

We will always fight the blatant abuse of speech rights

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99

It is ludicrous to suggest that the First Nations' position is an assault on freedom of speech rights

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In his Provinces column of May 20 (Human Rights and Freedom of the Press), Tom Flanagan argues that a complaint made by me to the Alberta Human Rights Commission on behalf of First Nations regarding an article in Alberta Report magazine is an unwarranted attack on freedom of the press that should never have been made. He also questions how an expert on the Charter of Rights could support us in our so-called "assault on freedom of the press."

The article was about Indian residential schools, and the headline on the cover was Canada's Mythical Holocaust. The language of Holocaust denial in that headline, and the anti-Semitic buttons it pushes, are no coincidence. Denying the residential-school travesty in the same language as Holocaust denial is consistent with the overall right-wing agenda of white supremacy.
Prof. Flanagan ostensibly sets out to

criticize our legal action, but his agenda is broader than that. Instead of developing the free-speech argument, he questions whether we need human-rights commissions at all, suggesting that adequate protection for human rights exists in the commercial marketplace of supply and demand.

A person as well-versed in Canadian history and politics as Prof. Flanagan is knows full well how the concept of "commercial freedom" was used for many years to deny my people, as well as other minorities, access to housing, jobs and services. "Commercial freedom" allowed restaurants to refuse to serve Blacks, landowners to refuse to sell houses to Jews and employers to refuse to hire Aboriginal workers. Not until legislatures passed human-rights legislation was this blatant discrimination checked. In fact, the authors Prof. Flanagan cites as saying human rights are best protected by the marketplace (Thomas Sowell, Gary Becker and Richard Epstein) have all said that individuals and

corporations should be able to discriminate as they wish, in order to unletter the market.

As for the speech issue, Prof. Flanagan is highly selective in his delence of free speech. Limitations on speech are suspect only when they seek to stop racial hatred, intimidation and discrimination. When commentators such as Prof. Flanagan create euphemisms and abstract arguments to recast racist speech ("Canada's mythical holocaust") as a worthy example of freedom and democracy at work, the message is that they are not protecting racists, but protecting the flag. The meaning of democracy for the target groups is lost in the smoke and mirrors.

For Prof. Flanagan to suggest that our position is an assault on freedom of the press is ludicrous. We understand much more acutely than he does what it is like to have our speech rights taken away, but we also understand the blatant abuse of speech rights.

Also, while he may express astonishment that the AFN would hire human-

rights experts to bring an action under the Alberta human-rights legislation ("the right response would be to point out the errors, not to ask a human-rights commission to punish the author and publisher"), the act clearly gives us that right. It states: "[N]o person shall publish, issue or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol or emblem or other representation that indicates discrimination or an intention to discriminate against a class of persons, or is likely to expose a person or class of persons to hatred or contempt because of race..."

Whether Prof. Flanagan likes it or not, the days of silencing First Nations peoples are over. We will exercise our rights to the fullest extent possible whenever and wherever we think they are breached and we will hire whatever legal expertise we need to assist us.

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