesty Movement on the grounds of anti-Semitism.

65. On March 18, 2004, a message was posted on freedomite.org announcing that Mr. Warman had sued Paul Fromm and CAFÉ and setting out a copy of the Statement of Claim.

66. On March 25, 2004, the respondent Mr. Lemire received notice of the complaint of Mr. Warman.

67. The complainant, the Commission and others involved in the banning of information seek to use extra-judicial means such as approaching phone companies and internet access providers to pressure them to deny the targeted individual or organization a platform from which to publish.

68. Allegations alone that a person or group is inciting hatred is enough often to have the group or individual’s website pulled by an ISP.

69. Only certain views are deemed by the Commission to be hate, almost exclusively what is roughly termed “right wing” or “nationalist.” These are individuals or groups which are against Third World immigration, or do not believe that six million Jews died during World War II, and oppose multiculturalism or homosexuality.

70. Although “rap” music is a viciously anti-female form of hate propaganda and has been freely available in Canada for years, the Commission and Mr. Warman have made no move against this music, a multi-billion dollar business.

71. The Commission works with only those organizations which further its own agenda, such as the Canadian Jewish Congress, the League for Human Rights of B’nai Brith and the Simon Wiesenthal

Centre. It has not worked with German ethnic groups and has never considered that the Holocaust allegation itself might be hate propaganda against Germans.

72. Beginning in 1995, the Commission deemed "Holocaust denial" hate propaganda with no investigation and no consultation with German groups.

73. The Commission's deeming of what is hate and what is not hate is not based on any type of scientific evidence or investigation or even sociological evidence or investigation. It is a totally political decision and determination.

74. The Commission is using its screening process of complaints to stop any complaints against individuals or groups which it does not want targeted by the legislation.

75. The Commission itself states that the complaint process is only "one part" of what it terms "the broader fight against hate motivated activity" in Canada. It works with ISP's, NGO's, the police and government departments in extra-judicial ways to stop the viewpoints which it deems to be hate. It is empowered by its legislation to undertake this destruction of free speech behind closed doors in private meetings and with favoured groups and organizations.

76. It has attempted to shut down the Zundelsite in the United States by pressuring the ISP's hosting the site, even though it has no jurisdiction in the United States.

77. Internet Service Providers are businessmen, not free speech advocates. They are beholden to federal regulatory agencies and will not stand up for any right to free speech or access to the Internet. The Canadian Association of Internet Providers has accepted special recognition for its activism in "combating online hate and terror" from the Simon Wiesenthal Centre. This is "hate" as defined by the Simon Wiesenthal Centre, not any judicial determination before a court or tribunal.

78. Hate laws and their enforcers regard words as a "serious threat". The Commission speaks in terms of "fighting", of "combating" in which the fighters must show "solidarity." It is the language of war, of enemies, of fear and hysteria and a belief that laws of coercion will change hearts. Such laws do not fulfil the purpose for which they are allegedly intended. They do fulfill the purpose of silencing political opposition and commentary.

2. 79. Hate laws are the end of dialogue, a repudiation of communication, the exchange of ideas and the responsibility to try to understand the other, which is the basis of democracy. Such laws only instill fear, anger and hatred through their coercive measures.

80. Hate is totally subjective as it is an emotion. It cannot be controlled through law.

81. Only certain ideas are being defined as "hate", not others. Who has the power to define will have the power to silence and suppress using these laws.

82. A website is not a "hate message" within the meaning of section 13. A complainant is required to produce the message alleged to be a hate message and only that message, if deemed contrary to the section, can be banned. The Commission is attempting through these complaints to shut down entire websites and any discussion of issues it wants silenced.

83. Section 13 of the CHRA is unconstitutional for the reasons set out in the Notice of Motion filed on December 6, 2005. The particulars of the argument are set forth therein and are incorporated herein by reference.

3. ISSUES

84. The case raises several issues:

1. Is the legislation unconstitutional, for the reasons set out in the Notice of Motion filed by the respondent?
2. Do the messages constitute hate messages with the meaning of section 13?
3. Does an entire website constitute a hate message as alleged by the Commission herein?
4. Is Mr. Lemire responsible under section 13 for messages posted to a website message board which he did not write or post?
5. Is Mr. Lemire responsible under section 13 for messages posted to a website message board which required the poster to abide by rules in which the user agreed to keep discussion civil and not to post any matter illegal in Canada.
6. What is the effect of the conduct and motives of both Mr. Warman and the Commission in pursuing this complaint in the manner outlined and in refusing all attempts by Mr. Lemire to settle the complaint?

REMEDY

85. The respondent requests that the complaint be dismissed on the grounds that:

1. the legislation is unconstitutional on the grounds set out in the Notice of Motion filed by the respondent; and
2. the messages do not expose groups to hatred or contempt; and
3. the complainant and the Commission in this case are abusing legislation which is allegedly remedial and are using the legislation to attempt to destroy a perceived political enemy and to silence political opposition to policies of the Canadian government in such matters as immigration and multiculturalism, and to silence criticism of Mr. Warman and the Commission itself.