

Free Speech Monitor

P.O. BOX 332, STN. B, ETOBICOKE, ONTARIO M9W 5L3

The Free Speech Monitor is published ten times a year by the Canadian Association for Free Expression, Inc.

Subscriptions to the Free Speech Monitor are \$15.00 per year.

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Number 146

March, 2007

"My Gift to Canada:" Prof. Persinger Demolishes "Hate Law" Foundation

Mississauga. February 22, 2007. Lawyers for the Canadian Government and the **League for Human Rights of B'nai Brith** sat in ashen silence as **Laurentian University** Psychology professor **Michael Persinger** tore to shreds 40-year old studies used to justify Canada's "anti-hate" legislation in a **Canadian Human Rights Tribunal** held here today.

Richard Warman's victim, **Freedomsite** webmaster **Marc Lemire**, is fighting back against Canada's **Internet** censorship law and is challenging the constitutionality of this restrictive legislation. **Section 13.1** of the **Canadian Human Rights Act**, when it was upheld in a milder form in 1990, was deemed an acceptable limitation of free speech because of a theory of minority vulnerability to "hate speech", going back to the **Cohen Report on Hate Propaganda** of 1965. This theory held that "hate propaganda" so upset minorities that they became fearful and unable to participate equally in society "The assertion by the **Cohen Committee** that 'individuals subjected to racial or religious hatred may suffer substantial psychological stress, the damaging consequences including a loss of self-esteem, feelings of anger, and outrage' is confounded by archaic concepts of psychological processes. There is no direct experimental evidence that listening to verbal behaviour that directly or indirectly identifies the experience diminishes to any significant extent the self-esteem of a person. The effect sizes of the differences between 'verbal settings' are too small to be considered singularly causative. The term self-esteem is a hypothetical construct that, like phlogiston was to alchemy, has limited validity only within a specific model of human behaviour. Unfortunately the construct of 'self esteem' has now been reified," Dr. Persinger's report noted.

Marc Lemire's defence team was unable to offer Dr. Persinger a hefty fee like the one former B'nai Brith operative **Dr. Karen Mock** collected from the taxpayer-funded **Canadian Human Rights Commission** for a cut-and-paste job of some old writing she did. The defence did offer travel expenses and accommodations to Dr. Persinger. In turning down all compensation, Dr. Persinger said: "My report is my gift of freedom for Canada." He said that he was forever grateful to Canada for allowing him to immigrate and escape the draft in what he believes was a "genocidal" war in Vietnam. "I'm alive today because Canada took me in," he explained.

"Make Your Choice Freedom!" Doug Christie Tells Free Speech Meeting

On February 22, **Douglas H. Christie**, general counsel for the **Canadian Free Speech League**, addressed a meeting of the **Alternative Forum**. "Freedom is very quietly being taken away," he told a packed audience in Toronto. "One of the things I've been very proud of in my life are the heroic people I've met -- people like **Marc Lemire** and **Paul Fromm** who have the unenviable task of holding back the powers of repression," Referring to **Sec. 13.1** of the **Canadian Human Rights Act**, the Battling Barrister said: "Freedom is being taken away by government and truth is no defence." Mr. Christie, a veteran of more than 30 years in the Courts of this land, hailed Dr. Persinger as "a magnificent witness -- clear and forthright."

"We don't need laws to protect us from bad speech. It's part of the human psyche to deal with bad speech," he explained.

In an emotional address, prior to receiving a plaque of appreciation from **Marc Lemire**, Mr. Christie told how he'd been fired by the firm he was articling for just two days before completing his requirement for graduation. He'd spent six months unable to find another law firm that would accept him. Eventually, a lawyer accepted him and gave him a chance. Years later, he visited his benefactor who was dying of cancer. "How can I ever thank you?" Mr. Christie asked the dying man. With choking breath, the old lawyer answered: "Pass it on." That is our challenge Mr. Christie told his audience. "Every new generation has to fight for freedom.

Hailing **Marc Lemire's** constitutional challenge, Mr. Christie said; "This is the first time in history that someone is bringing a full appeal with psychological evidence refuting the victimology" that the courts have used to justify Canadian hate laws. "None of this would be possible without **Marc Lemire's** courage, **Paul Fromm's** leadership, **Barbara Kulaszka's** careful work and the support of all of you. Don't ever underestimate the power of your presence," he said appreciatively to the dozen or so people who have regularly attended **Marc Lemire's Internet Tribunal** hearings. Speaking of so many complacent Canadians, Mr. Christie said: "We legitimize corruption by apathy. We enter and leave the world at a time that is not of our choosing, but what we do while we are here is our choice," he said quietly. "Make that choice freedom." Mr. Christie concluded.

Here Some Hate, There Some Hate, Everywhere Hate, Hate: Mock Tells Lemire Internet Hearing

MISSISSAUGA, February 20, 2007. The first two days of this second two weeks in the **Marc Lemire Internet** case opened with former **League for Human Rights of B'nai Brith Executive Director Karen Mock** completing her examination in chief. Her testimony forms part of the case of the **Canadian Human Rights Commission** in responding to defendant (**Respondent**) **Marc Lemire's** constitutional challenge to **Sec. 13.1** of the **Canadian Human Rights Act** -- the **Internet** censorship provision where truth is no defence.

Mock's credentials were strongly challenged by **Barbara Kulaszka**, **Marc Lemire's** counsel and by **Douglas H. Christie** of Victoria, general counsel for the **Canadian Free Speech League** which, along with the **Canadian Association for Free Expression**, is intervening on **Marc Lemire's** behalf.

Barbara Kulaszka charged that **Karen Mock's** report written for the Commission was just a "cut-and-paste" collection, much of it word for word, of other articles she has recycled. "How much were you paid for this report, Dr. Mock?" Miss Kulaszka asked. Commission lawyer **Giacomo Vigna** objected to the release of information about the expenditure of taxpayers' citing "privacy." Taking note of the fact that she had been paid, Member **Hadjis** ruled that the exact amount was irrelevant.

Miss Kulaszka charged that Mock was a partisan and had spent most of her professional career in the anti-racism industry. The defence further charged that most of the studies she cited in her report and her

own work were not in the area of her alleged field of expertise; namely, the effects of so-called **Internet** "hate speech" on victims or the general public. "What is the effect of the Internet, a very dynamic and creative medium? Dr. Mock has no evidence that if someone sees a strong statement on the **Internet**, he will experience a loss of self esteem. If he feels bad, is it because he saw the term, let's say, 'dirty Polack' or because he had a bad lunch?" Miss Kulaszka wondered.

"Have you done a cause and effect study of strong language on the **Internet**?' Mr. Christie asked. "No I have not," Mock admitted. "My opinions are based on my extensive studies."

In her years at B'nai Brith where she was overall editor of the annual **Audit of Anti-Semitic Incidents**, she asserted that all facts were double checked. Miss Kulaszka confronted her with a reference to **Paul Fromm** in the 1994 Audit where it was alleged that he had been charged for his anti-Semitism, holocaust denial and conspiracy theories. None of this was true, Miss Kulaszka reminded her. Mr. Fromm sued Mock and B'nai Brith and, in a settlement, the comments were subsequently retracted. Dr. Mock explained the lapse thus: "It was just part of an introduction, a throwaway overview," she said excusing the egregious lies, as Mr. Fromm has never been charged with anything. "We try to present material objectively in an effort to isolate, ignore and expose racists. We're not expressing hateful feelings toward racists," she insisted.

Mr. Christie noted the complete lack of definition of the word "hate" with which Mock peppers her presentation and frequent denunciations of almost all activity on the right of the political spectrum. "Your criteria for defining crime is entirely subjective," Mr. Christie noted. Going over her anti-racist credentials, he noted that Mock had chaired a committee that wrote a position paper for the Canadian Government prior to a big anti-racism conference in Durban in 2001. She was then given a four year appointment to the **Canadian Race Foundation**. "I was appointed by **Hedy Fry Minister of Multiculturalism** in October, 2001," Mock explained. "Is that the **Hedy Fry** who had to apologize for saying there were **Ku Klux Klan** crosses burning in Prince George?" Mr. Christie asked. In the middle of Mr. Christie's examination of Dr. Mock on her credentials, Member Hadjis abruptly intervened and qualified her.

For the fifth day in a row **Complainant Richard Warman** absented himself from the hearings. **CAFE's Paul Fromm** has repeatedly objected to Warman's absence. "This goes to show that this complaint is frivolous and vexatious," Fromm told the Tribunal. "Warman takes a few minutes, fills out a complaint form. His old pals at the Commission process it and send it to a Tribunal. Respondent **Marc Lemire** spends months and many thousands of dollars preparing for this case. He retains a lawyer at considerable cost. He takes a month off work. Warman is paid by the Commission to travel to Toronto, gives his evidence and leaves. This is outrageous," Mr. Fromm argued. "It shows how this law can be abused. Warman practises and boasts of a strategy of 'maximum disruption' against his political opponents. He uses this complaint system. Even if Mr. Lemire wins, the best he can hope for is the status quo and to be out a great deal of time, suffering and money. Even if he loses, Warman cannot be assessed expenses or costs."

Mr. Fromm urged Tribunal Member (judge **Athanasios Hadjis** to compel Warman's attendance, citing a directive given by Member Sinclair against complainant **Mark Schnell** in the *Schell v. John Micka* case in Vancouver in 2001.

While claiming not to speak on his behalf, **Commission** lawyer **Giacomo Vigna** complained that Mr. Fromm was "disturbing Mr. Warman for useless purposes." Member Hadjis said: "I'm upset by the fact that I was misled. We went to a lot of trouble to find Toronto-area locations for Mr. Warman's benefit. He made quite a point of wanting a location near public transportation and downtown Toronto. Now, he's not here." Monday, Mr. Vigna was directed to contact Mr. Warman about his absence. After the noon break Tuesday, Mr. Vigna reported back that Mr. Warman was preparing for next week's libel case against **Paul Fromm** and **CAFE** alleging that Mr. Fromm's efforts to have him ordered to appear was a "conspiracy" to keep him from such preparations. He further said that his attendance or non-attendance would be on a day-to-day basis and that the **Tribunal** could contact him by letter. A clearly displeased **Athanasios Hadjis** commented: "I have no power to order Mr. Warman to attend, but I can echo my colleague Mr. Sinclair and say that he should be here."

Amnesty Says Hate Laws Lead to Violence

Amnesty International -- useless in defending prisoners of conscience and dissidents like **Ernst Zundel** or **David Irving** -- made a good point when an Armenian journalist was assassinated by a Turk ultra nationalist in January. Amnesty pointed out that anti-free speech laws encourage lawlessness and create an atmosphere of violence. Just as communist protester **Aaron Doncaster**, who disrupted **Jared Taylor's** January 16 speech in Halifax said: "Canada has hate laws. The police haven't arrested **Jared Taylor** [Well, he hadn't actually been allowed to say anything yet.] So, we the people must take the law into our own hands and stop him."

I used Doncaster and the **ARA** violence in my testimony March 1, at **Marc Lemire's** constitutional challenge to Canada's **Internet** censorship law -- Sec. 13.1 of the **Canadian Human Rights Act**. **Hrant "Dink"**, editor of the newspaper **Agos** and contributor to the influential daily **Zaman**, was reportedly shot three times today in Istanbul outside the **Agos** offices. He was 53. ... Best known for his willingness to debate openly and critically issues of Armenian identity and official versions of history in Turkey relating to the massacres of Armenians in 1915, Dink also wrote widely on issues of democratization and human rights. 'In Turkey there are still a number of harsh laws which endorse the suppression of freedom of speech,' said **Nicola Duckworth, Europe and Central Asia Programme Director** at **Amnesty International**. 'These laws, coupled with the persisting official statements by senior government, state and military officials condemning critical debate and dissenting opinion, create an atmosphere in which violent attacks can take place.' Last year, Dink was prosecuted for the third time on charges of 'denigrating Turkishness' under **Article 301** of the **Turkish Penal Code**. **Amnesty International** called for the repeal of that law and condemned his prosecution as part of a pattern of judicial harassment." (**Amnesty International Press Release**, January 19, 2007) -- **Paul Fromm**

Taylor Debate Cancelled Again in Halifax

We can be grateful to **Aaron Doncaster**, the **ARA**, and the **International Socialists** for giving us some fantastic arguments about the pernicious effect of "hate laws" on freedom. **Saint Mary's University** in Halifax has decided against allowing a debate on racism to take place on its premises. Philosophy professor **Peter March** was supposed to debate so-called "race realist" **Jared Taylor** at the university [March 6]. But Saint Mary's now says there is a higher need for security than the university can provide. The announcement comes shortly after a group opposed to the event said it would protest outside the building where the debate was to occur." (**CP News**, March 5, 2007) And where are the Halifax police in all this?