

Free Speech Monitor

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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 162

October, 2008

Dark Moon Over Human Rights Review

A panicked Canadian Human Rights Commission this spring picked University of Windsor law professor Richard Moon to conduct a "review" of Sec. 13. It wasn't likely they'd pick a libertarian and they didn't. A survey of his writings shows that Prof. Moon is quite comfortable with repressive human rights laws to suppress "non mainstream" ideas. In his book, The Constitutional Protection of Freedom of Expression, published by the University of Toronto Press, he writes: "However, even if we accept that 'ordinary' or commonplace racist claims should be discussed and addressed and not simply censored out of public discourse, a sensitivity to the limits of reason (particularly in the context of racial matters) and to the significant harm caused by racist ideas and attitudes should lead to a rethinking of the standard *laissez faire* approach." (p.141-142)

"However, intervention under federal and provincial human rights legislation is not triggered by everyday racist stereotypes and claims. ... The focus of such laws then is on non-mainstream, and perhaps even extreme racist expression. While conciliation may be effective in some cases, it may be in many or most cases of extremist expression, conciliation/education is neither an appropriate nor an effective response. ... None of this should cause surprise. The extremists operating the hate line were unlikely to be brought around by mediation or education to a realization of the wrongfulness of their actions. Reliance on coercive measures and ultimately punitive measures, became necessary." (p.145-146) There seems here to be the smug arrogance that Canadians need to be protected from insensitive racial speech and that those critical of privileged minorities are so incorrigible that they must be punished.

Both Marc Lemire and I have contacted Prof. Moon to explain our criticisms of Sec. 13 of the Canadian Human Rights Act. He told me he "didn't have a budget" for such meetings. Budget? What sort of budget would he need for us to visit him at his office? He declined to see either of us but did accept our written views.

Lawyer Ezra Levant, himself a victim of the Alberta Human Rights Commission adds: "Two months ago, the Canadian Human Rights Commission realized that it was losing the public relations battle badly. While they were still crushing their targets in their kangaroo courts, in the court of public opinion, their targets were becoming martyrs -- and the phrase 'human rights commission' was turning into an Orwellian joke. More attention had been paid to the CHRC's corruption and abuses of process in the past six months than in the previous 30 years of its existence. They were beset by investigations of all sorts. The RCMP was conducting a criminal investigation into their conduct, as was the Privacy Commissioner. And the Parliamentary Justice Committee has announced its intentions to review the CHRC, too. So, without notifying Parliament, the CHRC pre-empted them, announcing their own Potemkin review -- by a hand-picked professor, who has been specifically restricted from commenting on the obscene CHRC conduct that has led to the RCMP and Privacy Commissioner's review. Here's the reaction from several MPs I spoke with: a combination of disgust that the CHRC -- their statutory creation -- would arrogate unto itself the right to review its own mandate; and a feeling of 'who gives a damn? It's clearly a sham.' My own thoughts on the review, by University of Windsor professor Richard Moon, are similar. It's a joke for the

CHRC to hand-pick its own critic; it's a joke that the critic is restricted from asking the most difficult questions; and it's anti-democratic and abusive of taxpayers that the CHRC, a bureaucracy that has been given marching orders by our elected Parliament, has decided that it will review its instructions from Parliament, and tell Parliament where they're wrong. I suppose such hubris is to be expected from the sort of people who regularly target -- and occasionally jail -- Canadians for having incorrect political opinions. How disgusting." (Ezra Levant's Blog, Aug. 20, 2008) -- Paul Fromm

Terry Tremaine Argues Appeal in Internet "Hate" Case In Regina

Canadian dissident Terry Tremaine, who is banned by a police state bail condition from using the Internet, appeared in Federal Court in Regina September 3.. He was seeking "judicial review", actually an appeal against a decision by the Canadian Human Rights Tribunal to slap him with a lifetime "cease and desist" gag order and to fine him \$4,000 for postings on the Internet. He had been found guilty in 2007 of posting material likely to expose privileged minorities to 'hatred or contempt', contrary to Sec. 13 of the Canadian Human Rights Act. He posted extensively on STORMFRONT under the name "Mathdokter99". The hearing before Madam Justice Snider lasted an hour. "I think it went pretty well," Mr. Tremaine reported in a call that afternoon. The judge said she'd read the submissions from both parties and asked each to highlight their important points. She asked each party, Mr. Tremaine and Daniel Poulin, a CHRC lawyer flown in from Ottawa for the occasion, pointed questions.

"Summarize why you think that the Tribunal ruling was incorrect," she asked Mr. Tremaine. "I told her that Tribunal Member Michel Doucet said that what I had written was 'outside the limits of appropriate political discourse.' I told her the legislation makes no mention of enforcing 'appropriate' political discourse. Doucet was taking it upon himself to do this," Mr. Tremaine reported. Also, some of Mr. Tremaine's impugned postings were the manifesto for a new National Socialist Party. At his Tribunal hearing in Ottawa, I had argued that, as such, political statements should be exempt from Sec. 13 prohibitions. Canada has even registered two communist parties. Political platforms are judged by the electorate when parties submit their candidates for the voters' approval, I had argued on Mr. Tremaine's behalf.

Commission lawyer Poulin said the Supreme Court of Canada had upheld Sec. 13 in a 1990 decision. Mr. Tremaine countered that that decision had been before the Internet and Sec. 13's restrictions on freedom of speech now affect many more people. "The judge took extensive notes during my remarks," Mr. Tremaine reported. Mr. Poulin insisted that Mr. Tremaine's writings "didn't promote equality." This effort to make adherence to an ideology essential for public expressions in Canada is one of the many evil aspects to the baleful history of the Canadian Human Rights Act. "Equality applies to individuals, not groups," Mr. Tremaine argued. "I was criticizing the behaviour of some groups." Mr. Tremaine sought a stay (or hold) on the judgement pending the outcome of the constitutional challenge against this law by Marc Lemire. Arguing for the Commission, Mr. Poulin, warned that if Mr. Tremaine was granted a stay, he would be on the Internet promoting genocide, a charge Mr. Tremaine says is ludicrous. "Who's the scaremonger and extremist?" he asked. Mr. Poulin also complained that Mr. Tremaine's writings had claimed that

Jews had no redeeming qualities. "Had he really read my many posts on **STORMFRONT**?" Mr. Tremaine wondered. "I had praised Jews like **Norman Finkelstein** for his book **The Holocaust Industry** and **David Cole** who appeared in videos produced by **Ernst Zundel**. I even wrote an obituary on **STORMFRONT** for Jewish comedian **Rodney Dangerfield** and said I'd liked his humour."

Terry Tremaine is another **Richard Warman** victim. Warman, arch complainer under **Sec. 13** of Canada's notorious "Human Rights" (i.e. minority privileges) Act", also filed **Criminal Code Sec. 319** complaints against **Terry Tremaine** which led to a police raid on his place, the theft of his computer and charges under that Act which still must be heard. Warman also approached Mr. Tremaine's employer, the **University of Saskatchewan**, where he taught math and computer science. Mr. Tremaine lost his job and was reduced to poverty and a part-time minimum wage position. Mr. Tremaine was also appealing the brutal \$4,000 fine imposed by the **Tribunal**. The **Tribunal** chairman is required to take the ability of the victim to pay into account. However, in Canada's Soviet style "human rights tribunals" where pain and punishment are the means to preserving minority immunity from criticism, all rules fly out the window. When Mr. Tremaine was earning less than half the income deemed to qualify as "poverty" level, the **Tribunal** slapped him with a \$4,000 fine. **Terry Tremaine** is banned from posting on the **Internet** by his police state bail conditions. If you'd like to send a donation to help him in his battle, send it to **CAFÉ** and indicate **Terry Tremaine** at the bottom of your cheque or money order: **CAFÉ**, P.O. Box 332, Rexdale, ON., M9W 5L3, CANADA. -- **Paul Fromm**

Wiesenthal Thought Police Try to Throttle Internet Dissent -- What Are They Afraid Of?

"A quick responding **Canadian Internet Service Provider (ISP)** has closed down an **Internet** site promoting anti-Semitic hate after being alerted by **Friends of Simon Wiesenthal Centre for Holocaust Studies (FSWC)**. When **FSWC** reported 'realjewishnews.com' to its Canadian **ISP**, its content was reviewed and determined to violate the master service agreement as well as Canadian values. Although the Canadian **ISP** swiftly and decisively removed the offending site, within days, it reappeared on another server, this time in another country. The **Internet** has become a prime tool for extremist and terrorist activity worldwide. Nevertheless, Canadian legislation and its provision for dealing with **Internet** offenders is a model for international governance. Comments **Leo Adler**, director of **National Affairs, FSWC**, "Our Canadian system strikes the perfect balance between two intrinsically Canadian ideals, namely, freedom of speech and abhorrence for hate and intolerance." (**Friends of the Simon Wiesenthal Centre Press Release**)

Canada's laws strike "the perfect balance between ... freedom of speech and abhorrence for hate and intolerance," smirks **Friends of the Simon Wiesenthal** director **Leo Adler**. Well, yes. If you criticize privileged minorities and especially Zionism, you get squelched. You're free to say what we like to hear. Some "balance." The **Wiesenthalers** have been deadly opponents of free thought on the **Internet** back to the mid 1990s. Let some obscure website dare to challenge the Hollywood version of **World War II** or make critical remarks about a particular favoured and privileged minority and the thought police of the **Simon Wiesenthal Centre for Holocaust Studies** are there jaw-boning the **Internet Service Provider** trying to shut the offending site down. What ever happened to debating an opponent's views? What are they afraid of? If Nazis were anti-free speech and book burners, as one observer at last week's **Canadian Human Rights Tribunal** inquiring into **Jason Ouwendyk** and the **Northern Alliance's Internet** postings asked: "Who are the real

Nazis?" Perhaps it's the **Canadian Human Rights Tribunal** censors and people like the repressive **Wiesenthalers**, not the free thinkers the censors are always labelling as "Neo-Nazis."

Human Rights Commission Abandons Warman in Ouwendyk Case

The times are changing: On the eve of the August 18 opening of the **Canadian Human Rights Tribunal** inquiring into yet another **Richard Warman Internet** complaint, this time against **Jason Ouwendyk** and the **Northern Alliance**, the **Canadian Human Rights Commission** abruptly withdrew from the case. Apparently, having learned that **Richard Warman** could not even legally make a claim for money from Mr. Ouwendyk (fine and penalty for naming him) because Mr. Ouwendyk is protected under the **Bankruptcy Act** and that Mr. Warman had failed to disclose that he was a creditor under a **Consumer Proposal** filed by Mr. Ouwendyk in 2004 -- almost two years before Warman filed his complaint -- the Commission withdrew as prosecutor. Further, in its August 12 letter announcing this to the **Tribunal**, **Daniel Poulin**, Commission lawyer stated: "The Commission has decided to no longer participate at the hearing. ... The material at issue is no longer on the Internet. Moreover, we were only recently advised that the financial claims (both the claim for pain and suffering and the penalty) against Mr. Ouwendyk are stayed. In all of the circumstances, there is no longer a public interest justifying the Commission's participation in this matter." Thus, Warman had to prosecute the case on his own and pay his own travel expenses to Hamilton. The Commission's withdrawal is a major shift. It has been argued in other cases (*Warman v. Marc Lemire*, *Warman v. Glen Bahr and Western Canada for Us*, *Warman v. Melissa Guille and the Canadian Heritage Alliance*) that, as the **Supreme Court of Canada** said this Act was saved only because it was remedial not punitive, and as the impugned posts had been down, in some cases for years, there was no justification to proceed -- except to punish the victim. On Mr. Ouwendyk's behalf, I made this a major part of our submissions.

We caught Mr. Warman, well, as I put it and it outraged him, "being economical of the truth." I had asked him whether he had joined the **Northern Alliance** website and posted under an assumed name. He said to the best of his knowledge -- he tends to hedge every answer -- he hadn't. We then confronted him with clear proof that he HAD joined using the name "saxon" and had been in e-mail contact with them using a favourite disguise "*lucyaubrach*" -- yes Richard is "Lucy." Go figure. Warman also insisted that he didn't know what operating system his computer has. Warman did not want to stay for oral submissions and merely wished to send in his summation. He was ordered by the **Tribunal** to do an oral presentation. However, he left the hearing immediately and did not stay for our final summation or even to exercise his right of rebuttal. I pointed out to the **Tribunal** member **Edward Lustig** that Mr. Warman was showing contempt for the **Tribunal** and the proceedings, as much as saying that the case is "in the bag", a foregone conclusion and that he doesn't even need to stay to hear our arguments. I started the defence by making a motion that the Member recuse himself as all **Tribunal** members are appointed, not for their objectivity, but because of their bias for group rights ["human rights" under the Act] as opposed to individual rights like freedom of speech. I noted that the unblemished string of guilty findings -- in 30 years, no victim has ever won a **Sec. 13** case -- would convince an informed person that the members are selected, not for their judicial or dispassionate temperament, but precisely because they have an "interest in and sensitivity to human rights"; that is, group rights, as opposed to individual rights, such as freedom of speech, freedom of expression and freedom of belief. -- **Paul Fromm**