

# The dirty Canadian secrets I don't tell Americans

HOUSE OF COMMONS OF CANADA

## BILL C-63

An Act to enact the Online Harms Act, to amend the Criminal Code, the Canadian Human Rights Act and An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service and to make consequential and related amendments to other Acts

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by Conrad Black

**For some weeks, I have been committing** the moderate indignities that are of the lot of all authors selling newly launched books. Even though I do not attempt to live off the proceeds of the book sales, I'm obligated to the publishers to do my best to promote sales, and am, of course, happy to do so. It leads to interesting encounters with an extraordinary variety of people in an era in which I can speak from a specially wired and illuminated place in my home by Zoom or Skype or equivalent methods to people and groups almost anywhere. Because my current book (the first volume of my anticipated three-volume treatment of the modest subject of the political and strategic history of the world), insofar as it attracts any interest, could be appreciated by people who can read English anywhere, I have so far spoken to people and groups in most states in the United States and an appreciable number of British and Australian connections, and I'm really just getting underway in Canada.

My reason for mentioning this is that, throughout this process, I have found that Americans are intensely curious about what they understand to be the destruction of human rights in Canada. I have never known Americans to be so familiar with pending legislation in this country as they are with Bill C-63, the Online Harms Act, which deals with hate speech communicated over the internet. Obviously, every responsible person disapproves of the incitement of hate, other than in the rare cases where it is objectively justifiable – no one would reasonably object to the incitement of hate against physically belligerent Nazis or other racist terrorists or almost all categories of those who commit unprovoked and premeditated murder. And Bill C-63 does carefully establish that it is not aiming at matters that merely humiliate or offend or insult people.

But it does provide for the possibility of life imprisonment for incitement to genocide, and it allows individuals to be placed under house arrest if it is believed they will commit a hate crime in the future and outlaws speech that is “motivated by hate.” Last week, I was the guest of a radio commentator in Wichita, Kan., who is considerably better informed on the state of these discussions in this country than any Canadian with whom I have discussed them. Other than in the most egregious or frivolous cases, I always feel it is my duty to defend Canada against the criticisms of outsiders; all of us who are in the media of foreign countries from time to time sometimes have to bowl for Canada (cricket expression), and wave the Maple Leaf flag around a bit, and generally enjoy doing it. I have attempted to reassure these Americans – who in every case expressed their liking and respect for Canada, as well as their concern that matters must be going horribly wrong if the government is threatening to send people to prison for life for inciting genocide – while acknowledging that such a practice is completely reprehensible.

My customary response is to remind them that the Federal Court

determined that the government's invocation of the Emergencies Act to deal with the Freedom Convoy, an episode that many Americans seem to know a good deal about, was unjustified, and that they should have no fear that the courts of this country will fail to provide whatever moderation and amendment is necessary to the pending legislation. In the case of the more aggressive questioners, even though I'd been invited onto their programs and podcasts to sell my book and not defend the present Canadian government, I gently suggested that it would be more productive to concern themselves with their own government, which is attempting to turn the criminal justice apparatus of the United States, and now even its civil courts, into an appendage of the dirty tricks division of the Democratic National Committee. That generally throws them off the track (they usually agree).

I did not judge it appropriate to offer my own concerns that Canada is a country that has been much too free in bandying about charges of genocide, especially and very unjustly, in reference to our historic treatment of Indigenous people. Nor did I see any reason to discuss with foreigners my own reservations about trusting in our courts to determine the motivations of accused people.

This is very unsatisfactory legislation as formulated, and I can only hope that the debate process makes it less worrisome and less prone to abuse. But it opens broader questions about the current purposes of Canadian public policy. Our rate of economic growth appears to be stagnating and our standard of living is not keeping up with our peers. At the same time, rather than meeting its NATO commitments, Canada is looking to cut its already paltry defence budget. This is a time of weak and bitterly divided government in the United States, in which the European NATO countries and other allies are all raising their defence commitments and attempting as best they can to fill the slack that has accrued in American policy-making, while that country determines whether it accepts or rejects

the Trump phenomenon, which is essentially the reorientation of the Republican party to be the champion of all those who have been under-served by the last 20 or 30 years of American economic growth.

All countries go through times of introspection and comparative political incoherence and it behooves any nation that has sheltered under the assurance of American protection to begrudge such a time of self-reassessment in the United States, though it appears that the current controversy will be resolved in November. But Canada simply has to do better. The Macdonald-Laurier Institute, which is a relatively new and innovative think-tank, is beginning a study on the lack of a grand strategy for this country. This is a point that I have raised in these pages from time to time; if there is a strategy, it is a presumably well-intentioned effort to make us a fairer and therefore better place. But too much behavioural tinkering and meddling sedates and muddles a society. Governments must prohibit bad things and encourage good things, but it has no standing beyond that to tell people how to behave, and its personnel are rarely sufficiently distinguished to have any standing to do so anyway.

We need to work out a comprehensive plan of action with the meritocratic leaders of First Nations, to uplift that community. We need a policy of environmental protection that enables us to extract maximum economic benefit from all of our fossil fuel industries and keep our gasoline and fuel prices low. We need a tax system that moves steadily away from the confiscation of income to taxing optional spending and consumption. We should work toward a hard currency and a very positive climate for capital investment. And we need a massive rebuild of our defence forces, including the high-tech industry that supports them and the vast benefits of adult education available to members of the Armed Forces. When we have done all that, and it would not take long, we will be able to exercise an influential voice in the world, advocating

peace through strength, influence by good example and absolute reciprocal solidarity with like-minded free nations throughout the world. Canada's opportunities aren't going away; we just aren't grasping them. These are my thoughts as I depart for the funeral of Brian Mulroney, my friend of nearly 60 years.

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