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# The Crimes You're About to Commit

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We all understand that part of justice—in a legal sense—involves punishment for a crime one has committed. In the New World Order-style society envisioned by the Trudeau-Singh NDP-Liberal government, "justice" would also include punishment for crimes one is about to commit. Or, more accurately, a crime that someone deems you likely to commit. And by "crime," I don't mean robbing a bank or mugging someone in the park. It could be something as sinister as publishing a statement that seems likely to cause the reader to "detest or vilify" another person . . . a statement that you have not yet published.

Bill C-261 was introduced at First Reading by Liberal MP Kevin Duong (Spadina-Fort York) on March 28, 2022.[1] It replaces Bill C-36, which was tabled in the previous Parliament. It purports to deal with online hate speech but comes with a provision that allows "an information to be laid before a court" before an online hate crime has actually been committed, if the complainant believes that the accused is "likely" to commit such a crime.[2]

Of course, in all such matters, various words such as "hate" must be defined and the definitions themselves are subjective. To understand the meaning of "hate" in this bill, we must distinguish between problematic feelings like, "detestation" (Oxford: "intense dislike") and the more moderate and acceptable feeling of "dislike" (Oxford: "feel distaste for or hostility toward"). We must differentiate between problematic actions like "vilify" (Oxford: "speak or write about in an abusively disparaging manner") and the more acceptable attitude of "disdain" (Oxford: "the feeling that someone or something is unworthy of one's consideration or respect; contempt").

Remember, no physical action has taken place, no assault or confrontation; only the publishing of a statement (or "pre-publishing", as the case may be) that seems likely (in the eyes of the accuser) to subject a person or identifiable group to detestation or vilification . . . .

The complainant—in order to initiate proceedings—has only to convince a judge that he or she has "reasonable grounds to fear" that an offence is likely to be committed. In fact, the gist of the complaint is the "fear of a hate crime." In 1933, US President Franklin Roosevelt famously said: "The only thing we have to fear is fear itself." It's interesting that in regard to Bill C-261, the essential element is not the actions of the accused but the fear felt by the complainant.

What are the consequences of a ruling by the judge against the accused? If a provincial judge is convinced that the "informant has reasonable grounds for the fear," the judge may compel the defendant to "enter into a recognizance," that is, to accept certain conditions or go to prison. Conditions may include:

- Requirement to wear an electronic monitoring device.
- Requirement to return to or remain at one's place of residence at specified times.

- Requirement to refrain from alcohol or drugs.
- Ban on possession or use of firearms.
- Requirement to provide a sample of a bodily fluid for testing.

Remember, there has been no criminal conviction. The accuser has simply accused someone and convinced a judge that the accuser may have cause to fear. But, the above sentences are very real and failure to enter into recognizance may result in a maximum twelve months in prison.[1]

In all this, the "informant" has a right to anonymity. In other words, the defendant is denied the right to face his or her accuser in court or to know who has laid the information. In the past, this was a fundamental principle: the right to face one's accuser. Along with that, true democracies have always protected the right to be presumed innocent until proven guilty. These basic human rights and fundamental principles of justice seem likely to be swept away if C-261 passes.

Under the provisions of C-261, if the court rules against the defendant, he or she may also be required to pay to his or her accuser, the sum of $20,000, with the possibility of an additional $50,000 to the government. This puts the anonymous informant in the position of a bounty hunter, who not only is able to torment and bankrupt one who holds a different ideological world-view, but who could make a bit of money on the side.

It seems that we haven't learned from our mistakes. We saw similar "bounty hunting" in the first decade of this century when the STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS struck down Section 13 of the Canadian Human Rights Act based largely on the actions of Richard Warman an employee who was awarded tens of thousands of dollars by filing human rights complaints. As Mark Steyn described it, Warman was "hunting down so-called haters and turning them in for lucrative tax-free sums."[3]

C-261 is a disastrous bill and must be stopped. Along with C-11, the government's internet censorship bill, it is an assault on the vestiges of free speech and imposes the Orwellian concepts of citizen-informers and backroom judgments on Canadians.

The Christian Heritage Party upholds the Charter commitment to "the supremacy of God and the rule of law." Our courts should not become political tools to compel uniformity of thought or to punish those who express opinions contrary to government policies.

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## Footnotes

[1] www.parl.ca/DocumentViewer/en/44-1/bill/C-261/first-reading

[2] www.standingforfreedom.com/2021/06/canada-proposes-another-hate-speech-law-and-this-one-is-just-as-threatening-to-free-speech/

[3] www.ourcommons.ca/DocumentViewer/en/40-2/JUST/meeting-36/evidence

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