

The Six Percent Solution: An Analysis of Hate Legislation in Canada

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Deepening hostility to Israel, an increase in potentially violent anti-Semitic incidents, the growing militancy of right-wing and left-wing extremist groups, the formation of an intellectual right with its racist ideas and the efforts to falsify history by denying the Holocaust—this is the face of the new anti-Semitism, the new Jewish condition in Canada.

THE winds of discontent today, are sweeping through the corridors of power in Canada. They bring the wrath of a nation to a leadership too long indifferent, too apathetic and too distant from the needs of its minorities. There is, in Canada today, a callous disregard for the realities and the manifestations of hate. It is reflected in laws that are inadequate (and therefore unenforceable) against purveyors of hatred, who disseminate tape-recorded anti-Semitic sermons to their congregants—with immunity; who speak of a world-wide Jewish conspiracy and of Jews as a cancer, a parasite on civilization—with immunity; who today deny the existence of the Holocaust as an historical fact and who argue that it is yet a matter for continued debate, and who do so, with immunity; who rely upon the fundamental freedoms of Canada to undermine those same freedoms for other Canadians, and who do so, with absolute immunity and in flagrant violation of all that is right and just. The problem is as old as the Scriptures and as clear as the Canadian Charter of Rights and Freedoms and the manner in which we, as Canadians, deal with this travesty will, in large measure, become a statement of Canadians as a People.

The Extent of Anti-Semitism

Several months ago, the Canada-Israel Committee commissioned a poll to

ascertain the level and the extent of anti-Semitism and to measure the degree to which it was either latent or manifest. The results of the study are generally favourable but the impact of its conclusions may well have a profound effect upon the manner in which we perceive anti-Semitism in Canada.

The study concludes that the majority of Canadians (over eighty percent) do not perceive Jews as being any different from themselves. In short, overall attitudes towards Jews in Canada are either positive or neutral as opposed to negative. *It is significant, however, that there remains a firmly established group of between six percent and twenty percent of Canadians who continue to exhibit varying degrees of prejudice towards Jews which manifests itself (in latent prejudiced attitudes) as a sensitivity towards the increased presence of Jews in their jobs, communities and social clubs.*

The core group (approximately six percent) of anti-Semites, however, is more direct in its prejudice. For that group, the problem is not one that can readily be solved through the educational process. For this group (comprised primarily of single, unemployed, twenty-five years old or younger male apartment dwellers with either very little education or a community college education and generally with no religious affiliation), the Jew is viewed as a modern day Shylock: less trustworthy, less law-abiding, less honest,

less charitable, more aggressive and more influential with the media, in business and in politics than most other Canadians. They are also of the belief that Jews hold more important positions in Canada than do other Canadians. For the hard-core anti-Semites the relationship between Canadian Jews and Israel is not so much a question of dual loyalty as it is a matter of disloyalty. To this group, there is no question of understanding or attempting to understand that the Jewish commitment to their heritage does not necessarily conflict with the loyalty one feels to his or her country. It is this attitude, that of the hard-core anti-Semite, that makes Jews vulnerable to attack from those who are prejudiced. It is little wonder, then, that events in the Middle East, while not creating anti-Semitism, function as a vehicle to bring out the latent prejudice which already forms part of their mentality. In short, for the stereotypical anti-Semite, Israel is not the cause of anti-Semitism but his excuse for it.¹

The fact that the stereotypical hard-core anti-Semite represents a mere six percent of Canada's population should not allow us to relax our vigilance over the activities of these groups. For them, no amount of Holocaust symposia, no amount of advanced high school or university curricula on Holocaust education, no amount of cultural dialogue, no amount of bringing together teenagers of different cultures to promote understanding of each other's values and problems, no amount of involving educators in the development of exciting, remedial curricula, no amount of continuing educational efforts through the utilization of every technique or device for effective com-

munication between the Jewish community and significant numbers of concerned Christians can resolve their prejudice, for their hatred is not the type of ignorance that necessarily can be dealt with at the level of social intercourse or community dialogue. Anti-Semitism in their case stems from an irrational, one-dimensional, all encompassing indictment and hatred of all that is Jewish—without qualification. Fixated on a specific rigid, racist ideology, these groups see their functions as essentially messianic, requiring a race war to purify the soul of Canada! Many have formed themselves into organizations which are part of a phenomenon known as the "Identity Churches", a pseudo Christian movement which holds the belief that white-Anglo Saxons, not Jews, are the "true Israelites," and God's chosen people.* Members of the movement refer to the "true identification of Israel," claiming that Great Britain and, by extension, the United States, are the true Holy Land, home to the true Israelites. Members of the "Identity" movement adhere to the doctrine of the inherent superiority of the white race which holds that blacks and other non-white races are on the same spiritual level as animals and therefore have no souls. Vicious hostility toward these non-white races and relentless vilification of Jews are major components of this movement's theology of hate.

According to a recent study, done by the Anti-Defamation League of B'nai B'rith:

Many "Identity" adherents also believe that the second coming of Jesus Christ is at hand and that American cities will go up in flames preceding that event. This apocalyptic vision, according to "Identity" followers, will come

¹ *Report of the Canadian Polling Institute, Project #827048, A Study Commissioned by the Canada Israel Committee, Ottawa, Canada, 1983.*

* The Movement claims 6,000 members, but responsible Jewish organizations believe this figure is grossly inflated.

about as a result of a gigantic race war that will follow an attack upon the United States by the Soviet Union. They further believe that only members of the "Identity" movement will survive to build a "new Israel" in America. "Identity" followers are preparing now for the race war and political and economic chaos which they envision will precede the "second coming" ²

In Canada, the major organizations forming part of the Identity movement churches are the Aryan Nations Organization (known as the "Church of Jesus Christ Christian") based in Fort Langley, British Columbia and operating throughout the Lower Mainland of B.C.* and certain elements of the Ku Klux Klan, the national office of which is now based in New Westminster, British Columbia.

It is to these groups and others who indulge in more sophisticated forms of anti-Semitism across Canada** that the hard-core anti-Semites will be most attracted in difficult socio-economic times. A democratic system can not afford the luxury of postponing action against such organizations nor rely upon their modest numbers for consolation. Organized bigotry and racism must be dealt with immediately and at all levels of government. This paper presents, in part, certain specific remedies which can be utilized to deal with this problem.

Hate Literature

Section 281, the Criminal Code of Canada,³ outlaws the advocacy of gen-

ocide; the incitement to hatred of a group in a public place where that incitement is likely to lead to a breach of the peace; and all oral or written statements made in public that willfully promote hatred against any identifiable group. However, no move to combat anti-Zionism (as anti-Semitism) or Holocaust denial literature is even seriously contemplated at this time. Although both the Canadian Jewish Congress and the League for Human Rights of B'nai B'rith have proposed amendments to section 281 of the Code which would make it an offense in Canada to deny historical events (such as the Holocaust) for the purpose of inciting hatred against identifiable groups of people, the likelihood of success is small.

In Canada today, the 1975 U.N. Resolution equating Zionism with racism has opened the door through which the anti-Semites may freely pass. The resolution is used today by hate groups and known anti-Semitic publishing houses to disseminate hate literature against Zionists (read: Jews) under the guise of academic freedom and freedom of speech. (The irony in permitting this is simply that it has *never* been Canadian policy that individuals under the guise of freedom of speech and freedom of action can say things or take steps to incite or advocate the destruction of freedom which all of us enjoy. In fact, Parliament has ordained that certain kinds of speech have to be curtailed in the public good as the potential to harm outweighs the value to society in the guarantee of unrestricted freedom of speech.⁴)

² A.D.L. Facts: *The "Identity Churches": A Theology of Hate*; New York: 1983). Pps. 5, 12; *Hate Groups in America* (N.Y.: A.D.L. Publications, 1982), pps. 54-59; *Extremism on the Right: A Handbook* (N.Y.: A.D.L. Publications, 1983), Pps. 1-3.

* Branch offices are soon to be established in Calgary, Alberta and Regina, Saskatchewan.

** Canadian League of Rights; Canadian Intelligence Publications (Flesherton Ontario); The Institute of Economic Democracy (Vancouver, British Columbia); Samisdate Publications Ltd. (Toronto, Ontario).

³ Criminal Code, R.S.C. 1970, c.C-34 as amended, S.281.1-281.3.

⁴ *Canadian Human Rights Commission v. Western Guard Party and Taylor*, July 20th, 1979 unreported; see also E. Lipsett, "Freedom of Expression and Human Rights Legislation," *Manitoba L.J.*, Vol. 12 (No. 3), 1983, pp. 285-336 at pp. 313-319.

In contrast, Europe, and in particular France and Germany, have recognized that denial of the Holocaust through the perversion of history is tantamount to inciting hatred against the Jews. In France, Robert Faurisson, a former professor at the University of Lyon, was recently found guilty of incitement to racial hatred by accusing international Zionism of a "gigantic swindle" in inventing the Holocaust. Faurisson was ordered to pay damages for injury caused to Holocaust survivors in violating his duties as an historian through his denial of the Holocaust. On appeal, the Court found that by so acting, Faurisson had committed not merely a provocation but a racial slander.⁵

Canadian law, however, refuses to recognize these forms of anti-Semitism, for Section 281 adds provisos which make the possibility of any successful prosecution virtually negligible: convictions are barred where (a) the statements made are proved to be true or (b) where the statements are an opinion in a religious argument or (c) where they are part of a discussion "for the public benefit" and can reasonably be believed to be true, or (d) where the statements are, in effect, part of an assault on hatred. An additional stumbling block under that section is the requirement that the Prov. Attorney General involved give his or her consent for any Code prosecution. Critics have argued that Attorneys General have refused to act even in clear cut cases of inciting racism. Furthermore, no conviction under Section 281 can be obtained under this Federal hate law unless it is proven that the statement was made willfully which the Courts have now determined to be far beyond the criminal standard of

proof—that is, something more than beyond a reasonable doubt.

Given the proliferation of Holocaust denial pamphlets, booklets and materials surfacing in all regions of Canada (materials which are deemed illegal in most of the European countries), given the generally laid back and unabridged interpretations placed by Canadian jurists upon such concepts as freedom of speech and academic freedom (which are not only dissimilar from interpretations placed upon these concepts by European Courts but do not recognize any effective limitation in the interests of preserving those freedoms), given the recent multiplicity of extreme right-wing Identity Movement Churches in Canada who use their own interpretation of the New Testament to promote and justify so called "Aryan Culture" and themselves as the "real and true People of Israel", *it is likely that Adolf Hitler himself could successfully evade criminal prosecution under the present provisions of the Criminal Code.* In short, Section 281 of the Criminal Code of Canada does not work if its purpose is to stop the dissemination of literary hatred. In the thirteen years that the hate propaganda sections have been in the Criminal Code, only four cases have been prosecuted and any initial convictions obtained have been overturned on appeal.

Nor can one argue that the Canadian Human Rights Act fills the void created by the Criminal Code of Canada. Firstly, the impact of the new Canadian Charter of Rights and Freedoms (enacted April 17th, 1982) on both Section 281 of the Criminal Code and the Federal and Provincial Human Rights Acts is yet to be interpreted. Litigation may determine that the new Charter may have made these Codes either unconstitutional or in possible contravention of specific provisions of the Charter itself. In any event, a great deal of time and

⁵ *Research Report: Institute of Jewish Affairs* (London: World Jewish Congress, December, 1982, Nos. 20 & 21) Pps. 24-25.

money will be expended before these matters are resolved. Secondly, Section 13 of the Canadian Human Rights Act applies only to telephone messages, not others, such as those transmitted by broadcasting. In addition, the provision refers to repeated communications rather than a single one and makes it clear that the telephone facilities must be a "telecommunications undertaking under the legislative authority of Parliament." Thus, telephone companies, particularly in Western Canada are not covered by the provision. There would appear to be no defense such as truth, fair comment or public good. It should also be noted that the offense is that of the person(s) communicating the message as opposed to the carrier by which the message was conveyed. The greatest inadequacy of the Canadian Human Rights Act, however, is that it can only order (under Section 13) that the communicator cease and desist from the discriminatory practice. Consequently, no order for payment of damages can be made. The fact that the only successful application of this section (i.e.: stopping a "dial-a-hate message" in Toronto) is now before the courts again, except this time as a constitutional challenge to Section 13 (as being in possible violation of the new *Canadian Charter of Rights and Freedoms*), may bode ill for the future enforcement of human rights legislation in Canada generally.

Furthermore, the reinstatement of postal privileges to Samisdat Publishers in Toronto has now cast some doubt on the application of Section 41 of the Canada Post Corporation Act to future cases involving the dissemination of Holocaust denial literature through the Canadian mails. Section 41 provides

that interim and permanent orders prohibiting the delivery of mail addressed to or posted by a specific person will be issued where it can be established that a person is using the mails to commit or attempting to commit an offense or at least assisting another to commit an offense, or is using the mail in an attempt to commit an offense. The Zundel decision⁷ (October 18th, 1982) creates more ambiguities than it resolves. It is unclear whether the decision was based on the necessity to prove a conviction under Section 281 of the Criminal Code as a precondition to a prohibitory order or whether the decision was based on insufficient evidence to sustain the order. What is clear from the decision, however, is that the administrative board hearing the case was not satisfied that a case had been established that Zundel's material amounted to the promotion of hatred contrary to Section 281.2 (2) of the Criminal Code although they did not appear to base their decision upon that point. The reason for concern over the administrative board's decision was its stated view that the question of Holocaust denial was essentially "a much larger problem or struggle between two peoples, i.e. the Germans and the Jews." The statement does not only represent a complete lack of understanding of events and legislation in Europe but it fails to take cognizance of the realization that Holocaust denial is, in reality, a sophisticated manifestation of what today is called the "new anti-Semitism". Again, a great deal of time and money will be expended before the matter of future postal injunctions is resolved.

⁶ *Canada Post Corporation Act*, (29-30 Elizabeth II), C.54, S.41, as amended.

⁷ Postal Board of Review decision on S.41 of the *Canada Post Corporation Act*, Samisdat Publishers Ltd.: October 18th, 1982.

Proliferation of Hate Literature

It comes as no surprise then that Canada is one of the largest distributors of hate literature in the world. It is a relatively simple matter for individuals to obtain (at less than \$2.00 each) materials on *Jewish Ritual Murder*, *Protocols of the Elders of Zion*, *Debunking the Genocide Myth*, *The Hoax of the 20th Century*, *Anne Frank's Diary—A Hoax*, *For Those Who Can Not Speak*, *Did Six Million Really Die?*, *Nuremberg: A New Look*, *Six Million Lost and Found*, *The "Problem of The Gas Chambers"* or *"The Rumour of Auschwitz*, *The Talmud Unmasked*, *The Jews and Their Lies*, *Auschwitz: Truth or Lie?* *Israel's Five Trillion Dollar Secret*, *The Zionist Rape of The Holy Land*, *The Devil's Disciples* and *The Hidden Hand of Judah*.

It is a relatively simple matter for individuals to obtain mailings in and from Canada, the effect of which is to attribute all of the evils that have plagued mankind through the millennia to the "Zionist Troublemakers", the "Zionist Hoax Artists", the "Zionist Henchmen", the "Zionist Tyranny and Terror" and the "Zionist Genocide Program". In Europe, individuals who publish statements such as these are either fined or imprisoned. In Canada, however, they are free to publish under the guise of academic freedom and on the unqualified principle of freedom of speech.

It is a relatively simple matter to tune in radio talk shows in Canada to hear so called "pastors" from the Identity Churches speak of their fight for an Aryan National State where "it will be a capital offense to be a living Jew or a race traitor."

In short, the proliferation of hate literature in this country represents a growing challenge to the democratic system.

Provincial Legislation

Given the inherent inadequacies of federal criminal legislation it is necessary to probe the possibility of using civil law suits and provincial libel and slander laws to stop the dissemination and proliferation of hate literature in Canada.

Generally, provincial Human Rights Codes do not specifically deal with the question of hate literature. In Ontario, although an Ontario Human Rights Commission Report in 1977 had recommended adding a hate section to Ontario's Code, the amendment has yet to take place. Such statutes generally protect the individual from infringements of his rights on a wide religio-cultural range, e.g., religion, race, national origin and sex. Among the provisions contained in Human Rights Codes across Canada is a prohibition against the publication, display or broadcasting of signs, symbols or other representations "indicating discrimination or an intention to discriminate". In both Manitoba and Saskatchewan the Acts are much broader in that the specific provisions cover not just discrimination but also hate messages. In Saskatchewan, a further amendment has extended the areas circumscribed to include publications which expose or tend to expose individuals to hatred, ridicule, or indignity. The major problem with enacting legislation at the provincial level to deal with the problem of hate literature is primarily and fundamentally that criminal law, per se, falls under federal not provincial jurisdiction. If the problem of hate literature is to be attacked provincially, the questions which will arise necessarily will involve whether such provisions are beyond the jurisdiction of the provinces to the extent that they may apply to radio, television and/or cable broadcasting. There is also the

question of whether provincial legislation dealing with notices, signs, etc., is, in fact, beyond the jurisdiction of the provinces. Separate and apart from considerations arising from the new Canadian Charter of Rights and Freedoms, there is Canadian law to the effect that although the provinces have jurisdiction to regulate property and civil rights, the prohibition of the dissemination of ideas, particularly on political and religious subjects, is part of the criminal law power of Parliament.⁸ According to the recently published work of Professor Walter Tarnopolsky,⁹ unless there is evidence to show that the effects of such messages would be to enhance discrimination against the target groups (i.e. Jews) by ways or by means prohibited by provincial human rights legislation, the jurisdiction is federal.

It should be noted that one province, namely Manitoba, has a "group libel" provision included in its Defamation Act. Although there have been very few cases on this provision, one notable case, *Courchene vs. Marlborough Hotel*¹⁰, suggests that portions of the Act may well be beyond the jurisdiction of the province as being, in effect, "criminal libel." The judge noted that matters "tending to raise unrest or disorder among the people" are for Parliament alone to decide. This does not, however, take away from the right of an individual to use civil law suits in provincial libel and slander laws to seek redress from the Courts. The success or failure of the action, in such case, will depend upon the manner in which the libel or slander was conveyed.

⁸ *Switzman v. Elbing*, (1957) S.C.R. 285.

⁹ Walter Tarnopolsky, *Discrimination and the Law in Canada*; Toronto: Richard De Boo, 1982, pp. 335, 338.

¹⁰ *Courchene v. Marlborough Hotel* (1971), 20 D.L.R. (3rd) 109 (Manitoba Q.B.O.).

Administrative Remedies

It is perhaps because Europe has known the ravages of war and witnessed the trauma of the Holocaust that its member states have moved to deal with the problems of racism and the manifestations of anti-Semitism. It may well be that the absence of such tragedies on Canadian soil can explain Canada's bald naiveté on such matters. In any event, it is certain that a national strategy *must* be devised to deal with this problem—greater community awareness, organized bias task forces, greater sensitivity in educational, religious and public institutions, tighter police vigilance and co-ordination of activities with police integrated intelligence units, stiffer judicial discipline and targeted laws.

Separate and apart from the normal educational, social and religious dialogue that has characterized the Jewish community in its ongoing relationship with the general Canadian population, it is time to apply ourselves to the specific task of how to deal with the hard core anti-Semites and the Identity Churches who overtly and covertly violate the hate literature provisions of the Criminal Code but who can not be prosecuted successfully because of inadequacies in that statute.

Given the inherent inadequacies of legislation at the federal and provincial level, it is time to deal with the problem of manifest anti-Semitism through administrative and structural channels. Using administrative and structural vehicles already present within most communities will allow the Jewish community to combat the manifestations of anti-Semitism by attacking it in ways which are least likely to be covered by the media, through vehicles which will involve the smallest amount of cost and in all likelihood will involve the greatest probability of success.

Administrative Actions

Special legal committees should be established in each Canadian Jewish Federation with a mandate to review specifically all existing city and/or municipal by-laws for legislation relating to:

I. Marches or Parades

Committees should study and analyze the procedures which must be followed by groups or organizations in obtaining formal march or parade permits for any projected demonstrations that they may have in order to ensure that each procedure has been followed to the letter (e.g. trespass);

II. Unlawful Assembly

Any by-laws relating to the unlawful assembly by individuals or organizations at or near public places;

III. Prohibited Publications

Any by-laws relating to the public display of any prohibited publications;

IV. Distribution to Youth

Any by-laws relating to the distribution of morally offensive materials to children;

V. Littering

Individuals or organizations distributing anti-Semitic leaflets (e.g., on car windshields) without proper approval, may fall under this bylaw or some variation of it;

VI. Breach of the Peace

Any by-laws relating to activities of groups or individuals which may be interpreted as being in breach of the peace;

VII. Licences

In many cases, a criminal record can serve as a circumstance in denying various kinds of licences. Some consideration may be given to a remedy of this nature depending upon the particular situation;

VIII. City Graffiti Lines

Federations may wish to consider the possibility of applying to their local city councils for a 24-hour graffiti hot-line which would provide that the Department of Public Works would be empowered to remove any anti-Semitic graffiti from public places within 24 hours of the report being made;

IX. Open Fire Ordinances

Any by-laws or Ordinances dealing with individuals or organizations starting open fires (ie: cross-burnings) in unauthorized locations or, alternatively, without having obtained the proper permit, where required;

X. Defacing Public Property

Any by-laws or ordinances which deal with the defacement of public property;

XI. Institutional Vandalism, Ethnic Intimidation and Civil Remedies

Any by-laws or ordinances dealing with (a) the defacing of structures or places used for religious worship or other religious purposes; (b) the desecration of places used for the purpose of burial or memorializing the dead; or (c) any defacement of schools, educational facilities or community centers (or the grounds adjacent to each of the aforementioned or personal property contained within or on them).

Separate and apart from any criminal prosecution which may result from these activities, a civil remedy should be statutorily established which would permit general and special damages for relief. The Anti-Defamation League of B'nai B'rith has recently put forth a model statute upon which such legislation (with adaptation and modification for use by Canadian institutions) can be based.

Other administrative actions which may be of use in dealing with anti-Semitic individuals or organizations at the grass roots level would include:

Incorporations and Charitable Societies

A check on the possible incorporation of any suspected right-wing extremist organizations into local branch Registrar of Companies. If any of the "Identity Churches" for example, are incorporated, the corporate documents including the Objects and the by-laws can be reviewed and monitored so as to ensure absolute compliance without deviation. Corporate members are normally entitled to make Chambers Applications in such an event. Furthermore, as such organizations may be using charitable societies as covers for racist activities, monitoring the activities of such "charitable" societies is vital. Violations of its objects may result in revocation of the society's charitable tax status (and related membership benefits that accrue by virtue of that status). The Ku Klux Klan, for example, is incorporated in the Province of Alberta;

Monitoring

(a) Mailings:

It is imperative that any agency monitoring suspected right-wing extremist organizations in Canada should arrange to be placed upon the mailing list of such an organization and to monitor, actively and passively, any scheduled meetings for either prohibited and/or racist materials. In addition, Jewish com-

munity leaders throughout the province should be advised of the dates, times and places of such meetings in their localities as well as the names (and pseudonyms) of both the organization and its leaders. Monitoring such activities in outlying areas is particularly vital and the relaying of information to the nearest Federation office will ensure the continuity and completeness of all information.

(b) *Radio talk shows:*

Monitoring radio talk shows in local communities should also form an essential part of the monitoring process. Several communities have, to date, arranged a telephone response system whereby individuals who obtain air time to broadcast racist attitudes and philosophies are responded to rapidly and efficiently by specified individuals in each community who are fully knowledgeable about the subject areas.¹¹

(c) *The written media:*

Knowledge of the names, pseudonyms and philosophies of such organizations on a continual basis will ensure that letters to the editor (for instance) are replied to by individuals whose task it is to monitor newspapers for such publications. Information on both the individuals and their organizations will assist in consultations with the editorial boards of local newspapers which normally require correct names and addresses prior to publication. Newspaper editors do not take kindly to publishing letters signed by authors using fictitious names. On another matter, while freedom of the press is accepted as a given, it would not be inconsistent to request that activities of such organizations not appear on the front page of a particular newspaper. However, where press councils exist, careless and/or ill-considered actions or expressions by a newspaper must be challenged.

Postal Information

Section 41 of the Canada Post Corporation Act, as discussed, allows for the possibility of an injunction against any distributor who dis-

seminates hate literature through the Canadian mails. It is important that both the envelope and the contents containing suspected anti-Semitic material be forwarded to local Federation offices.

Customs

Familiarity with any and all relevant Customs Regulations as well as the lists of all publications and publishing houses whose materials and books may be prohibited in Canada. A great deal of material from numerous publishing houses in the United States and Europe has already been prohibited and particular attention should be paid to Schedule "C" of the Tariff Section which deals with Prohibited Goods and, in particular, Item 99201-1 which states that "books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character" may be prohibited. Therefore, knowledge of the Customs regulations in this regard is absolutely imperative. Monitoring these prohibited materials at the meetings of extreme right-wing organizations should be maintained. All *Customs stamps* which may appear on such materials either directly or on the envelopes containing them should be retained.

Disciplinary Proceedings

Where local school board committees on racism have not yet been established in local school districts, efforts to do so should be undertaken in order to establish guidelines in the schools on the process by which racial incidents are to be dealt with. Teachers who consistently violate the accepted teaching standards set by their respective departments of education should remain subject to disciplinary proceedings. The manner in which the Keegstra case was dealt with represents the classic example of using existing provincial legislation to maintain commonly accepted standards of educational instruction. Any provincial Acts relating to public school education in Canada should be seriously reviewed and scrutinized.

Conclusions

Deepening hostility to Israel, an increase in potentially violent anti-Semitic incidents, the growing militancy of right-wing and left-wing extremist groups, the formation of an intellectual right with its racist ideas and the efforts to falsify history by denying the Hol-

¹¹ However, where radio stations consistently feature racist and/or anti-Semitic speakers and where they are emphatic about continuing such a course of action, Federations should consider application to the *Canadian Radio and Television Commission* (C.R.T.C.) and should focus their attention on the renewal of the station's broadcasting licence. Attention should be paid to the station's responsibility to the public and its questionable right to continue the transmission of such threatening and blatantly inflammatory programs.

ocaust—this is the face of the new anti-Semitism, the new Jewish condition in Canada.

To this and more, to the rue Copernics of our time, the Jewish response must be, quite simply, to let none of it pass. As a community we must cease worrying about making waves, the waves are being made for us. The notion that if Jews acted any differently, so would their enemies, is ridiculous. The Jew is the victim of anti-Semitism, not its cause. Goldenberg's restaurant in Paris would have been bombed even if Arik Sharon was not having his way with the West Bank.

A recent report on anti-Semitism issued out of London by the Institute of Jewish Affairs concluded with these words:

Anti-Semitism can not be cured. It can only be fought. And it has been demonstrated many times that Jews are the only people who can be counted upon to fight it.

What then is the sum total of all of this? It is probable that we are indeed in for a new wave of anti-Semitism, one that will be most difficult to fight by our *traditional* methods. The question is not so much the existence of anti-Semitism but whether it is manifest or latent. There is little question that after a generation of latency, it is becoming more manifest today. In a very real sense, the mid 1970s mark, among other things, the demise of the taboo against Jewish hatred. Therefore, the

new anti-Semitism is more likely to involve acts of vandalism and possibly terrorism than discrimination, which means that it will have to be fought with greater militance by Jews around the world.

The right to freedom of expression is a right to freedom of expression of opinion. Hatred is not an opinion. It is an emotion. Jean Paul Sartre, in his book *Anti-Semite and Jew*, has written: "I refuse to characterize as opinion a doctrine that is aimed directly at particular persons and that seeks to suppress their rights or to exterminate them". Hatred, itself cannot be abolished. The propagation of hatred can and should.

The substitution of administrative remedies for what are essentially criminal problems does not, in any way, diminish a government's constitutional responsibility to enact effective criminal legislation capable of dealing with those factors which could ultimately threaten its entire population. I say *its* entire population because Jews have traditionally been the barometers of the societies in which they have lived, and as it has gone with the Jewish people, so it has generally gone with democracy. Canada's refusal to deal with the realities of hatred in the 1980's will not only be seen as a reflection of this country's stand in the area of enforcement of human and civil rights, but may be the harbinger of things to come.