

## Dateline Montreal by Gilles Gervais

### Pro-LaRouche party wins case

*Canada's Supreme Court reaffirms constitutional guarantee of freedom of expression and the right to organize.*

An appeal by *Her Majesty the Queen In Right of Canada v. The Committee for the Commonwealth of Canada*, before the Supreme Court, was dismissed on Jan. 25, 1991.

The case raised "a 'classic' confrontation between the acknowledged value of political expression and legitimate government interests in imposing certain restrictions on expression generally," stated the Hon. Madame Justice L'Heureux-Dube in her 72-page opinion. The other six Supreme Court Justices who heard the case also issued *Reasons for Judgment*, thereby ending a seven-year process of litigation in the federal courts.

Most Canadians greeted this Supreme Court decision as a victory for free speech. Many saw it as an enhanced opportunity to express dissent, as the government tries to get the nation to back a Persian Gulf war for which there is no expressed majority support among Canadians.

Referencing a recent decision by former Chief Justice Dickson, Justice L'Heureux-Dube noted that the "content of expression should not be a relevant consideration in interpreting s.2(b) of the 'Charter.'" For Chief Justice Dickson, whether the meaning expressed is "invidious and obnoxious is beside the point."

In the winners' circle is the Party for the Commonwealth of Canada and all those who cherish the right to freedom of speech. The Commonwealth Party was inspired by, firstly, the Leibnizian tradition of natural law that the American statesman Lyndon LaRouche espoused in his gift to Canadians, his

"Draft Constitution for the Commonwealth of Canada," and, secondly, by the LaRouche-initiated citizen-candidates' movement that was already emerging in 1984 in the United States as a mass-based phenomenon.

The cruel irony is that George Bush's "Man in the Iron Mask," American political prisoner Lyndon LaRouche, the recognized leader of a worldwide anti-Bolshevik resistance movement, has seen his "constitutionally guaranteed right" to express his ideas freely, reaffirmed, through the instrument of the Party for the Commonwealth of Canada, by the Supreme Court of Canada. Canada's government had allowed its financial elite, and especially Conrad Black's Hollinger Corp.-centered intelligence networks, to play a key role in the judicial railroad of LaRouche that led to his unjust imprisonment in a Minnesota federal penitentiary.

In arguing against revoking rights to express dissent, Justice L'Heureux-Dube cited U.S. Supreme Court Justice Louis Brandeis in *Whitney v. California*. "Those who won our independence believed that the final end of the state was to make men free to develop their faculties. . . . Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed."

The following excerpts from the 72-page document, give some flavor

of the arguments related to the scope of freedom of expression and the kind of public property on which that right may not be restricted: "An overly rigid categorization focusing exclusively on place would tend to lose sight of the forest for the trees. The First Amendment as well as the 'Canadian Charter of Rights and Freedoms' were designed to protect people, not places. . . . [B]us stations and airports . . . are 'contemporary crossroads' or 'modern thoroughfares,' and thus should be accessible to those seeking to communicate with the passing crowds. . . . Bus, train, and airport terminals are indeed modern boulevards, extensions of Main Street. The list of sites traditionally associated with public expression is not static. . . . The non-security zones within airport terminals, in my view, are properly regarded as public arenas."

On June 11, 1990, the day the most famous U.S. political prisoner was denied a writ of *certiorari* by the U.S. Supreme Court, LaRouche issued the prophetic warning: "Unless the United States changes, unless this [Attorney General Richard] Thornburgh-[Supreme Court Chief Justice William] Rehnquist pattern is reversed, very quickly, by the means provided by the Constitution, I think we can be sure that it will occur by means provided by the street, outside the constitutional processes."

Canadians can help ensure such changes are brought about by taking away the bilateral and multilateral props that the Canadian government has provided to the lame-duck U.S. President for his administration to launch a New World Order capable only of bringing about more suffering for mankind. Let us get rid of the Canada-U.S. Free Trade Agreement, the General Agreement on Tariffs and Trade talks, and Canada's slavish support for the Gulf war.