

# Free Speech Monitor

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## "Security" the Latest Smear Against Free Speech Victims

It began in the summer of 2006 with the **Terry Tremaine** ("Mathdoktor99" on Stormfront) human rights tribunal hearing in Ottawa. Champion complainer **Richard Warman** and then **Canadian Human Rights Commission** lawyer **Giacomo Vigna**, showed up with two burly, bald-headed wrestler type bodyguards paid for by the **Federal Government**. This was in addition to private security who wanted people entering the hearings and the sometime presence of armed Ottawa Police officers. Representing Warman victim **Terry Tremaine**, I objected to the presence of the bodyguards inside the hearing, as they created a prejudicial atmosphere. One side was surrounded by security. Security against whom? The clear implication was that there was a threat from either the gentle 58-year-old math instructor or from me. The bald bruisers accompanied Mr. Warman and Vigna to the washroom (I'll say no more!) and out to lunch and away from the building at the end of the afternoon. I complained about their presence and they were eventually told to stay outside the hearing room.

Similar "security" has haunted the **Marc Lemire** hearings, with, at times up to three hired bodyguards to protect Warman and Vigna. Now that a lack of "mental serenity" has removed Mr. Vigna from the case, two bodyguards accompany his replacement, **Margot Blight**, hired from private practice on contract (more cost to the taxpayers to subvert their own freedoms). Nevertheless, in mockery of the alleged need for "security," by the time the February hearings ended, we could observe Mr. Vigna's bodyguards -- by now complainer Warman had stopped attending the hearings -- being used to tote boxes of documents -- an utter breach of any real "security." Before the **Lemire Defence Team** went to Ottawa to question three **CHRC** employees, **Giacomo Vigna** tried to have the employees testify by video from an undisclosed location for "security" reasons. His motion provided three weighty volumes of "evidence" -- most of it printoffs from **Internet** websites. In the end this motion for a virtual secret hearing was denied. On May 11, representing the mighty **Chief Commissioner** himself, lawyer **Ian Fine** asked for an adjournment. The two **CHRC** lawyers were suddenly ill: Mr. Vigna, lacked "a serene mind" and **Mr. Philippe Dufresne** had a more conventional excuse -- the flu. However, Fine darkly hinted that there was a serious security matter. Weeks later it emerged that the cause of the near apoplexy was that the two bald bodyguards had allegedly been followed home the night before -- undoubtedly by **Osama bin Laden** on his camel, so porous are Canada's borders. An investigation into this allegedly continues.

The security alert had reached "red" status by the time the tribunal hearing into **Richard Warman's** complaint against **Melissa Guille** and the **Canadian Heritage Alliance** resumed in Toronto, September 4. Now their bodyguard contingent had swollen to five -- to protect Warman and a very nervous **Ceilidh Snider**, the **CHRC** lawyer. There was a white haired former Metro cop, a salt and pepper haired operative who had actually sat at prosecution counsel table at the last round of hearings, a chunky Oriental woman who accompanied Miss Snider to the washroom, and two young agents. Again I protested at the utter unfairness of the optics. Exactly whom were Warman and Snider being protected from. Could it be from the diminutive Miss Guille, **Alexan Kulbashian** her agent or me (agent for the **Canadian**

**Heritage Alliance**)? "This 'security' soap opera is highly prejudicial to the Respondents in that it makes them appear to be dangerous bad guys," I argued insisting that the bodyguards be kept outside the hearing room.

**Pierre Deschamps**, the Member or judge, considered our submissions. "It is acknowledged that security is present," admitted Miss Snider. "My instructions are to have these security people with me for my protection and for Mr. Warman. The Commission is of the view that we require security." "There are people in this room who pose a danger and have been found guilty of 'retaliation,'" **Richard Warman** warned darkly, referring to **Alexan Kulbashian**. In the rarefied world of touchy sensibilities that are human rights tribunals, merely making critical and harsh comments against the complainer (Warman) tormenting you and upsetting your life can constitute "retaliation." Ms Snider also complained of the venue. After the communist **ARA** had invaded Miss Guille's hearing last November, **Pierre Deschamps** commented that the hearing room -- a small auditorium at a downtown legal offices where civil hearings and depositions are held -- was inadequate. He wanted the security and double entrances afforded by a **Federal Court** facility. Miss Snider was upset at what she saw as the wide-open nature of the hearing room located on the second floor of the posh downtown **Novotel Hotel**. In an unusual remark, Member Deschamps confided: "The **Federal Court** did not want us." Her voice somewhat quavering, Miss Snider said: "The **Federal Court** did not want us for security reasons. Therefore, the Commission at its own expense has retained people who are appropriate. There is a real threat, a specific threat to Commission staff and Mr. Warman."

I kept a sharp eye out in the outer corridor and in the streets nearby as I fled at break to **Tim Horton's** for donut and coffee. Try as I might, I could not catch a glimpse of a skinhead assassin, a Nazi, neo or otherwise, in full SS uniform waiting to pounce on the delicate **Ceilidh Snider**, or even a stray swarthy member of *al Qaeda*, plotting to do in one of organized Zionism's most important agents in Canada, **Richard Warman**.

Member Deschamps himself clearly saw the "security" drama as a farce. On his morning break, unaccompanied by bodyguards or shadows, this 60ish bookish man from Montreal, throwing caution to the winds, walked alone on the street to an adjoining building, even smiling as I offered directions to **Tim Horton's**.

In the end, the defence won the argument about bodyguards in the **Tribunal** hearing room. "The **Tribunal** should see to security so that people should not have to hire bodyguards," Deschamps ruled. The **Tribunal** then retained the services of two Metro off duty policemen. One would stay inside the hearing and protect everyone; the other would stay outside the hearing in the hall. The bodyguards were to stay outside in the hall. The Defence had no objection to this arrangement as the Metro police were there to protect everyone. By Wednesday morning, "security" was finally in place. Two **Tribunal**-hired private security guards did their best to wand all participants and occasionally look at our lawyers briefcases and handbags. The two Metro police, one inside and one outside, provided an impartial uniformed presence. Then, the five bodyguards, provided at taxpayers' expense lurked in the hall outside the hearing, accompanying their charges to the bathroom, to lunch and to their hotel rooms. In all, nine security personnel to guard a civil hearing. Despite Deschamps' ruling and in the face of my continued objections, the stocky Oriental woman continued to sit in the hearing

to keep a watchful eye over **Ceilidh Snider**. Paranoia rules the land. - **Paul Fromm**

### **Stockwell Day Turns Down Police Bid for More Snooping Power Over the Internet**

A recent federal government decision marks a rare victory for freedom of speech in Canada. "Canada's police chiefs are criticizing Public Safety Minister Stockwell Day's surprise announcement this week that the federal government will not create a new law that would oblige Internet companies to turn over the personal information of customers to police without a warrant, describing the decision as out of touch with the reality of today's electronic society. 'It's disappointing and it's a little bit confusing,' Clayton Pecknold, co-chair of the law amendments committee of the Canadian Association of Chiefs of Police, said Friday.

"The type of information that we're asking for is not the type of highly personal information for which the court says you need a warrant."

*Pecknold said the government's position is surprising because police only want the government to make it easier for them to obtain information that is otherwise available in a phone book. For example, they might wish to link an IP address to a particular user, but they aren't asking for the power to track the user's on-line movements or communications without a court order. "We've never asked for access to information that would normally require a warrant because it would be inadmissible [in court] anyway," Pecknold said. "I'm surprised at the minister's comments and I think perhaps he misunderstands the issue." Police had wanted the authority to require that some basic information be turned over in a timely fashion without a warrant. But the association said Day's announcement on Thursday means police organizations across the country will continue to face difficulties obtaining simple pieces of personal information that are needed to pursue an investigation. Although some Internet companies volunteer such information, others don't. If they don't, police need to get a court order. 'It's not unreasonable for us to be able to ask Internet service providers or the telephone company to provide us the customer name and address,' Pecknold said. 'The only way we'd get into the highly confidential information, clearly -- a warrant [would be] required.'"* (*Vancouver Sun*, September 15, 2007)

### **Warman Complaint Includes Everything on Heritage Site**

One of the crying injustices of proceedings under the **Canadian Human Rights Act's Internet** censorship provision, **Sec. 13.1**, is that complainants often get away with complaining against a whole site or its "totality" as they like to say with a sweeping gesture. The complaint by the **Canadian Jewish Congress's Saul Hayes Human Rights Award** winner **Richard Warman** against **Melissa Guille** and the **Canadian Heritage Alliance** specifies eight passages that allegedly expose privileged minorities to "hatred or contempt." However, Warman introduced dozens more postings, almost none written by Ms Guille. The Defence sought to get these struck as grounds. Many of the passages, including a photo of Miss Guille at a Straight Pride counterprotest to London's Gay Pride demonstration, which didn't even mention the protected species homosexuals, are innocuous, but form part of the complaint. Such a sweeping scattergun approach denies the accused the right to know the specifics of the charges. I warned Member Deschamps that it is going to be an exceedingly long cross examination of Mr. Warman as we seek to explore all of the impugned passages to learn the exact words or phrases that exposed the privileged minorities to "hatred or contempt."

The atmosphere is tense and hostile. **Richard Warman** is a master of evading questions or quacking, "You have my answer," when asked to repeat or elaborate. Under the skilful and forceful cross-examination by **Alexan Kulbashian**, Warman was instructed on several occasions by an increasingly impatient **Pierre Deschamps** to answer the question. Mr. Kulbashian refused to let him get away with rephrasing questions and then giving an irrelevant answer to a question not asked, while avoiding the real question asked. Despite being warned before by Member Deschamps not to make snide comments about the fact that Mr. Kulbashian and I are not lawyers, Warman seems unable to restrain his contempt and hostility. At one point, when I challenged the continual adding of new grounds to the complaint, Warman accused me of being "a tired imitation of a real lawyer." -- **Paul Fromm**

### **No More Transcripts from the Tribunal**

In an effort to further disadvantage poor victims of the **Canadian Human Rights Act**, the **Canadian Human Rights Tribunal** decreed that, as of July 1, it would no longer provide transcripts. It will provide a **CD** audio of the proceedings. It remains for interested parties, that is those able to afford the hefty cost of \$1.50-\$2.00 a page, to hire transcriptionists to convert the sound into text. We suspect that this latest hurdle to justice has been erected by the Tribunal because **CAFE** and **Marc Lemire** have frequently published large portions of hearings verbatim and shown the process up for the thought control tyranny it is. On September 7, **Paul Fromm**, representing the **Canadian Heritage Alliance**, asked Member **Pierre Deschamps**, in view of the length of the proceedings -- 9 days and counting -- and the fact that the respondents have no money, to make an exception and, in the interests of fairness and justice, order that the written transcripts be provided to the parties. In a September 12 ruling, Mr. Deschamps refused:

"With regard to the question of a transcript of proceedings raised at the hearing on Friday, September 7, 2007, the Tribunal can provide the parties with a digital recording of proceedings but is without the facilities or resources to provide a transcript."

### **CAFE Awaits Verdict in Warman Defamation Suit**

Retaliating for **Paul Fromm** and **CAFE** labelling him the high priest of censorship, a hitman for the politically correct and an enemy of free speech for his numerous complaints against right-of-centre dissidents on the **Internet**, **Richard Warman** launched a defamation suit in October, 2003. The matter has slowly wended its way through a number of motions and a four day trial in February and May of this year. Representing **CAFE** in the final two days of hearings was the Battling Barrister from Victoria, **Douglas H. Christie**. At the close of submissions, May 31, **Mme Justice Metivier** indicated that her verdict would be held up by summer vacations but that a decision could be expected by November. Warman went on a rampage after a late October press conference held in the **Parliamentary Press Gallery** in October, 2003. Sponsored by **CAFE**, the press conference, followed by a spirited protest outside the offices of the **Canadian Human Rights Commission**, demanded that the **CHRC** take its hands off the **Internet**. Furthermore, the activities of then **CHRC** employee and complaint filer **Richard Warman** were criticized. All those at the press conference have faced Warman reprisals: **Paul Fromm** and **CAFE** -- charged with defamation; **Melissa Guille** and the **Canadian Heritage Alliance** -- victim of a **Warman Sec. 13.1 Internet** "hate" complaint; **Jason Ouwendyk** and the **Northern Alliance** -- victim of a **Warman Sec. 13.1** complaint and a defamation suit; **Tom Kennedy**, victim of a Warman defamation suit; and **Marc Lemire**, while not present himself, publicized the criticisms of Warman on his **FreedomSite** and is now the victim of a **Warman Sec. 13.1** complaint.