

Free Speech Monitor

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I'd Abolish the Hate Law, Peter Lindsay Tells CAFE

Speaking to a crowded meeting of the **Canadian Association for Free Expression** in Toronto, April 27, prominent defence lawyer **Peter Lindsay** said: "If I had my way, **Sec. 319** (the 'hate law') would not exist. I believe in freedom of expression. I'm a libertarian." Mr. Lindsay, who continues to represent German political prisoner **Ernst Zundel's** interests in Canada, updated the meeting on a number of free speech cases.

Nearly a decade ago, in the summer of 1998, a number of Toronto youths staged a protest outside a seedy East End Motel where a number of Gypsy illegals were being housed at taxpayers' expense. One of their signs read: "Honk, if you hate Gypsies." After strident pressure from the **Canadian Jewish Congress**, a number of the youthful participants were charged under **Sec. 319** with "wilfully promoting hate" against a privileged group. The case came "to a whimpering conclusion this January," Mr. Lindsay reported to the meeting. "The Crown had spent millions of dollars over a peaceful demonstration by 19 and 20 year olds. There had been no violence. After a lengthy trial, they were found not guilty. The Crown appealed and lost; they appealed higher and lost again. Then, the Supreme Court sent the case back for a new trial." A new trial which could have lasted 40 days was set to begin in January. "Millions more would have been spent," said Mr. Lindsay who has been practising law since 1991. There were six defendants. Four had the charges dropped. One pled guilty and received a conditional discharge.. The sixth also pled guilty and received a suspended sentence, no probation and the requirement that he write an apology to a local Gypsy leader." What was all the money and Crown time spent for, Mr. Lindsay wondered.

Another **Sec. 319** case Mr. Lindsay defended and won involved Toronto resident **Mark Elms**. He'd been apprehended by police who staked out and raided a private party at a room rented in a local bar. Mr. Elms was behind a table at this private party "and was charged with selling CDs containing 'hate lyrics.' After a lengthy trial, Mr. Elms was acquitted," Mr. Lindsay explained. Strangely, "the Superior Court allowed an appeal by the Crown on grounds that were not even argued in the original trial." The case will be appealed to the **Court of Appeal** later this year. Mr. Lindsay argued that many "hate" cases involved state persecution of people holding unpopular views. "You can face a double whammy. You can be charged under **Sec. 319**, the hate law, and then faces charges under **Sec. 13.1** of the **Canadian Human Rights Act.**" Mr. Lindsay pointed to the case of **Alexan Kulbashian**. He was charged in London, Ontario for material he had posted on the **Internet**. "Despite the fact that he had no criminal record, he was held in prison for some time and the Crown vigorously contested his bail application." The charges were eventually dropped. Then, he faced a complaint under **Sec. 13.1** of the **Canadian Human Rights Act** about the same material laid by profession complainer **Richard Warman**. Referring to Canadian Human Rights tribunals, Mr. Lindsay demanded: "Any tribunal where truth is not a defence, how can you say that with a straight face?"

He noted that there are government paid lawyers to protect us from supposedly horrible websites "that people willingly visit and, then, say they're offended and diminished." Canada is suffering under a regime of political correctness, he argued. "We must all be nice and not say harsh words about others or hurt others' feelings. You're supposed to be nice, but, if you're not nice, it depends on who you are. If you're unpopular, like an **Ernst Zundel** or a skinhead, you'll get

prosecuted." Referring to a local councillor who made strong comments critical of Gypsies at the same time as the youthful protesters, Mr. Lindsay observed, "however, if you're an elected councillor you'll not be charged."

B'Nai Brith Hails Warman as a Hero

The government is doing enough to silence Canadian dissidents, the **League for Human Rights of B'nai Brith**, one of Canada's leading censorship organizations complains. However, high praise goes to Ottawa one-man human rights complaint machine (20 and climbing) **Richard Warman**. "Why should **Richard Warman** have to take on the mantle of fighting hate? He is a hero, but he shouldn't have to do it," **Marvin Kurz**, legal counsel for **B'nai Brith** said. (**London Free Press**, March 23, 2006) "The levels of on-line hate reported to the organization's 24-hour anti-hate hotline are unprecedented, it said.

"The **Internet** is a quick, cheap way of bringing racism into the homes of ordinary Canadians and recruiting young people to ideologies of hate and extremism," said **Ruth Klein**, national director. Criminal justice hasn't kept pace with the explosion of hate on-line, **Kurz** said. Instead, people like Ottawa lawyer **Richard Warman** have been forced to use human rights laws to fight hate, **Kurz** said. "Why should **Richard Warman** have to take on the mantle of fighting hate? He is a hero, but he shouldn't have to do it," **Kurz** said. Civil action shouldn't take the place of criminal action, he said. Warman has taken several London groups and individuals to the **Canadian Human Rights Commission** over **Internet** hate messages." You have to understand that to the censors "hate" is any view of which they disapprove. At a recent Toronto holocaust remembrance seminar co-sponsored by B'nai Brith and the **Law Society of Upper Canada** -- so much for Jews being a "vulnerable" minority, -- a B'nai Brith spokesman insisted that anti-Zionism is anti-Semitism and, of course, anti-Semitism -- criticism of some Jews -- is "hate." The campaign against "hate" is quite simply an effort to shut off any criticism of privileged minorities.

It Takes An Iranian to Say: "No more guilt!"

Too bad it was not a German or an Austrian or even a Canadian or American leader who would speak up proudly for his people and say: "No more guilt." Minorities have manipulated the politics of guilt for their advantage. We see it everywhere. Politicians apologizing for alleged historical wrongs and tossing bags of money at minorities. In Canada, first it was the Japanese for being interned during **WW II** as possible enemy agents. Grand-stander Mulroney did that. In the last election, the Liberals and Tories were in a bidding war as to who would grovel most to the Chinese: we'll give you cash, the Liberals bid; we'll trump that, said the Tories: cash, plus an apology. Then, there's the Indian residential schools payoff.

Of course, the biggest guilt jag of all is the holocaust which has now been elevated to the status of a state religion in places like Germany and Austria and would be in Canada, too, if the powerful **League for Human Rights of B'nai Brith** lobby group gets its way. We'll leave aside the questions about numbers and other problematic areas in the Hollywood version of **WW II**. The fact is that the suffering of the Jews - only one of many national groups that suffered in that vile conflict - has been placed beyond question in some countries. You question the new religion, you go to jail. **David Irving**, **Ernst Zundel**, **Germar Rudolf** are among the better known heretics sacrificed to the new faith. In Canada, we have holocaust memorials in many cities, just as religions put up shrines. Worse, the holocaust hangs over the immigration debate. If you oppose the invasion of

Canada and the U.S., it's not long before someone like former **Immigration Minister Elinor Caplan** will trot out the story of the St. Louis - a shipload of Jews which, in 1939, the Dominion Government, mired in the Great Depression and beset with unemployment, refused to let land. We're regaled with: "Never again."

So, rather than question the new religion, let us ask an impertinent question: "So what?"

Why should we let assertions about what the Nazi government may or may not have done four generations ago affect our immigration policy? Indeed, why should German youth today feel guilty about what might have happened in 1944? Even more, why should Canadians feel guilty about the holocaust. After all, even according to the Hollywood version of history, we were the good guys. We fought the Nazis and won. Shouldn't we be patting ourselves on the back instead of hanging our heads down with shame. The holocaust has been used to justify the Zionist invasion and occupation of Palestine. Palestine wasn't vacant property. For centuries, Palestinians, Moslem and Christian had lived there, until they were swarmed and overwhelmed by largely European Zionists. When they fight back, they're called "terrorists." The holocaust story has clouded the judgement of many Western leaders and led them to turn a blind eye to the plight of the Palestinians. Instead of wallowing in guilt about the past, a healthy national leadership builds in the present for the future trying to be fair to all people. The Israel First neo-cons in the U.S. and their echoes in Canada mutter darkly about the new "Hitler" in the Middle East - Iranian President Ahmadinejad. It's an old tune. In the 1980s, when he was attacking Iran, Iraqi **President Saddam Hussein** was an agent of influence and a good guy. In the early 1990s, when Israel saw him as a threat, **George Bush Sr.** labelled him the "Hitler of the Middle East" and you knew war couldn't be far away.

The Iranian President's statements were powerful and hammered the pernicious effects of guilt, especially on Germany: "Hardline Iranian **President Mahmoud Ahmadinejad** has taken a fresh swipe at Israel by complaining that Germany was being exploited by 'greedy Zionists' more than 60 years after **World War II**. 'Look at the German people. Three generations ago, there was a war. But today an intelligent people is still a hostage of **World War II**,' he said Thursday in a speech carried on state television. Germany, he said, 'still doesn't have the right to have independent policies or proper defences.' 'Every German born is indebted to the arrogant and greedy Zionists,' Ahmadinejad said, referring to German reparations for the holocaust. 'When you visit a country, in every town there is a symbol of national pride,' Ahmadinejad said, but added that in Germany 'every town has something saying to the great German people that their parent and grandparents were murderers.'" (<http://news.yahoo.com>, April 27, 2006)

Recently, the poisonous effect of the holocaust on strong Canada First policies was shown in a holocaust memorial speech by **Prime Minister Stephen Harper**. "Canada won't ignore threats from Iran and the Hamas-led Palestinian government against Israel, warns **Prime Minister Stephen Harper**. Harper made the pledge Tuesday as he spoke at a **Parliament Hill** ceremony in remembrance of victims of the holocaust. The prime minister said the world should never again stand by and ignore signs of trouble when they appear. 'We will not ignore them when they are done by **Hamas**. We will not ignore them when they are from the government of Iran,' Harper told several hundred people beneath the **Peace Tower**. Iranian **President Mahmoud Ahmadinejad** has made repeated threats against Israel. As recently as Monday, he said Israel was a 'fake regime' that 'cannot logically continue to live.' ... **Hamas** has also outright rejected the

presence of a Jewish state in the Middle East, and - despite an international outcry - has refused to accept interim Palestinian-Israeli peace accords. Harper says ignoring such threats could place the world on a path to repeat atrocities such as the holocaust. 'We have learned the lessons of the past,' Harper said. 'We will learn them, or we will be doomed to repeat them.'" (**The Chronicle Herald**, April 28, 2006)

President Ahmadinejad pointed out: "For 60 years they've been massacring Palestinians and destroying their homes under the pretext that a certain number of Jew were killed during **World War II**." The Iranian President hasn't threatened Canada nor has the new Palestinian government. Holocaust guilt seems to be leading Canada into dangerous meddling in the Middle East and away from a sensible Canada First approach.

Zundel Case Continues in Canada

Political prisoner **Ernst Zundel** is now heading into his 14th month in a German jail. However, his case continues in Canada. Lawyer **Peter Lindsay** explained to a meeting of the **Canadian Association for Free Expression**, April 27 in Toronto. Over a year ago, Mr. Zundel filed a Statement of Claim against the Canadian government for violation of his rights. His complaints involved the solitary confinement and the abuse of fundamental rights involved in the "national security certificate" case, where there were secret hearings and secret testimony. "The Statement of Claim dealt with his arrest and denial of rights" by the Federal Government, Mr. Lindsay explained.

That Statement of Claim has been struck down. "A Statement of Claim is very hard to strike down," Mr. Lindsay added. "Our system believes that a person has a right to have his day in Court." However, as Mr. Zundel often observed to his supporters: "There's one law for everybody else and a different law for **Ernst Zundel**." **Peter Lindsay** is appealing the Court decision. No date has yet been set for the hearing. "Do I think Mr. Zundel was treated like everyone else?" Mr. Lindsay asked. "No! He was the victim of horribly unfair treatment. I was there." Most of the media was brutally unfair to the pacifist German publisher, Mr. Lindsay charged. "The media pretended **Ernst Zundel** didn't exist. **The Toronto Star** would say that five Moslem men were subject to the security certificate process, but it would never mention **Ernst Zundel**"

Irving Fires Lawyer & Suffers Further Harassment

Political prisoner **David Irving**, a world famous historian now serving three years in an Austrian prison for denying Austria's new state religion of holocaust, has fired his old lawyer and taken on a real fighter. **Lady Michele Renouf** reports: "Good news is that **David Irving** has dumped his left-wing lawyer Dr Kresbach who had issued no protest about the inhuman ban on Irving making any phone calls, even to his family, as punishment for giving press interviews, unless he submits the telephone number and his request to the prison authorities at least a week in advance. Even so, his elder brother waited in all day for such a pre-arranged call **Easter Sunday** and got that call when he was out, one week later! There are urgent family, serious legal and business matters about which we need Mr. Irving's authorisation and input to act in his family and future interests. Mr. Irving has replaced Kresbach with **Dr Herbert Schaller**, the veteran (80 years old) Austrian lawyer he had in the 1980s (and who Ernst has, though Judge Meinerzhagen wanted him thrown out as "too old"!)." Good man. He was in the public gallery during **David Irving's** trial." By all accounts Dr. Schaller is a real *alte kampf*er - an old fighter, just the sort of scrapper a battler like **David Irving** needs.