



'SENTENCE FIRST, verdict afterwards,' says the queen in *Alice in Wonderland*. At the HRC, says Steyn, it's 'Verdict first, trial afterwards.'

It's all very odd, 'that's for sure'

Why should Richard Warman be the only citizen to have his own personal inquisition?

BY MARK STEYN

Our lesson for today comes from Shirlene McGovern:

"You're entitled to your opinions, that's for sure."

Clichés are the reflex mechanisms of speech—"Yeah, sure, it's a free country. Everyone's entitled to his opinion, right?" And we get so careless with them that we don't even notice when they become obsolescent.

But Shirlene McGovern should. Because it's her job to determine whether you—yes, you, Gordy Schmoie of 37b Hoser Crescent—are entitled to your opinions. Miss McGovern is a "human rights agent" with Alberta's "human rights" commission, and she was officially interrogating Ezra Levant as to why, in his capacity as publisher of the *Western Standard*, he had reproduced in his magazine the so-called "Danish cartoons." As you'll recall from a year or so back, these were representations of the Prophet Muhammad published in the widely unread newspaper *Jyllands-Posten*, but which nevertheless prompted the usual surprisingly coordinated campaign of vandalism, death threats, mayhem and murder by the more excitable Muslims in various parts of the world. I doubt, had I been the editor of *Jyllands-Posten*, I would have published the original cartoons, because most of them weren't terribly good. But once the drawings became an international news story it seems absurd to publish reports on the controversy without also showing what all the fuss is about. CNN *did* show the cartoons, but with the Prophet's face all blurry and pixilated—the first time, I believe, that this familiar technique of investigative TV journalism has been applied not to a human being but to a, er, drawing, as

if the cartoon Muhammad had entered the witness protection program.

In reality, it was the CNN guys who were hoping they were in the witness protection program. Back in Jutland, the cartoonists had originally accepted the Muhammad assignment in order to test the boundaries of freedom of speech in Denmark. And they failed only insofar as the episode tested freedom's boundaries not in Denmark, where nobody has been prosecuted; nor in the U.S., where CNN's craven straddle artfully finessed the issue; nor in France, where the sole editor to publish the cartoons was subsequently fired by his boss, as is a private employer's right; nor even at the European Union, whose commissioner for justice and security proposed a "media code" that would encourage, ah, "prudence" in the way the press covers, ahem, certain touchy subjects, but who was at least at pains to emphasize that these restraints would be "self-regulated" by the press themselves.

No, the Western jurisdiction in which the Danish cartoons have most comprehensively demonstrated the constraints on free expression is our own decayed dominion: only in Canada have the commissars of the state launched an official investigation for the alleged "crime" of publishing the cartoons. Last week, sitting across the table from Shirlene McGovern, Ezra Levant launched into an impassioned denunciation of his interrogation. He took the quaint view that his "freedom of expression" was not the generous if qualified gift of Trudeauian bureaucrats but his inalienable right and one bolstered in this country by 800 years of English Common Law as well as more modish innovations such as the 1946 UN Universal Declaration on

Human Rights. Canada likes that last one so much it sticks it on the back of the \$50 bill, even though we are in sustained and systemic breach of its provisions on free expression. Yes, yes, I know: so are Sudan and North Korea, but come on, is that really the league you want to play in?

In the course of his interrogation, Mr. Levant also pointed out that the time and money Canada's "human rights" pseudo-courts cost publishers has a broader "chilling effect"—on all the stories that will never see the light of day because at the back of some editor's mind is the calculation of the cost of fending off Shirlene McGovern. And, at the end of this exchange, Agent McGovern, licensed to chill, looked blandly across the table and shrugged: "You're entitled to your opinions, that's for sure."

No, sorry. That cliché is no longer operative in Canada. Today you're only entitled to your opinions if Agent McGovern says you are—"for sure." Ezra Levant was of the opinion that he should publish the Danish cartoons. That opinion is now on trial. Ken Whyte, the executive honcho at *Maclean's*, was of the opinion he should publish an excerpt from my book. That opinion comes up for trial at the British Columbia "Human Rights" Tribunal in June, and at the Canadian "Human Rights" Tribunal shortly thereafter, and most likely at the Ontario "Human Rights" Tribunal a little way down the road.

Because I've always been opposed to "human rights" commissions in theory (I like proper courts with things like "due process"), I failed to appreciate until *Maclean's* present predicament how much worse they are in practice. These commissions were supposedly intended to investigate discrimination in housing and the like, but then came the very poorly drafted Section XIII, which makes it a crime to communicate anything electron-

ically “likely to expose a person or persons to hatred or contempt.” “Likely,” eh? What does that mean? Well, according to the key determination, subsequently endorsed by the Supreme Court, in Canadian legalese “likely” now means “highly unlikely.” That’s to say, notwithstanding the absence of any evidence by the plaintiffs of anyone at all ever having been exposed to actual hatred or contempt, nor even any coherent argument as to why there is a hypothetical possibility of someone unspecified being exposed to theoretical hatred or contempt in the decades ahead, a commission can still deem such hatred or contempt “likely.”

In the three decades of the Canadian “Human Rights” Tribunal’s existence, not a single “defendant” has been “acquitted.” Would you bet on *Maclean’s* bucking this spectacular 100 per cent conviction rate? “Sentence first, verdict afterwards,” declares the queen in *Alice In Wonderland*. Canada’s not quite there yet, but at the Human Rights Commission, it’s “Verdict first, trial afterwards.” So I’m guilty and Ken Whyte’s guilty and *Maclean’s* is guilty because that’s the only verdict there is.

Who has availed themselves of the “human rights” protected by Section XIII? In its entire history, over half of all cases have been brought by a sole “complainant,” one Richard War-

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man. Indeed, Mr. Warman has been a plaintiff on every single Section XIII case before the federal “human rights” star chamber since 2002—and he’s won every one. That would suggest that no man in any free society anywhere on the planet has been so comprehensively deprived of his human rights. Well, no. Mr. Warman doesn’t have to demonstrate that he’s been deprived of his human rights, only that it’s “likely” (i.e. “highly un-”) that someone somewhere will be deprived of some right sometime. Who is Richard Warman? What’s his story? Well, he’s a former employee of the Canadian Human Rights Commission: an investigator. Same as Shirlene McGovern.

Isn’t there something a little odd in a supposedly necessary Canadian federal “human rights” system used all but exclusively by one lone Canadian who served as a long-time employee of that system? Why should Richard Warman be the only citizen to have his own personal inquisition? You can hardly blame the Canadian Islamic Congress and the Islamic Supreme Council of Canada and no doubt the Supreme All-Powerful Islamic Executive Council of Swift Current, Sask., for now figuring they’d like a piece of the human

rights action.

In a free society, justice must not only be done, but must be seen to be done. And when you see what’s being done at the CHRC it’s hard not to conclude that the genius of the English legal system—the balance between prosecutor, judge, and jury—has been all but destroyed. The American website Pundita has a sharp analysis of Section XIII, comparing it to Philip K. Dick’s sci-fi novel *The Minority Report*, set in a world in which citizens can be sentenced for “pre-crime”—for criminal acts which have not occurred but are “likely” to. Who needs futuristic novels when we’re living it here and now in one of the oldest constitutional democracies on the planet? What kind of countries have tribunals with 100 per cent conviction rates that replace the presumption of innocence with the presumption of guilt and in which truth is not only no defence but compelling evidence of that guilt? Consider this statement, part of the criteria by which the star chamber determines when a Section XIII crime has occurred. What does it look for as evidence?

“Messages that make use of allegedly true stories, news reports, pictures and references to apparently reputable sources in an attempt to lend an air of objectivity and truthfulness to the extremely negative characterization of the targeted group have been found to be likely to expose members of the targeted group to hatred and contempt.” Read that again slowly. Citing news reports, reputable sources, facts, statistics, documentation, quotations, references, scholarly studies, etc., has been “found” to be clear evidence of your “likely” “pre-crime.”

Canadians are uncomfortable even confronting what’s going on in their name. On last week’s letters page, Lauren Demaree of Windsor seemed closest to “mainstream” “moderate” Canadian opinion:

“Placing limits on free speech is a slippery slope, but that is not the only issue in play here. There is often a fine line that is crossed between opinion and hate propaganda and our laws need to reflect this more effectively. Where do we draw the line? When a group of people is harassed or when someone is beaten? How about killed? When your writer Andrew Coyne sits on a high horse spouting the ideals of free speech, he doesn’t stop and think about the consequences of his words.”

Who has been “killed” or “beaten” or “harassed” by Coyne-Steyn “hate propaganda”? The killings and bombings, as Ezra Levant pointed out, occur in countries without freedom of expression—because when you criminalize words the only expression left is action. How sad to see Canada pursuing, as the fed-

MACLEAN'S BESTSELLERS

COMPILED BY BRIAN BETHUNE

Fiction

1	LATE NIGHTS ON AIR	2 (15)
	by Elizabeth Hay	
2	THE UNCOMMON READER	1 (5)
	by Alan Bennett	
3	A THOUSAND SPLENDID SUNS	4 (29)
	by Khaled Hosseini	
4	WORLD WITHOUT END	5 (12)
	by Ken Follett	
5	THE ASSASSIN'S SONG	8 (18)
	by M.G. Vassanji	
6	DIVISADERO	3 (35)
	by Michael Ondaatje	
7	CONFESSOR	6 (5)
	by Terry Goodkind	
8	KENNEDY'S BRAIN	7 (2)
	by Henning Mankell	
9	BLASPHEMY	(1)
	by Douglas Preston	
10	CHEATING AT CANASTA	(1)
	by William Treavor	

Non-fiction

1	MUSICOPHILIA	by Oliver Sacks	1 (11)
2	COOK WITH JAMIE	by Jamie Oliver	(1)
3	ENDGAME, 1945	by David Stafford	(1)
4	HOW TO TALK ABOUT BOOKS YOU HAVEN'T READ	by Pierre Bayard	(1)
5	IN DEFENSE OF FOOD	by Michael Pollan	2 (2)
6	THE SECRET HISTORY OF THE WAR ON CANCER	by Devra Davis	5 (4)
7	ON UGLINESS	by Umberto Eco	7 (2)
8	BORN STANDING UP	by Steve Martin	10 (4)
9	FIFTEEN DAYS	by Christie Blatchford	3 (2)
10	THE SHOCK DOCTRINE	by Naomi Klein	4 (17)

LAST WEEK (WEEKS ON LIST)

eral “human rights” commission puts it, “A Watch On Hate.” Not “hate crimes” or even “hate speech,” but just “hate”—thoughts, feelings. Mohamed Elmasry of the Canadian Islamic Congress is a world-class hater who thinks all Israeli civilians over 18 are legitimate targets for murder. Bully for him. Yet, in his pursuit of *Maclean’s*, Lauren Demaree sees the hater as the pin-up crusader who’ll abolish hate. No free society can do that. But it can certainly abolish, incrementally, freedom of expression and the presumption of innocence in relentless pursuit of such a banal happy-face chimera. The arbitrary absurdity of Alice-in-Wonderland’s queen yoked to the Cheshire Cat smile. This is your fight, too, Lauren, even if you don’t yet know it. M