

# Homophobic Hate Propaganda in Canada

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## I. INTRODUCTION

While the typical hate crime is perceived to be of a violent nature perpetrated by individuals connected to Nazi and neo-Nazi groups and white supremacists, a more insidious form of hatred exists in the form of hate propaganda (Kinsella 1994; Martin 1995; Sher 1983; Sunahara 1981; Abella and Trooper 1982; Barrett 1987; Betcherman 1975; Bolaria and Li 1985; Frideres 1976). In Canada “hate messages take a variety of forms including flaming crosses, heckling at memorial services, music, and desecration of synagogues, mosques, or temples” (Commission for Racial Equality 1999, quoted in Kazarian 1998, 204). “In the winter of 1992, a lone protestor at an Ontario university disrupted a Kristallnacht (night of broken glass) ceremony in memory of the 1938 attack by Nazi soldiers on Jewish homes and businesses” (Gillis 1993, quoted in Kazarian 1998, 204). And “on a May 1993 weekend in London, Ontario, 40 members of the Ku Klux Klan—men, women, and children wearing white robes and conical hats—attended a cross-burning ceremony to celebrate the white race on a private property” (Swainson and Small 1993, quoted in Kazarian 1998, 204). In 1994, a skinhead in Toronto was sentenced to four years in prison for beating a Tamil immigrant into paralysis. Just before the attack, the man had attended a racist rock concert where he was inspired by such lyrics as “These boots are made for stompin’. . . One of these days these boots are going to stomp all over Jews,” and “Let’s go coon huntin’ tonight” (Prutschi 1994, 5). Ernst Zundel, a Toronto publisher, has spread the message throughout Canada and many parts of the world that the Holocaust is one huge politico-financial swindle engineered by the Jews to extract money for themselves and Israel. In 2005 Canada deported Zundel to Germany, where he faced charges of incitement of hatred based on his denial of the Holocaust. In 2007 Zundel was convicted of 14 counts of incitement of racial hatred and sentenced to five years in prison for denying the Holocaust (CBC 2007). Prutschi reports that James Keegstra, a former teacher at a high school in the small rural community of Eckville, Alberta, for close to fourteen years, taught his social studies classes that the Talmud was a blueprint for evil and that the Jews were at the root of most world calamities and upheavals. Malcolm Ross of Moncton, New Brunswick, also a teacher, has written a number of books and pamphlets warning against a world Jewish conspiracy to undermine Western Christian civilization and

disputing established accounts of the Holocaust. John Ross Taylor, a Nazi since the 1930s, has operated a dial-a-racist telephone message service in Toronto. Also in Toronto Donald Andrews, through his publication *The Nationalist Report*, has pursued an antisemitic and white supremacist agenda (Prutschi 1990, 37-39). Kazarian (1998, 204) notes that “hate messages and literature, and revisionism of historical realities are also communicated through the use of computers, fax machines, telephone hotlines, and the Internet (Gillis, 1993; Kazarian, 1997; Bailey, 1998; Sun Media Newspapers, 1998).”

Racism and hate propaganda have long been a part of the Canadian experience, beginning with attitudes toward First Nations persons in the colonial period and the resulting “campaign of de-humanization, de-tribalization and marginalization” (Mock 1996, 1) to “the poor treatment of the Chinese in British Columbia at the turn of the century” (Goldschmid 2000, 55). Rosen (2000) reports that in the 1960s, the distribution of hate propaganda, mainly anti-Jewish and anti-black, was widespread in Canada, especially in Ontario and Quebec. As a result, the Cohen Committee put together the 1965 report which formed the basis of the 1970 amendments to the Criminal Code (318-320) adapted by the Parliament of Canada (Rosen 2000). “Another wave of hate propaganda came in the mid 1970s and 80s. This wave brought successful prosecutions against Jim Keegstra, Donald Andrews and Robert Smith. A 1982 Gallup poll indicated that 31 percent of Canadians would support organizations that worked toward preserving Canada for whites only” (Jeffrey 1998, 3, Anand 1998, 215, quoted in Cohen 2000, 71). Cohen thinks that “North America is undergoing a ‘third wave’ of hate propaganda, the first having been the rise of anti-Jewish and anti-Black hate propaganda in the 1960s, and the second the expansion and prosecution of those efforts in the 1970s and 1980s” (quoted in Rosen 1996, 1-4). “The Third wave is characterized by the dissemination of cyberhate, the expansion of target groups, and the corresponding rise in hate crimes directed at women and members of minority groups” (Cohen 2000, 71).

## II. THEORIZING ANTI-QUEER HATE PROPAGANDA IN THE CANADIAN CONTEXT

What gives people the idea that it may be “open season on homosexuals in Canada”? And, where does this “protection from gratuitous violence” begin? What is and is not discourse that supports homophobic attitudes? How much of it actually exists? Is law an appropriate venue through which to challenge such discourse? Is it successful or effective? Is education such a venue? What are the controversies around this debate? Are the discourses of violence reproduced by hate-mongers taken seriously by the general pub-

lic? If not, why should we be concerned? There are the libertarian categories supporting freedom of expression and individual rights and they often conflict and contrast with egalitarian rights and community standards.

I ask these questions without necessarily getting answers. Through *prima facie* examples drawn from regional, national, and international mainstream and alternative media, what is revealed, however, are patterns of hate propaganda which raise questions about the potential effect of this propaganda. It is true that queers find ways to resist offensive discourse. But that should not prevent the development of a needed awareness of what patterns are evident in the discourses and how the language used against us intersects with racist, sexist, and antisemitic discourses. These links reveal that the hatred that is produced may be an attempt to control groups of people whose difference signals an opposition to the maintenance of heterosexual realities.

Debates about the necessity of providing protections against hate-mongering are informed by two contrasting interpretations of rights—libertarian and egalitarian (Hemmer 1995, 307-17). The extant research on hate propaganda in North America is informed by these two theoretical frameworks, which therefore influence the analysis of data.

Within the liberal consensus model a tension exists between those who argue for the right to freedom of hate speech and expression and those who argue for the rights of groups to be protected from speech that promotes hatred. In every Canadian case thus far in which prosecution was brought under section 319(2) for the willful promotion of hatred, the defense has argued that it violated the accused's right to freedom of speech. While some argue that freedom of speech is the necessary condition of all other freedoms (Berger 1981), others argue that there is no truly free marketplace of ideas when all individuals do not have equal access to forums of speech (Eid 1994). Others suggest that freedom to propagate hate is not so much a freedom as it is a socially destructive ideology (Dias 1987). Still others argue that hate speech restricts the speech of the target (Shefman 1994; McKenna 1994). Karen Mock (1995) points out that hate speech in Canada often finds its way into rather sophisticated venues under the guise of freedom of speech. The problem under the liberal consensus model is to criminalize hate speech without limiting freedom of speech. In contrast to the liberal consensus model, conflict theorists argue that hate crime law does not develop out of a broad-based normative consensus over competing ideas and interests, but rather develops out of the competition of groups at the level of norms as well as at the level of individual interests, power, and resources (Suriya 1998, 66). Often, critical race theorists, feminists, libertarians, African Americans, Jews, gays and lesbians struggle to define their

place within the hate crime discourse and find themselves excluded from legislative protections (Matsuda 1993a).

Drawing on the work of critical race theorists (Matsuda, Lawrence, Delgado, and Crenshaw 1993, 6), I begin with the presumption that heterosexism is endemic to life in Canadian society. This paper utilizes the approach used by critical race theorists Charles L. Lawrence III, Mari J. Matsuda, Richard Delgado, and Kimberle Williams Crenshaw (1993) to explicate hate propaganda representation in the Canadian context. In extending critical race theory to analysis of hate propaganda directed toward Canadian queers, this paper seeks to include an analysis of homophobia and heterosexism in its analysis of hate propaganda. Extension of Matsuda et al.'s model includes the following presumptions: Heterosexism and homophobia are endemic to Canadian life; queers should develop a skepticism toward "dominant legal claims of neutrality" (Matsuda et al., 6); a "rejection of ahistoricism and the insistence of a contextual/historical analysis of the law" (Matsuda et al. 6); a recognition of the experiential knowledge of queer persons and their communities of origin; and, borrowing from a number of interdisciplinary traditions, the use of theory and methodology to allow use of voice and advancement of the political cause of sexual minority justice; and finally, the utilization of social justice initiatives that work toward the elimination of queer oppression with the goal of obtaining mutual social transformation (Matsuda et al., 6-7). Critical sexual minority theory works toward the end of eliminating queer oppression with the "goal of ending all forms of oppression" (Matsuda et al., 6-7). This approach acknowledges and investigates intersecting forms of subordination, multiple consciousness, and multiple political practices, examining the various ways in which queer persons experience subordination (Matsuda et al., 7). Likewise, this approach takes into consideration the deconstruction of theories which do not take the existence and experience of queer persons into account. This methodology has informed research to date on violence in lesbian relationships and anti-gay/lesbian violence (Ristock 2002; Faulkner 1998).

Critical race theorists such as Matsuda, Lawrence, Delgado, and Crenshaw (1993) support egalitarian views that target assaultive speech. Their method of researching harm is to examine incidents, legal cases, and the impact of hate speech on communities. Their aim is to build theory through reflection on action. First amendment revisionists typically come from victimized communities such as persons of color, women, lesbians, and gays, who are disproportionately among those who support the sanctioning of hate speech, and these researchers note that the Jewish community is sharply divided on this issue (Matsuda et al. 1993, 2). Beginning from the subjective, critical race theorists create new forms of scholarship by using

personal histories, parables, chronicles, dreams, stories, poetry, fiction, and revisionist histories to convey their message (Matsuda et al. 1993, 5).

In advocating the use of law to sanction hate speech, I agree with egalitarians that curbs on hate speech are necessary to protect minority groups from the harmful effects of hate speech (Matsuda, Lawrence, Delgado, and Crenshaw 1993; Verrerling-Braggin 1981). However, recognition under law does not mean that queers no longer need to engage in social action for social change. Egalitarians raise the question of whether there are “reasonable limits” on freedom of expression and suggest that “insofar as hate propaganda has no redeeming social value and is inherently harmful to both target groups and the social order, restrictions on freedom of expression explicitly designed to curb hate-mongering represent ‘reasonable limits’” (Kallen 1984, 4). Guided by the liberationist pedagogy of Paulo Freire (1984), they argue that liberationist teaching contains two dimensions: “Reflection and action, in such radical interaction that if one is sacrificed—even in part—the other immediately suffers” (Matsuda et al. 1993, 11). In order to conduct research guided by this critical pedagogy, they seek to inform their understanding and analysis by critical reflection on political action.

In order to conduct an exploratory analysis of the extant hate propaganda directed toward queer persons in Canada, I provide: an overview of the existing legal sanctions, documentation of *prima facie* evidence of hate propaganda directed toward queers, discussion of the effects of such violent discourse and recommendations for future research in this understudied area.

### III. METHODOLOGY<sup>1</sup>

The research for this paper began as a project for the Department of Justice (Canada) in which I was asked to explore evidence of materials that would constitute hate propaganda under sections 318 or 319 of the Criminal Code, against groups not covered by the definition of identifiable group (Faulkner 2001). The expanded groups were sex, age, mental or physical disability, and sexual orientation. Four approaches were taken: a review of literature, a review of case law and legislation, interviews conducted with non-governmental organizations, and analysis of hate propaganda in print media and on the Internet.

In order to compile *prima facie* evidence of hate propaganda against lesbians, gay men, and bisexuals, I gathered data from regional, national, and international media sources; social science and legal literature; an exploration of case law; interviews with non-governmental organizations; and a search of Canadian Internet sites. The aim of the search was to deter-

mine if there is *prima facie* evidence of hate propaganda against these groups. Data was obtained from the Coalition for Lesbian and Gay Rights Ontario (CLGRO 1992-2004), Equality for Gays and Lesbians Everywhere (EGALE 2001; 2003), the Lesbian and Gay Issues and Rights Committee of the Canadian Bar Association (1995), The Hate Sub-Group (Multiculturalism) (Hess 1996), and a review of Canadian Internet sites such as Freedom-Site, Canadian World Domination, Canadian First Immigration Reform Committee, Heritage Alliance, Heritage Front, Canadian Association for Freedom of Expression (CAFÉ), Citizens for Foreign Aid Reform, Canadian Patriots Network (CPN), Heritage Front, Aryan Nations, and Church of the Creator.

The research methodology I employed for this paper involved building on Hess's themes as a means to guide my own exploratory analysis of patterns of hateful speech emerging from Canadian mainstream and alternative print media as well as public political parliamentary debates and on Canadian Internet sites. A large amount of my data was obtained from news clippings from 1992-2004 archived at the Coalition of Lesbian and Gay Rights Ontario, Canada (CLGRO).

Of course there are limitations to this data. CLGRO collects their news clippings through review of regional, national and international alternative and mainstream presses as well as Canadian parliamentary debates and the Hansard. Criteria for inclusion in my analysis of *prima facie* evidence of hate propaganda is documentation of sexual minority discrimination and oppression in the regional, national and international context. Given the focus on sexual orientation discrimination, CLGRO's choice of media outlets may be selective. Alternative presses usually document politically oriented news not considered newsworthy in the mainstream press. It is therefore inevitable that the media sources surveyed are likely skewed, which is a limitation of this study's data source. The investigative lens through which CLGRO collects news items may be skewed in the direction of gay, lesbian and bisexual experiences of hate propaganda rather than that of trans-identified persons. As well, intersections of class, race, gender and sexual orientation are not explored in the documentation of hate propaganda. The focus on Canadian media leaves out an analysis of international trends. More research is needed on the sexualization of queers in mass media. Given the exploratory nature of this investigation of the *prima facie* existence of hate propaganda directed toward sexual minorities in the Canadian context, the next step is to undertake a more rigorous examination of mass media and its impact on attitudes and behavior using "cultivation theory." For example, Gerbner, Gross, and Melody (1975) conduct content analysis of mass media to assess the cumulative impact of negative attitudes on behavior.

## IV. CURRENT LEGAL SANCTIONS

The 1966 *Report of the Special Committee on Hate Propaganda in Canada* (the Cohen Report) claimed, "However small the actors may be in number, the individuals and groups promoting hate in Canada constitute 'clear and present danger' to the functioning of a democratic society" (Canada 1966, 24; Cohen 2000, 80-81; Suriya 1998).

Despite this 1966 statement, Canadians remain unclear as to what actually constitutes hate and hate propaganda. Numerous reports have proposed that groups protected under Canada's Charter should be protected under Canada's Criminal Code. However, up until 2003, "identifiable groups" were distinguished only by color, race, religion, or ethnic origin. The House of Commons voted in favor of a private member's bill (C-250) to extend hate crime protections to gays and lesbians in 2003 (CBC 2003). Unresolved is the issue of whether the list of identifiable groups should be further expanded, whether the *mens rea* requirement should be removed from sections 318 and 319, and whether the consent of the Attorney General should remain as a prerequisite for prosecution of the Code under the hate propaganda provisions (Cohen 2000, 80-81). Equally problematic is the complex application of laws on freedom of expression, defamation, obscenity, and group defamation. Experts therefore claim that "the law is random and confusing" (Martin 1995, 212).

Hate crime as currently defined in Canada was added to the Criminal Code in 1970 for the first time through Bill C-3, creating specific criminal offenses of "advocating genocide," "public incitement of hatred," and "wilful promotion of hatred" (Kaplan, and McRae 1993, 243-44).<sup>2</sup> Additional provisions were added to the *Criminal Code* in 1995 through Bill C-41 (House of Commons, Canada 1995).<sup>3</sup> Unlike Bill C-3, Bill C-41 did not create any new crime offenses. Bill C-41 prescribed that longer sentences be imposed by the courts if "bias, prejudice or hate" were elements of or motivating factors for a crime. Bill C-41 dealt with aggravating or mitigating circumstances relating to a crime or a criminal upon sentencing, if "bias, prejudice or hate" were found in the commission of crime. These provisions remain unchanged in the current Criminal Code (Canadian Human Rights Reporter 1998). In short, hate crime offense provisions introduced through these two bills constitute the current Criminal Code position.

Seeking redress through Canada's Human Rights Commission has been more successful. The Canadian Human Rights Act<sup>4</sup> provides protection against the publication of discriminatory notices and the communication of hate messages telephonically and over the Internet. "Sexual orientation" was added as a protected category to the Canadian Human Rights Act in 1996.

Of great interest to gay and lesbian political advocates was the inclusion of "sexual orientation" as a protected category in Bill C-41. However, while sentences may be enhanced in cases in which it is proven that a crime was committed based on prejudicial views about gay and lesbian persons, no such sentence enhancement has been used in a case of anti-gay or lesbian crime since the passage of Bill C-41 in 1995. Now Canada has taken measures to protect gays and lesbians from hateful propaganda, but is law a panacea? Since Bill C-3 provisions became a part of the Canadian Criminal Code almost three decades ago, there have been only three cases with successful convictions out of a total of five prosecutions (Anand 1997, 224; Suriya 1998, 51). Events of the last decade involving the debates over same-sex marriage and granting of protections for gays and lesbians within the Canadian Human Rights Act and the Criminal Code exemplify tensions over how Canadians define who exactly is hurt by hate propaganda, how and where to regulate it, and in whose best interests it is to do so.

#### VI. INTERNATIONAL AND COMPARATIVE CONTEXT

International research points to the fact that queers are either ignored or reviled in the media (Tatchell 1997; Sanderson 1995; Otton 2001; Bennett 1998; Faulkner 2001). Even though incitement to hatred is currently banned in Ireland, Denmark, and Norway (Tatchell 1997), and Canada has included "sexual orientation" as a protected category under the current *Criminal Code* provisions (EGALE 2003), Tatchell notes that queers "are alternately stereotyped, invisibilised, scapegoated, misrepresented and demonized" (1997, 1). Given the alarming mistreatment of gay issues and people by wide sections of the media (Sanderson 1995), it is no wonder that there is still a wide perception, similar to the one concerning female victims of sexual assault, that gays and lesbians somehow invite violence and harassment. For example, in her examination of the perpetuation of prejudice in reporting on gays and lesbians in *Newsweek* and *Time* during a period of 50 years (from 1947 to 1997), Bennett found that the ongoing themes that evolve were: (a) the reporting of unsupported negative allegations, (b) the quoting of contemptuous labels, and (c) the assumption that gays and lesbians are inherently inferior to heterosexuals, or in themselves "bad" (Bennett 1998). Ingrid Hess (1996) found similar themes in her analysis of Canadian and American media materials. These include the promotion of views about the depravity of homosexuals; the belief that gays spread disease and sickness and the promotion of AIDS as a homosexual disease; the view that queers are dangerous and pose a security risk; the view that gay and lesbian persons are highly sexed and sexually deviant; and finally, the suggestion is made that gay and lesbian persons conspire to destroy social institutions

such as the family and thus destroy society as a whole. In a recent Canadian Jewish Congress (2000) report on hate on the Internet in Canada, Robert Goldschmid reports that some of the vilest sites on the Internet are directed against gays and lesbians. Goldschmid found that gays and lesbians are also a prime target of hate crimes.

## VI. PATTERNS OF HATEFUL SPEECH

In Canada, hate propaganda promoted against queers is promoted through language, pamphlets, leaflets, and radio. As a project for the Alberta Justice Appeals and Criminal Law Policy Department, Ingrid Hess (1996) reviewed materials from Canadian and American documents to determine whether, upon receipt of a complaint respecting homophobic material, a charge and prosecution could be justified (Hess 1996, 1). Upon analysis of the materials, Hess found several recurring themes in the anti-homosexual materials she reviewed for her project (Hess 1996, 12. See Appendix 1).<sup>5</sup> These included the promotion of views about (1) the depravity of homosexuals; (2) disease and sickness spread by homosexuals; (3) AIDS as a homosexual disease and due punishment; (4) homosexuality undermining society's institutions and very existence; (5) dangers associated with homosexuality; and (6) conspiracy of homosexuals (Hess 1996, 5). In the following section I rely on the themes Hess found to guide my own analysis of hate communication.

In her analysis of the Canadian and American materials, Hess noted that the words and descriptions in the publications are generally of an extreme nature:

Homosexuals are described as: unsanitary, insane, abnormal, wild, predatory, filthy, sickening, antisocial, disturbed, defective, perverted, self-destructive, unfortunate, foolish, irresponsible, pathological, evil, robbers, cheaters, defrauders, criminal, personally and socially worthless, superfluous, ruthless, vengeful, expletive, dangerous, murderous, molesters, serial killers, victimizers of young children, communists, fascists, revolutionaries, debased, militant, violent, conspirators, liars, hateful, thugs, Hitlerian, brown shirts, terrorists, evil, sterile and anti-life (Hess 1996, 9).

Hess found that the messages reviewed "bear a striking resemblance to hate propaganda directed against groups such as Blacks and Jews" (Hess 1996, 9). Homosexual behaviors are described negatively. "Homosexual behaviors are described as: antibiological, offensive, anatomically aberrant, biologically vile, biologic horror, biology went berserk, and biological insanity" (Hess 1996, 9). Homosexuals are characterized as posing a grave

danger to society, and these types of messages evoke “emotions of an intense and extreme nature that is closely associated with vilifications and detestation as found in Keegstra” (Hess 1996, 10). For example,

Their mere presence is said to put people at risk of contracting deadly diseases. The authors advocate quarantining homosexuals, discriminating against them in order to keep them out of mainstream society, and maintaining them in their “well deserved position of outcast and anathema that they have traditionally occupied” (The Pro-Life Activists Encyclopedia). Homosexuals are associated with the most despicable criminal activity imaginable (Hess 1996, 10).

While the bulk of the material Hess reviewed contained comments likely to engender hatred, she notes that not all of it could be characterized as hate propaganda (Hess 1996, 9). Hess points out that, under our present Criminal Code prohibitions, “it is doubtful that the authors could avail themselves of the defenses under s. 319(3) of the Code” (Hess 1996, 10). First, given the defenses under s. 319(3) of the Code, the authors would need to establish the truthfulness of the statements on a balance of probabilities. Hess found the statistics quoted to be questionable and the comments made in the articles to be vast generalizations which could never be proven (Hess 1996, 10). Second, Hess suggests that the other defenses in s. 319(3)—good faith, religious argument, discussion for public benefit, and statements to remove hate—would be difficult to use, as “most of the materials do not appear to be of the type that would support these defenses” (Hess 1996, 10). The defense of good faith religious argument would be available in those cases in which it is argued that someone should not engage in homosexual activity because it is sinful, or is discouraged for living a homosexual lifestyle. However, Hess claims, “most of the arguments presented in the materials are not couched in religious rhetoric” (Hess 1996, 10). Hess concludes: “The materials in large part constitute hateful propaganda that would be prosecutable under s. 319(2) if the term ‘identifiable group’ in s. 318(4) of the Code were expanded to include groups identified by sexual orientation” (Hess 1996, 10). Despite a certain amount of organized resistance to the inclusion of sexual orientation under the Criminal Code, largely organized by right-wing fundamentalist groups, the Canadian government expanded the category of protected groups to include sexual orientation. The following themes evolved from Hess’s research and are compared with news clippings collected by CLGRO (CLGRO 1992-2004).<sup>6</sup>

## VII. DEPRAVITY

In some of the Canadian documents I reviewed, the suggestion is made

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that gay men are pedophiles, have sexual preferences for young boys, and that gay and lesbian persons “recruit” young persons. The intimation is made that gay men and lesbians are child abusers who should not be allowed near young people. An extension of this argument is that homosexuality should be criminalized. It is suggested that gay persons have public sex, have vast sexual appetites, and turn to young boys to satisfy themselves (CLGRO 1994, 37).<sup>7</sup> A link is made between sexual predators such as Dahmer, Bernardo, and Olsen and gay persons (CLGRO 1996, 5).<sup>8</sup> A radio show which aired in Canada called lesbians, gays, and bisexuals “deviant” and linked gay men to child-molesting (CLGRO 2000, 4).<sup>9</sup> A Winnipeg radio station called a lesbian a “diesel dyke” and “homo-fascist” and implied that she wished to sexually abuse children (CLGRO 2000, 7). The same station was reprimanded for its comments about Winnipeg’s “out” gay mayor (CLGRO 2000, 4).<sup>10</sup> In 1995, an MP stated that extending human rights to lesbians and gays would be akin to granting protection to “bestialists, pedophiles and necrophiles” (CLGRO 1995, 11).<sup>11</sup> In his defense of a Libery Net hotline message promoting the execution of homosexual child abusers, Tony McAleer stated that it is “ok to hate pedophiles and that gays would be best dealt with by drowning them in bogs” (CLGRO 1994, 2).<sup>12</sup> In 1994, in response to the Vriend decision, an Albertan minister said gay rights would give license to pedophilia (CLGRO 1994, 12-13).<sup>13</sup> In 1993, a law enforcement magazine refused to run a gay police advertisement, stating that it would promote a “deviant lifestyle” (CLGRO 1993, 10).<sup>14</sup> In 2003 Canadian Alliance leader Stephen Harper fired party family critic Larry Spencer for writing in the *Vancouver Sun* that gay activists are embarked on a “well orchestrated” campaign to “convert” young boys in playgrounds and locker rooms and to “deliberately infiltrate the North America’s judiciary, schools, religious community and the entertainment industry.” Spencer further claimed that homosexuality should be put back in the Criminal Code, and that gays should be imprisoned. Spencer also made allusions to the lower life expectancy of gays to justify making homosexuality illegal (CLGRO 2003, 177). The same month, Liberal David Kilgour, secretary of state for Asia-Pacific, a federal cabinet minister, told the *Edmonton Journal* that legalizing same-sex marriage would put Canada on a legislative “slippery slope” that could result in “mothers marrying sons and all kinds of things” (CLGRO 2003, 178).

One glaring example of the depravity theme is found in a fax sent to Ottawa city councillors in December 1994, protesting against a public lecture to be given by Councillor Alex Munter at Octopus Books on Bank Street. The fax, which was titled “10 Reasons Why Alex Munter Must Resign,” claimed, among others things, that “the median age for homosexuals is below 42”; “they are 15x more likely to commit murder,” “33-55%

(1/3-1/2) of all reported sexual abuse of children is perpetuated by this 3% of the population"; "90% of sodomite men and 65% of women practice oral/anal sexual activity"; and "the typical homo claimed over 500 sexual partners" (CLGRO 1994, 32, 42).<sup>15</sup>

### VIII. HOMOSEXUALITY IS A SICKNESS OR DISEASE

Another theme that arises in the review of homophobic material is the argument that gays and lesbians choose their "lifestyle" and therefore can be changed (Hess 1996, 6). Some are believed to be suffering from a mental illness (CLGRO 1997, 12)<sup>16</sup> and therefore are assumed to require intervention or treatment. Under the first theme, which focuses on the immutability argument, homosexuals are considered to have chosen to have been misguided into their lifestyle. The proponents of this perspective therefore argue that it is possible for them to recover from their problem and lead "normal" lives (Hess 1996, 6). On the other hand, homosexuality is perceived to be a result of mental illness; however, Hess notes, the "tone of the passages goes far beyond a desire to help and put the person on the right path" (Hess 1996, 6). "There is a strong tone of condemnation and traits are attributed to those who suffer from the 'malady' which are extremely negative" (Hess 1996, 6).

This theme is found in the Canadian documents I reviewed which suggest that gays and lesbians do not contribute to society because they do not procreate, that they promote moral corruption and degradation, and can and should change their sexuality from gay to straight (CLGRO 2000, 8).<sup>17</sup> Others suggest homosexuality is unnatural, unhealthy, and against God's will (CLGRO 2000, 16; CLGRO 1999, 16).<sup>18</sup> A Toronto Transit worker refused to distribute transfers promoting gay and lesbian services because it is a "health issue" (CLGRO 1999, 19).<sup>19</sup> In 1999, an Alberta MP stated that lesbian and gay relationships are "technically incomplete" and that marriage provides a healthy biological design for procreation. This MP also stated that children raised in same-sex relationships are "gender-deprived" (CLGRO 1999, 19-20).<sup>20</sup> In 1996, it was suggested that gays should seek a cure and that they are a threat to Canada's youth (CLGRO 1996, 13).<sup>21</sup> In 1995, a Reform MP argued that AIDS victims get the disease through choice, promiscuity, and immorality (CLGRO 1995, 16).<sup>22</sup> A University of Ottawa professor called bisexuals "psychopaths" and feminists "irrational man-haters" (CLGRO 1994, 6).<sup>23</sup> In 1994, a handout was distributed at a conference stating that homosexuals should not be given any more rights than sex offenders, rapists, or child molesters (CLGRO 1994, 24).<sup>24</sup> In 1993, the Reverend Ken Campbell's Metro Renaissance Church distributed a flyer outlining the "deviant" nature of gay sexuality (CLGRO 1993, 21).<sup>25</sup>

## IX. UNDERMINES SOCIETY'S INSTITUTIONS AND VERY EXISTENCE

Many of the publications Hess reviewed maintained that gay men and lesbian women do not contribute to the fabric of society. Gays and lesbians are also portrayed as harboring a distinct lack of respect for society (Hess 1996, 7). Sexual minorities are said to be selfish, to focus on their own personal pleasure and gratification, and to show little commitment to society as a whole. As a result, it is suggested, gays and lesbians are more likely to engage in anti-social and criminal behavior. Another sub-theme Hess found was that gays and lesbians are extremely dishonest people. For example, the authors of the documents Hess reviewed "allege greater propensities amongst homosexuals to cheat, shoplift, and defraud" (Hess 1996, 7). Hess notes that the fear is that this trend will ultimately lead to the destruction of society through the continual undermining of social institutions (Hess 1996, 7). This pattern was also evident in the CLGRO news clippings analyzed for this paper.

In Canada, it has been suggested that homosexuals brainwash the rest of society, in particular the youth (CLGRO 2000, 13). It is further suggested that lesbian and gay relationships do not contribute anything to society (CLGRO 2000, 13).<sup>26</sup> In response to a 1994 case challenging Canada's Old Age Security Act, a coalition opposed to extending rights to same-sex couples asserted that "society would be more prepared to eat excrement than it is prepared to accept homosexual relationships" (CLGRO 1994, 34).<sup>27</sup> In opposition to the election of Alex Munter to Ottawa's regional council, a flyer was distributed that claimed that "the average homo man eats the excrement from about 23 other men a year" (CLGRO 1994, 42). It is also believed that granting gay men or lesbians unions will "lead to communal suicide" (CLGRO 1999, 2).<sup>28</sup> Lastly, the homosexual movement has purportedly "undermined the Bible" and "turned the Bible into hate literature."<sup>29</sup> During the debates over Bill C-250 this argument was used to justify not including sexual orientation as a protected category in the Criminal Code.

During the same-sex marriage debate, it was suggested that the very institutions of society will be undermined if such marriages are allowed. In opposition to the legalization of same-sex marriage, Nova Scotia's Roman Catholic bishop of Antigonish, Raymond Lahey, stated: "This is not merely a legal matter, or a question of fairness, but something that overnight will change one of the basic institutions of our society" (CLGRO 2003, 122). In January 2005 Cardinal Aloysius Ambrozic, Roman Catholic Archbishop of Toronto, published a letter to Prime Minister Paul Martin urging him to maintain marriage as a heterosexual rite and use the Constitution's notwithstanding clause to override the Charter of Rights and Freedoms or: "Canada

would be tipped into an unchartered sea fraught with risks to some of the country's most significant social institutions, such as public education" (CLGRO 2005). Calgary Bishop Fred Henry equated lesbian and gay relationships with prostitution, adultery, and pornography and claimed that Catholic politicians might not get to heaven if they supported equality for lesbian and gay relationships (CLGRO 2005, 16).<sup>30</sup> Despite this resistance, Canadian politicians decided to refrain from reopening the same-sex marriage debate in 2007 (CBC 20007).

## X. DANGER

A fifth theme Hess finds in her review of documents is that sexual minorities are considered a dangerous and criminal element. Homosexuals, therefore, are to be feared. Hess notes that fear-mongering about AIDS as a "homosexual disease" suggests that the threat it poses is naturally a homosexual threat. Gays and lesbians are also perceived to be a threat because they lie and therefore have little regard for other members of society. There are two subcategories within this "danger" theme: the theme of the danger of contracting AIDS and other diseases, and the theme of criminality.

Hess points out that an interesting aspect of the disease subcategory "is the number of inaccuracies or outright falsehoods promulgated" (Hess 1996, 7). The dissemination of falsehoods only serves to amplify fear that already exists in society about the risk of being infected with the deadly AIDS virus. Additionally, "because it is assumed that gays and lesbians have disregard for society it is suggested that they gleefully transmit diseases intentionally or with vengeance" (Hess 1996, 7). The second subcategory of criminality suggests that homosexuals are more likely to commit violent and heinous crimes than heterosexuals. In particular, their victims are often alleged to be children. These assertions are often "couched in such a way that one is led to believe that this type of behavior is rampant amongst homosexuals" (Hess 1996, 7).

Hess found that the phrase "crimes against humanity" (Bassiouni 1992; 1999) was used on a number of the front pages of the pamphlets she reviewed. Hess notes that in linking crimes allegedly committed by "homosexual criminals" with crimes against humanity "the writers of these documents suggest that sexual minorities are responsible for some of the most serious and violent crimes known to humankind" (Hess 1996, 8). Hess believes that the implication is that "homosexual crimes" are not meant to target individuals, but the whole heterosexual group: "Thus the inference to be drawn from the use of this language is that horrific acts are being carried out by homosexuals and that the rest of society is being victimized by

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them” (Hess 1996, 8). The theme of “danger” was also found in my analysis of CLGRO news clippings.

In news clippings the “AIDS disease” is characterized as being the due punishment for persons engaging in sexual activity. The victims of AIDS who contract it through other than homosexual sex are described as being “innocent.” It is also suggested that “new strains and viruses, brewing in the bodies of homosexuals, will cause further scourges and grief to all of society” (CLGRO 1996, 15).<sup>31</sup> For example, when SARS appeared in Toronto in 2003, a connection was made between the virus and HIV-AIDS. In June 2003 Ken Campbell, who is affiliated with the Canadian Christian College, referred to Toronto’s annual gay parade as the “AIDS parade” and added, “We believe that SARS will cease when the AIDS parade is cancelled. Lord have mercy on this city and upon this nation” (CLGRO 2003, 100). Some AIDS sufferers are innocent victims, while homosexual victims are a “scourge to mankind” (CLGRO 1994, 16).<sup>32</sup>

According to Amnesty International, in some countries, HIV/AIDS has been labeled a “gay plague,” and homosexuality “the white man’s disease.” Same-sex relations are dubbed “unchristian,” “unAfrican,” “unIslamic,” or a “bourgeois decadence” (Amnesty International 2001, 2). Some governments seek not only to exclude lesbian and gay people from local culture, but also to deny that they are members of the human race. For example, in 1995 President Robert Mugabe of Zimbabwe branded gays as “less than human.” This dehumanization provides fertile ground for torture and ill-treatment. If queer people are “less than human,” how can they have human rights? Amnesty International notes that “the denial of a person’s basic humanity is the first step towards inhuman, cruel and degrading treatment” (Amnesty International 2001, 2).

In Canada, the suggestion that gays and lesbians are a criminal element and a danger to society as well as a social and public health problem is elaborated upon in a case in British Columbia involving the distribution of flyers promoting the view that homosexual desire is a sickness and gay sex is medically problematic (CLGRO 1997, 4).<sup>33</sup> Another case, involving the banning of children’s books, supports the notion that homosexuality is not a healthy choice and that children will be psychologically damaged if they read about same-sex relationships (CLGRO 1997, 6).<sup>34</sup> In yet another example, the killing of homosexuals is promoted (CLGRO 2000, 18; CLGRO 1995, 22).<sup>35</sup> In another case the death penalty is supported for homosexuality (CLGRO 1994, 5).<sup>36</sup> Another article promotes the view that queers attempt to impose their “lifestyle” on others (CLGRO 1994, 41).<sup>37</sup> In 2006, a website run by the organization Western Canada For Us posted messages that suggested gays and lesbians “should be terminated along with retards and any other degenerates that nature should do away with in

the wild" (Canadian Press 2006).<sup>38</sup> The British Columbia Human Rights tribunal "fined Bahr and the group Western Canada For Us \$5,000 each and ordered that they cease posting hate messages on the Internet" (Canadian Press 2006).

This criminal endangerment theme was played out throughout the mayoral campaign of Glen Murray in Winnipeg, Manitoba, when C1FX talk radio show made a number of hateful comments about him and his supporters (CLGRO 2000). Winnipeggers were told they would have to "lock up [their] sons for the next few years" if Mr. Murray was elected mayor. One host told a caller who had visited Mr. Murray's campaign office to "get your shots" so as not to "come down with something for going into that environment." Mr. Murray was referred to as "the queen of smut" and "an abomination in the mayor's chair." Show hosts compared "gay activists," "dancing dykes," and others to "effluent and sewage" that gets "pump[ed] into the mayor's office, unfiltered." A caller who supported Mr. Murray was told to "get [his] face out of Glen Murray's buttocks," and another supporter was ridiculed for having a "lisp in [his] voice." Derogatory remarks were made about "dykes," "drag-queens," and cross-dressing.

On the day before Mr. Murray was sworn in, show hosts encouraged callers who were offended to show up at the ceremony, and said to callers: "Let's not get mad. Let's get even." According to Equality for Gays and Lesbians Everywhere, these comments represent only a very small sampling of the derogatory and offensive comments that were broadcast throughout the election campaign. In February 2000 Winnipeg's Kristine Barr (CLGRO 2000, 7), a youth educator, lodged a suit against the same local radio station owned by CHUM, for calling her a "diesel dyke" and "homo-fascist" and implying she wished to sexually abuse children.

## XI. CONSPIRACY

A pervasive theme in the materials Hess reviewed is that society as we know it today is under siege from "homosexual forces." The authors note that gay and lesbian persons do not simply want tolerance; they have a greater political agenda, which involves creating a "queer planet." To this end, homosexuals actively recruit new converts and enlist the assistance of collaborators outside their "movement." In addition, they are seen to be infiltrating mainstream organizations and institutions to achieve their "destructive ends."

Hess found in the literature many examples cited of the ways in which gay and lesbian persons succeed in advancing their "agenda." There is a perception that lesbians and gay men have control and influence over the media, and as a result, the "rights and security of non-homosexuals are

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undermined or destroyed” (Hess 1996, 9). Hess also found that there is promotion of the idea that gays and lesbians are given license to abuse and assault others in order to realize their goals (Hess 1996, 9).

My own analysis of CLGRO news clippings shows that this theme is continued in comments made in Canadian media regarding the conspiratorial nature of “homosexuals.” It is believed that gays and lesbians seek to infiltrate the school system to corrupt children (CLGRO 2000, 23).<sup>39</sup> It has also been suggested that gays and lesbians force students in schools to accept and tolerate their lifestyle.<sup>40</sup> It has been suggested that HIV carriers should be branded on the face and that “Hilter was brought to power by the homosexual movement” (CLGRO 2000, 12-13).<sup>41</sup>

Human Life International promotes the view in Canada that homosexuality is a personally destructive lifestyle (CLGRO 1995, 13-14).<sup>42</sup> Reverend Fred Phelps suggests that gays and lesbians are violent (CLGRO 1999, 26).<sup>43</sup> Ken Campbell states that gays and lesbians impose their “bathhouse morality” on churches and the nation (CLGRO 1998, 7).<sup>44</sup> It is suggested that providing protection to gays and lesbians under Bill C-41 will promote gay violence toward heterosexuals (CLGRO 1995, 11).<sup>45</sup> Gays and lesbians have been linked to the devil (CLGRO 1995, 16).<sup>46</sup> It is suggested that hate crime legislation protecting sexual orientation condones immorality (CLGRO 1995, 23).<sup>47</sup> Children should be taken away from lesbian and gay parents and given to “real” parents (CLGRO 1995, 25).<sup>48</sup> Gays and lesbians are suggested to be militant (CLGRO 1994, 18).<sup>49</sup> Homosexuality is a threat to society because it “is an inherent departure from God’s order and destroys ‘Canadian values’” (CLGRO 1994, 29-30).<sup>50</sup> Gays have a “hidden homosexual agenda” (CLGRO 1994, 33).<sup>51</sup> Gay people pass on their sexuality by sexually assaulting young people (CLGRO 1994, 37).<sup>52</sup>

The view is also promoted that homosexuals die early, are promiscuous, and are unhappy, and that homosexuality can be unlearned (CLGRO 1994, 41);<sup>53</sup> and that gay bathhouses spread AIDS (CLGRO 1993, 20).<sup>54</sup> These numerous examples suggest there is much hate propaganda directed toward queers in Canada, and that this population requires protection.

Recent claims made by Canadians who oppose same-sex marriage should remind us that the above views are still prevalent. Oppositionalists continue to use scare tactics and unsubstantiated claims to support the notion of queers as depraved, sick, uncivilized, and immoral. During the Canada-wide marriage hearings in March 2003, Rita Curley of the Catholic Women’s League claimed that redefining marriage would result in adults’ having sexual activity with “babies, children of both sexes, and with animals.” She then compared gays with alcoholics and said that people become gay because “these people have been molested in their childhood and that’s what gave them the habit.” Asked by MP Svend Robinson why Jesus said

nothing about homosexuality, Ms. Curley replied that “it was not an issue because there were no homosexuals then” (CLGRO 2003, 42).

Claiming that queers are addicts, promiscuous, and sexual predators, Gwen Landolt of Real Equal and Active for Life (REAL) Women of Canada (<http://www.realwomenca.com>) suggested that the institution of marriage would be destroyed if queer relationships were given State sanction. Landolt thinks that the social science literature, which says that children raised in same-sex relationships are not affected, is evidence of the “high cost paid by scholars for opposing and criticizing the politically correct pro-homosexual position” (CLGRO 1993, 42). She suggested instead that same-sex marriages are different “in particular with the prevalence of drug use” (p. 42). Claiming that “homosexuality is acquired,” she went on to assert that marital fidelity “is simply not present and almost unknown in homosexual relationships” (p. 42). Landolt then made the leap that providing marriage rights to queers would ruin the institution of marriage so that “all marriages would lose fidelity” and “accepting same-sex marriage would lead to marriage between siblings and to polygamy” (p. 42). Canadians Against Same-Sex Marriage who were given intervenor status on the draft same-sex bill to federal cabinet called gay marriage an “attack on the very nature of a nation—the family unit” that will lead to people trying to marry their pets (CLGRO 2003, 124). In a televised speech against same-sex marriage shown on Toronto’s Omni 1, a Toronto multicultural TV station, U.S. Evangelist Jimmy Swaggart threatened to kill any gay man who looked at him (CLGRO 2004, 136).<sup>55</sup> Lacking any scientific scholarly research to buttress their claims, Landolt, Curley, Swaggart, and their affiliate groups such as Canadians Against Same-Sex Marriage and Focus on the Family promote stereotypes about queer persons. A moral panic results whereby fear of the unknown “other” may be used to justify negative behavior ranging from unequal treatment and discrimination in employment and services to full-fledged physical assault and murder (Janoff 2005).

## XII. THE EFFECTS OF SEXUAL ORIENTATION HATE PROPAGANDA

What is known about the immediate effect of vicious heterosexist and homophobic acts on potential victims and communities? The effects of homophobic hate propaganda as outlined by Cohen (2000, 73-74), Banks (1999), and Matsuda (1989) suggest that the impact of sexual minority hate propaganda and racist hate propaganda are both similar and different. Cohen thinks “the harm inflicted by sexual orientation hate propaganda defies traditional legal categories such as libel and defamation” (Cohen, 2000, 73). While race is a protected category domestically and internationally, “sexual orientation” is absent from law and the human rights recogni-

tion of harm largely because gays and lesbians have been defined as “other.” With recognition of heterosexual hegemony, and the de-pathologization of “homosexual” identity, an understanding of the effect of homophobia has developed alongside that developed by critical race theorists. For example, Mari J. Matsuda (1989, 2331-32) explains that just as the harm caused by racist speech cannot be analyzed apart from the structural reality of racism, so the harm caused by sexual orientation hate propaganda must begin with an analysis of homophobia. Matsuda declines to conduct such an analysis, arguing that homophobic research requires a separate analysis from racist speech “because of the complex and violent nature of gender insubordination, and the different way in which sex operates as a locus of oppression” (Matsuda, 1989, 2331-32).

American and Canadian psychologists (Herek, Gillis, Cogan, and Glunt 1997; Garnets, Herek, and Levy 1992; Herek, Gillis, and Cogan 1999; Herek, Cogan, and Gillis 2002) reporting on the psychological effects of hateful language note that, while most discussions of anti-gay hate crimes focus on physical and sexual assault, “verbal harassment and intimidation are the most common forms of victimization of lesbians and gay men” (Garnets, Herek and Levy, 1992, 215). Words such as “faggot,” “dyke,” “queer,” and the threats of violence (implicit and explicit) that accompany them are used by oppressors to remind gays and lesbians of their subordinate status. Garnets, Herek, and Levy suggest that “anti-gay verbal abuse constitutes a symbolic form of violence and a routine reminder of the ever-present threat of physical assault” and reminds sexual minorities of their outsider and minority status (1992, 215). Anti-gay verbal assault challenges the victim’s routine sense of security and invulnerability, making the world seem more malevolent and less predictable. The psychological effects of verbal abuse can be even more severe than the effects of physical abuse because “it affects how one feels about oneself without a physical injury to which to attribute the feelings” (Garnets, Herek, and Levy 1992, 215). Verbal attacks inspire feelings of fear and self-hatred. Because verbal threats may also involve near encounters with violence, verbal abuse can seriously restrict the day-to-day behaviors of sexual minorities. Many Canadian gay and lesbian respondents to victimization surveys indicate that their public behavior is affected by their fear of physical attack (Faulkner, under review). Verbal harassment and intimidation reinforce this climate of fear. Fearing verbal harassment and intimidation, gays and lesbians form the adaptive strategy of avoiding possible occasions of verbal abuse; consequently, their day-to-day behaviors are restricted, and they may lose considerable control over their lives. Those who are closeted may view verbal intimidation as a form of outing, leading them to retreat further into the closet. Herek, Garnets, and Levy note that in addition to those close to the

victim, the entire gay and lesbian community is victimized by anti-gay verbal assaults. "Hate crimes create a climate of fear that pressures lesbians and gay men to hide their sexual orientation" (Garnets, Herek, and Levy 1992, 216).

Banks (1999) argues that the injury of hate propaganda is threefold, resulting in: (1) loss of human dignity and self-worth and belonging to community; (2) loss of cultural identity and group defamation; and (3) society as a whole being wounded by the experience (Banks 1999). Banks thinks that the effect of hearing hateful speech can cause targeted individuals to take drastic measures in reaction, perhaps avoiding activities which bring them into contact with non-group members or adopting attitudes and postures intended to allow them to blend with the majority. Exposure to the hatred, contempt, and humiliation of hate propaganda leaves the target group members feeling like outsiders in their own country, inhibited from contributing to the extent of their desire and ability. Not only does hate propaganda harm individuals and communities, but "the animosity created by ignorance and hatred further exacerbates the divisions of a nation" (Banks 1999, 25) A further effect is the danger that "those to whom hate speech is directed will accept the prejudice, further damaging their self esteem and dignity, or not speak out against the hatemonger and assert their own views due to fear of further attack, thus denying the target group members full participation in the democratic process" (Banks 1999, 26). Respondents to Canadian anti-gay/lesbian violence surveys provided many examples of how queer persons exclude themselves from mainstream culture in order to prevent potential victimization (Faulkner, under review). On the other hand, "members of the group at which the hate speech is directed may respond aggressively to it with violence, further escalating social tension" (Banks 1999, 26).

### XIII. RECOMMENDATIONS FOR FUTURE RESEARCH

An exploration of *prima facie* evidence of hate propaganda directed at sexual minorities in Canada suggests that parallels can be drawn between the type of hate propaganda directed at racial and ethnic minorities and that directed toward gays and lesbians. Gays and lesbians of racial and ethnic diversity experience multiple and sometimes triple oppressions. The effect is to attempt to incite hatred toward a group due to characteristics that set it apart from what is perceived to be normative. The link between the portrayal of negative attitudes and stereotypes and actual hate activities can be seen in organized and premeditated "gay bashings" and other incidents of anti-gay/lesbian violence. The language of hate is often coupled with actual physical assaults in these criminal acts. Keegstra's case established that sci-

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entific proof of a causal relationship is not required. Because gays and lesbians continue to be despised and vilified without any state and broader community recognition of the harm done to them, their ability to attain complete personhood within the Canadian state is seriously impaired.

Future conceptualizations of hate propaganda directed toward sexual minorities should incorporate an analysis of the history of their oppression, the effect of hate propaganda on the group, and documentation of ongoing and intentional targeting of homosexuals in public media and political debate. An examination of the religious exemption outlined in the Criminal Code is also required.

The evidence suggests that potential harm may be caused by unchecked hate propaganda directed toward gays, lesbians, bisexuals, and transgendered persons. While it might seem that any rational discussion of issues would lead to enlightenment that would limit discriminatory views, such challenges need not come only from political activists, but also from government. The research to date in Canada suggests that verbal assaults and threats of physical violence are the most common forms of hatred directed at sexual minorities. The role of harmful thoughts, words, and deeds on queers has been under-studied in the Canadian context. In light of previous government-funded research which found that the social-psychological effects of racist and religious hate propaganda is damaging to Canadian society, it is surprising that such opinions about sexual minorities have to date been allowed to continue unchecked (Canada 1966, 28).

In looking at media that attest to hatred directed toward queers, we can see that there is a tension between the need to respond through education and restorative justice or through the use of law. The inclusion of “sexual orientation” as a protected category in the present hate propaganda provisions of the Criminal Code signals a symbolic acceptance of queers in Canadian society. It is also important to make intersections with various forms of oppression, as well as to continue to educate. The discourse of rights and equality may seem to empower queer persons with a new tool with which to challenge false and hateful information, but there is always risk in presuming that the work of raising social awareness through social justice and action has been achieved. However, we must remember how investments in a dominant legalistic discourse construct and shape reality in ways that are not always helpful to queer lives—in fact, such investment in rights-based discourse often goes against the very experiences of gays and lesbians. For example, in debates over the appropriateness and inappropriateness of queer erotica, there will always be those among the queer communities who argue for freedom of expression.

Attention to hateful discourse and its effects shows how lives may be regulated by language and how normative assumptions of queer identities

are asserted through categories that include the experiences of some gays and lesbians and exclude the experiences of others. This naturalizes certain forms of queer existence and represses knowledge and understanding of others. Hateful language is always hateful; however it needs to be contextualized in terms of personal histories and social identities. The dominant discourse of hate and rejection impact on queer sense of safety and security, however, this discourse is not all destructive and overdetermining. Queers have the power to resist and challenge; and by offering one more tool with which to negotiate equality, the passage of Bill C-250 provides an instrument of resistance.

## REFERENCES

- Abella, Irving, and Harold Trooper. 1982. *None is too many*. Toronto: Lester and Orpen Dennys.
- Amnesty International. 2001. *Crimes of hate, conspiracy of silence: Torture and ill-treatment based on sexual identity*. London: Amnesty International Publications. Online: [http://www.ai-lgbt.org/ai\\_report?torture.htm](http://www.ai-lgbt.org/ai_report?torture.htm).
- Anand, Sanjeev. 1998. Expressions of racial hatred and criminal law: Proposals for reform. *Criminal Law Quarterly* 40: 215.
- Banks, N. Kathleen Sam. June 1999. Could Mom be wrong? The hurt of names and words. Hate propaganda and freedom of expression. *E-Law Murdoch University Electronic Journal of Law* 6(2).
- Barrett, H., and D. Jones. 1987. Gender and hatred. In *How and why children hate*, ed. V.P. Varma, 113-23. Bristol, PA: Jessica Kingsley Publishers, Ltd.
- Bassiouni, M. Cherif, ed. 1992. *Crimes against humanity in international criminal law*. Dordrecht, Neth. & Boston, Mass.: M. Nijhoff Publishers.
- Bassiouni, M. Cherif, ed. 1999. *International criminal law*. 2nd ed. New York: Transnational Publishers.
- Bennett, Lisa. 1998. The perpetuation of prejudice in reporting on gays and lesbians—Time and Newsweek: The first fifty years. Research paper R-21. Harvard University Shorenstein Center for Press, Politics, and Policy.
- Berger, Thomas. 1981. *Fragile freedoms*. Toronto: Clarke, Irwin.
- Betcherman, L.R. 1975. *The swastika and the maple leaf: Fascist movements in Canada in the thirties*. Markham, Ontario: Fitzhenry and Whiteside.
- Bill C-41: An Act to amend the Criminal Code (sentencing) and other Acts in consequence thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995.
- Bolaria, B. Singh, and Peter S. Li. 1985. *Racial oppression in Canada*. Toronto: Garamond Press.
- Canada. 1966. *Report to the Minister of Justice of the Special Committee on Hate Propaganda in Canada*. Ottawa: Queen's Printer.

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## HOMOPHOBIC HATE PROPAGANDA

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- CBC News. 2003. MPs vote to protect gays under hate law. CBC News Online, September 18, <http://www.cbc.ca/canada/story/2003/09/17/hate030917.html>.
- CBC News. 2007. Ernst Zundel sentenced to 5 years for Holocaust denial. CBC News Online, February 15, <http://www.cbc.ca/world/story/2007/02/15/zundel-germany.html>.
- CBC News. 2007. MPs set to vote on same-sex marriage. *CBC News Online*, December 7, <http://www.cbc.ca/canada/story/2006/12/07/same-sex.html>.
- Canadian Press. 2006. Human rights tribunal finds Alberta man distributed hate on the Internet. CBC News online, December 1, <http://www.cbc.ca/cp/national>.
- Canadian Bar Association. 1995. *Addendum to submission on Bill C-41 an Act to amend the Criminal Code (sentencing) and other Acts in consequence thereof*, June. Toronto: Lesbian and Gay Issues and Rights Committee of the Canadian Bar Association, Ontario Branch.
- Canadian Human Rights Reporter. 1998. *Sexual orientation casebook*. Vancouver, British Columbia: Canadian Human Rights Reporter, Inc.
- Coalition for Lesbian and Gay Rights Ontario (CLGRO). 1992-2004. Selected news clippings about events affecting lesbian, gay, and bisexual human rights. Compiled by C.M. Donald for the Coalition for Lesbian and Gay Rights in Ontario. Toronto, Ontario.
- Cohen, Jonathan. 2000. More censorship or less discrimination? Sexual orientation hate propaganda in multiple perspectives. *McGill Law Journal* 46(69): 69-104.
- Commission for Racial Equality. 1999. *Racial attacks and harassment: CRE factsheets*. London, Ontario: Commission for Racial Equality.
- Delgado, Richard. 1993. Words that wound: A tort action for racial insults, epithets, and name calling. In *Words that wound: Critical race theory, assaultive speech and the First Amendment*, eds. M. Matsuda, C.R. Lawrence III, R. Delgado, and K. Williams Crenshaw, 89-110. Boulder, San Francisco, Oxford: Westview Press.
- Dias, Dexter J. 1987. A licence to hate: Incitement to racial hatred and the Public Order Act of 1986. *Socialist Lawyer* 198-88(4): 20-21.
- EGALE Canada. 2001. Press release. Svend Robinson introduces bill, EGALE renews call for hate crimes protection in wake of murder of gay man in Vancouver. (Nov. 22). Ottawa: EGALE Canada.
- EGALE Canada. 2003. EGALE submissions to the House of Commons Standing Committee on Justice and Human Rights re: Bill C-250 (hate propaganda). Ottawa: EGALE Canada.
- Eid, Elisabeth. 1994. *Combatting hate speech: A review of the federal legislative mechanisms* [working draft]. Ottawa. A paper presented in Ottawa during the workshop on Police Response to Hate/Bias Crime by the Solicitor General of Canada Secretariat and Carleton University.
- Faulkner, Ellen. 1998. Woman-to-woman abuse: Analyzing extant accounts of Lesbian battery. In *Unsettling truths: Battered women, policy, politics, and contemporary research in Canada*, eds. K.D. Bonnycastle and G.S. Rigakos, 52-62. Vancouver: The Collective Press.

- . (under review) *Living in the shadows: Hate crime in Canada*. Halifax, Nova Scotia: Fernwood Press.
- . 2001. *Researching evidence of hate propaganda: A conceptual report*. Department of Justice Canada—Working Document. Research, Statistics and Evaluation Directorate/Direction generale de la recherche, de la statistique et de l'évaluation Policy Sector/Secteur des politiques. Contract Number 4500017980.
- Franklin, Raymond A. Hate directory. Online: [http://www.bcpl.net/~rfrankli/hate\\_dir.htm](http://www.bcpl.net/~rfrankli/hate_dir.htm).
- Frideres, J. 1976. Racism in Canada: Alive and well. *The Western Canadian Journal of Anthropology* 6(4): 124-45.
- Freire, Paulo. 1984. *Pedagogy of the oppressed*. Harmondsworth: Penguin.
- Garnets, L., G.M. Herek, and B. Levy. 1992. Violence and victimization of lesbians and gay men: Mental health consequences. In *Hate crimes: Confronting violence against lesbians and gay men*, eds. G.M. Herek and K.T. Berrill, 207-26. London: Sage.
- Gerbner, George, Larry P. Gross, and William Harry Melody. 1973. *Communications technology and social policy: Understanding the new "Cultural Revolution."* New York: Interscience Publication.
- Gillis, Charlie. 1993. Racism drawing local attention. *The London Free Press*, May 29, C1, C3.
- . 2001. Conspicuous silence. *National Post Online*, June 21. [www.nationalpost.com](http://www.nationalpost.com).
- Goldschmid, Robert. 2000. *Promoting equality in the Information Age. Dealing with Internet hate*. Vancouver, BC: Canadian Jewish Congress.
- Hemmer, J.J. Jr. 1995. Hate speech—The Egalitarian/Libertarian dilemma. *Howard Journal of Communications* 5(4): 307-17.
- Herek, G.M., J.C. Cogan, and J. Roy Gillis. 2002. Victim experiences in hate crimes based on sexual orientation. *Journal of Social Sciences* 58(2): 319-39.
- Herek, G.M. R.J. Gillis, and J.C. Cogan. December 1999. Psychological sequelae of hate-crime victimization among lesbian and bisexual adults. *Journal of Consulting and Clinical Psychology* (December) 67(6): 945-51.
- Herek, G.M., J. Roy Gillis, J.C. Cogan, and E.K. Glunt. 1997. Hate crime victimization among lesbian, gay, and bisexual adults: Prevalence, psychological correlates, and methodological issues. *Journal of Interpersonal Violence* (April) 12(2): 195-215.
- Hess, Ingrid. 1996. Prosecution and 'anti-homosexual' publications. Edmonton, Alberta: Alberta Justice, Appeals and Criminal Law Policy.
- House of Commons, Canada. 1995. Bill C-41: An Act to amend the Criminal Code (sentencing) and other Acts in consequence thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995.
- Janoff, Douglas Victor. 2005. *Pink blood: Queer bashing in Canada*. Toronto: University of Toronto Press.
- Jeffrey, Bill. 1998. *Standing up to hate: Legal remedies available to victims of*

- hate-motivaed activity: A reference manual for advocates.* Ottawa: Department of Canadian Heritage.
- Kaplan, W., and D. McRae, eds. 1993. *Law, policy and international justice: Essays in honour of Maxwell Cohen.* Montreal and Kingston: McGill-Queens University Press.
- Kazarian, S.S. 1998. *Diversity issues in policing: Police Foundations program.* Toronto, Ontario: Emond and Montgomery Publications.
- . 1997. The Armenian psyche: Genocide and acculturation. *Mentalities* 12: 74-87.
- Kinsella, Warren. 1994. *Web of hate: Inside Canada's Far Right network.* Toronto, Ontario: Harper Collins Publishers, Ltd.
- Martin, Robert. 1995. Group defamation in Canada. In *Group defamation and freedom of speech: The relationship between language and violence*, eds. M. Freedman and E. Freedman, 191-218. Westport, Connecticut: Greenwood Press.
- Matsuda, M.J., C.R. Lawrence III, R. Delgado, and K. Williams Crenshaw, eds. 1993. *Words that wound: Critical race theory, assaultive speech and the First Amendment.* Boulder: Westview Press.
- Matsuda, Mari J. 1993. Public response to racist speech: Considering the victim's story. In *Words that wound: Critical race theory, assaultive speech and the First Amendment*, eds. M. Matsuda, C.R. Lawrence III, R. Delgado, and K. Williams Crenshaw, 17-52. Boulder: Westview Press.
- . 1989. Language as violence v. freedom of expression: Canadian and American perspectives on group defamation. *Buffalo Law Review* 37: 337.
- McKenna, Ian. 1994. Canada's hate propaganda laws: A critique. *British Journal of Canadian Studies* 9: 15.
- Mock, Karen. 1996. Perspectives on racism: Antisemitism in Canada: Realities, remedies and implications for anti-racism. Nizkor Project Online: <http://www.nizkor.org/hweb/people/m/mock-karen/perspectives-on-racism.html>.
- . 1995. Combating racism and hate in Canada today: Lessons of the Holocaust. *Canadian Social Studies* (summer) 29(4): 143-46.
- Otton, Garry. 2001. *Sexual fascism: Sex in the Scottish media.* Edinbrough: Ganymede Books.
- Prutschi, Manuel. 1990. Racist expression and the law in Canada. *Sh'ma: A Journal of Jewish Responsibility* (January 5): 37-39.
- . 1994. Comment: Venom as destructive as a bomb: Hate-mongering speech destroys those who propagate it, those who heed it, and those who are victimized by it. *The Globe and Mail*, May 5, 5.
- REAL Women of Canada. How same-sex marriage legislation will affect our future. <http://www.realwomenca.com/>.
- Ristock, Janice. 2002. *No more secrets: Violence in Lesbian relationships.* New York: Routledge.
- Rosen, Philip. 2000. *Hate propaganda.* Ottawa: Library of Parliament, Research Branch.

- . 1996. *Hate propaganda*. Ottawa: Library of Parliament, Research Branch.
- Sanderson, Terry. 1995. *Mediawatch: The treatment of male and female homosexuality in the British media*. London: Cassell.
- Shefman, Alan. 1994. A strategic approach to hate propaganda – An analytical framework. Thornhill, Ontario: Human Rights Training and Consulting [A paper presented in Ottawa during the workshop on Police Response to Hate/Bias Crime by the Solicitor General of Canada Secretariat and Carleton University in April 1994].
- Sher, Julian. 1983. *White Hoods: Canada's Ku Klux Klan*. Vancouver, B.C.: New Star Books.
- Sunahara, Ann Gomer. 1981. *The politics of racism: The uprooting of Japanese Canadians during the Second World War*. Toronto: James Lorimer Company.
- Suriya, Senaka K. 1998. *Combatting hate?: A socio-legal discussion on the criminalization of hate in Canada*. Master's thesis. Department of Law, Carleton University, Ottawa, Ontario.
- Swainson, G., and P. Small. 1993. Province looks at tougher laws after London cross-burning. *The Toronto Star*, May 12, A-10.
- Tatchell, Peter. 1997. Sex, homophobia, and media lies. Outrage! Press Release, November 9. Retrieved from <http://outrage.nabumedia.com/pressrelease.asp?ID=120>.
- Vetterling-Braggin, Mary, ed. 1981. *Sexist language: A modern philosophical analysis*. Totwa, NJ: Littlefield, Adams and Co.

#### BILLS

Bill C-250: An Act to Amend the Criminal Code (hate propaganda) as Passed by the House of Commons Canada on September 17, 2003.

Bill C-41: An Act to Amend the Criminal Code (Sentencing) and Other Acts in Consequence Thereof, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995. By Order in Council P.C. 1996-1271 (August 7, 1996), other than subsection 718.3(5) and sections 747 to 747.8 of these provisions came into force as of September 3, 1996.

Bill C-3 was given Royal Assent on June 11, 1970. The amendment is listed as *An Act to Amend the Criminal Code*, R.S.C. 1970 (1st Supp.), c. 11, amending R.S.C. 1970., c.C-34

## NOTES

1. Based on a 1990 Statistics Canada study on consumer finances, yielding data on homes in which two unrelated adults of the same sex live together, excluding students and showing that over 90% of the same-sex households consist of two income earners, it is estimated that 1.5% of Canada's couples are gay, about 140,000 couples. The Canadian Finance Department released the study in 1999 written by tax policy officer Albert Wakkary, saying including same-sex couples in spousal statutes will increase Ottawa's revenue by \$20 million, a minuscule savings for the \$77 billion tax system. (CLGRO 2000, 37).

2. Bill C-3 was given Royal Assent on June 11, 1970. The amendment is listed as *An Act to Amend the Criminal Code*, R.S.C. 1970 (1st Supp.), c. 11, amending R.S.C. 1970, c.C-34.

3. *Bill C-41: An Act to Amend the Criminal Code (Sentencing) and Other Acts in Consequence Thereof*, as passed by the House of Commons on June 15, 1995, and given Royal Assent on July 15, 1995. By Order in Council P.C. 1996-1271 (August 7, 1996), other than subsection 718.3(5) and sections 747 to 747.8 of these provisions came into force as of September 3, 1996.

4. This Act may be cited as the *Canadian Human Rights Act*. 1976-77, c. 33, s. 1.

5. Hess reviewed the following materials: *The Pro-Life Activists Encyclopedia; Violence and Homosexuality*; newspaper clippings RE: *Celebration of Marc Lepine at Petawawa; Born that Way; Ottawa Update on Svend Robinson; Philip Mayfield MP Questionnaire*; Georgia Straits clippings RE: *Reform Party Family Caucus*; House of Commons Debates - M. P. Skoke; *The Homosexual Dilemma; Queer Nazis; 10 Reasons Why Alex Munter Must Resign; Psychology of Homosexuality; What Causes AIDS and Can It Be Cured; The Face of Tomorrow: The Metro Renaissance Committee; Free Speech Monitor; CAFÉ; Gay Lessons; Medical Consequences of What Homosexuals Do; Child Molestation and Homosexuality; Homosexuality & the AIDS Threat to the Nation's Blood Supply; AIDS, the Blood Supply and Homosexuality; Medical Aspects of Homosexuality; ISIS Position Paper on Homosexuality; What Homosexuals Do (It's More than Merely Disgusting)*.

6. A large source of data was obtained from news clippings archived at the Coalition for Lesbian and Gay Rights Ontario. Source: Coalition for Lesbian and Gay Rights Ontario. "Selected Newsclippings About Events Affecting Lesbian, Gay, and Bisexual Human Rights." Compiled by C. M. Donald for the Coalition for Lesbian and Gay Rights in Ontario.

7. In 1984, Metropolitan Toronto Police Association President Paul Walter was quoted in Arnold Bruner's report on the bathhouse raids in Toronto. Walter was quoted as being opposed to hiring gay police officers because "he felt they would be prone to engage in overt sex acts with each other in inappropriate places" and "as homosexuals become older, their sexual appetite turns increasingly to young boys."

8. In the *Vriend* case, Justice J. A. McClung linked homosexuality with serial killers and pedophiles. In February 1996, the Alberta Court of Appeal overturned the judgement in *Vriend*, instructing the province to change the IRPA to include "sexual orientation." Mr. Justice J. A. McClung, writing in the majority decision, asserted that judges should not be making decisions that are within the jurisdiction of the legislature. Further, he expressed concern that too much protection might be given to the wrong people: "It is pointless to deny that the Dahmer, Bernardo, and Olsen prosecutions have recently weighted public concern about violently aberrant sexual configurations and how they find expressions against their victims," and added, "no protection is afforded by the legislation to heterosexuals which is simultaneously denied to homosexuals."

9. In May 2000, the Canadian Broadcast Standards Council (a peer-driven council of Canadian broadcasters, with no powers of enforcement) reprimanded The Dr. Laura Program for "abusive discrimination" and violating the CBSC ethics code in calling LGBs deviant and linking gay men to child-molesting, but though the CBSC was worried her comment

could result in hostility or brutality, they decided she did not encourage people to kill LGBs. Radio stations carrying the show must now broadcast a prepared statement during peak listening hours stating they are violating the CAB (Canadian Association of Broadcasters) code of ethics. Procter and Gamble decided to advertise during the show. By Oct 2000 all Global-owned TV stations in Canada had canned Dr. Laura's show—Global said because of low ratings; protesters said because of protests which caused 40+ advertisers to withdraw.

10. In February of 2000, Winnipeg's Kristine Barr, a youth health educator, went public with her suit lodged last June against local radio station AM1290 owned by CHUM Group Ltd, when its shock-jocks called her a "diesel dyke" and "homo-fascist" and implied she wishes to sexually abuse children. The station was reprimanded before by the CRTC for its comments on out gay city councillor Glen Murray.

11. In 1995, an MP linked homosexuals with pedophiles, necrophilia, and violence in response to the issue of sexual orientation as a protected ground under Canada's human rights legislation. In March of 1995, Liberal Tom Wappel stated that "sexual orientation" human rights protection would extend to "bestialists, pedophiles, and necrophiles."

12. In defense of his Liberty Net hotline message promoting the execution of homosexual child abusers, Tony McAleer responded to the Canadian Human Rights Commission tribunal that his "message was not about homosexuals but pedophiles and it is okay to hate pedophiles."

13. In April 1994, in the case of Delvin Vriend (February 1991), Justice Anne Russell of the Court of Queen's Bench in Alberta ruled that the Individual Rights Protection Act is inconsistent with the Charter and that the IRPA must be administered as though it provided protection against discrimination on the basis of sexual orientation. Vriend had been fired from his college in 1991 after coming out. The Alberta HRC was unable to take the case because sexual orientation is not a prohibited ground of discrimination in the province. He therefore filed a Charter challenge. The province had 30 days to appeal. Diane Mirosh, the original minister of community development, said that "gay rights are special rights," and Gary Mohr, the new minister, told the media that "the decision will give licence to paedophilia." In May 1994 the Government of Alberta appealed the decision, which it eventually lost before the Supreme Court of Canada .

14. Some Canadians suggest that supporting homosexuality is promoting a deviant lifestyle. In August 1993, *Blue Line*, Canada's national law enforcement magazine, refused to run an ad for Toronto's Gay Cops United Foundation and thereby "promote a deviant lifestyle." Editor Morley Lymburner said, "I do not feel that your, or anyone else's, sexual tastes should be a topic of promotion in my magazine."

15. The fax also stated: "Male homosexuals have a higher rate of disease than normal people: syphilis (14x); gonorrhea (3x); genital warts (3x); hepatitis (8-50x); lice (3x); scabies (5x); penile-contact infection (30x); oral/penile infection (100's of x); AIDS (5000x) & also experience herpes, urethritis, periculosis and intestinal parasites"; "Minneapolis and San Francisco have had epidemics in the general population due to homosexual food handlers in restaurants"; "AIDS has been transmitted without breaking skin and via a dentist; it survives freezing; it has been found on 'sterilized' needles; it can be transmitted in saliva"; "The average homo man eats excrement from about 23 other men each year"; "Surgeons have removed from their anuses: light bulbs, fermenting veggies, pop bottles, dildos, vibrators, shaving cream cans and small animals." Fax to City Councillors Offices: "Octopus Books at 798 Banks, is welcoming Alex Munter tomorrow evening to talk about his 'gay' agenda to 'suburbia.'"

16. In 1997, the American Psychological Association voted to oppose "conversion" therapy attempting to turn gays straight and added, "The APA opposes all portrayals of lesbian, gay, and bisexual people as mentally ill and in need of treatment due to their sexual orientation."

17. The theme of change and moral responsibility to participate in society was prompted by two Canadian groups which oppose the introduction of Bill C-23, an act to modernize the

status of Canada in relation to benefits and obligations which could change 68 laws affecting unmarried couples and gives same-sex couples common-law status. The bill was introduced by the federal Liberal government in February 2000. The government committee heard from right-wing groups such as REAL Women and the Toronto District Muslim Education Assembly while refusing to hear from the National Action Committee on the Status of Women (NAC). The Toronto District Muslim Education Assembly stated that “gay relationships negate the higher societal duty of procreation . . . and promote moral corruption and degradation of human beings.” What next? they asked. “Will we approve incest?” Gwen Landolt, speaking for REAL Women, stated that “if people can change from straight to gay (coming out) they can change from gay to straight and they should.”

18. At an Ottawa Mosque in May 1999, Imam Gamal Solaiman denounced same-sex relationships as “unnatural, unhealthy, and against God’s will,” and invited Muslims to contribute to the Liberals or the Tories. Two provincial election candidates canvassed after the service.

19. In Toronto, a Toronto Transit Commission employee refused to work with transfers that say “Lesbian/Gay/Bisexual Services,” calling it a “health and safety issue” and was disciplined by the TTC. The transfers were the result of a human rights case launched in June 1993 and resolved in November 1998, in which the TTC refused to put up gay-positive posters.

20. In June 1999, in response to the *M. v. H.* decision and talk of the liberals supporting same-sex marriage, Reform Party Critic Eric Lowther (Calgary Centre) argued that the recent Supreme Court ruling in *M. v. H.* has confused people: “with the capacity for natural heterosexual intercourse as an essential element . . . marriage provides a healthy biological design for procreation. Other types of relationships are technically incomplete.” Lowther also mentioned [heterosexual] “parental fullness” and “the gender-deprived parenting of same-sex relationships,” suggesting that children of straight couples grow up to behave better. Wentworth-Burlington MP John Bryden spoke of “the right of children to heterosexual parents.”

21. In April, 1996, Focus on the Family protested against the inclusion of sexual orientation in the Canadian Human Rights Act. In February 1996, the Canadian Senate passed Warren Kinsella’s Bill S-2, to include sexual orientation in the CHRC. Focus on the Family gave written testimony “against passing the bill because it will discourage gay people from seeking the cure” and a Manitoba church claimed that its group was against the bill because it was a “threat to Canada’s youth.” Reform MP Bob Ringma said he would dismiss to the back room or fire a gay or black man or any other minority-group member whose presence was affecting sales. Ringma apologized and resigned as party whip.

22. The notion that homosexuality is a choice is evident in the following comment made by Alberta Reform MP John Williams. In April 1995, Williams opposed the National Gallery’s \$200,000 purchase of General Idea’s “One Year of AZT,” a 1991, room-sized work composed of 1,825 large white fiberglass capsules: “We shouldn’t be glorifying a disease that we get through choice: We should be using our money to educate our young on the dangers of promiscuity and immorality.”

23. Continuing the mental illness theme, in February 1994, University of Ottawa professor Paul Lamy was investigated by the Department of Social Sciences after complaints about his teachings: “You call them bisexuals, I call them psychopaths”; “Lesbians and gay men don’t have family values”; “Feminists are irrational manhaters,” etc. Lamy later declared that he retracted the psychopath comment and the case was therefore closed.

24. The link is often made between “unnatural sex practices” and homosexuals as sexual abusers and criminals. In July 1994, People Against Queering Canada held a 150-strong rally in Sarnia “to stop the gay rights movement.” A handout with many biblical quotations explained, “They claim to be a minority group and should be treated as such. . . The only tie which binds homosexuals together is their unnatural sex practice, thus making them a far cry from religious, racial, or any other minority group. Therefore the homosexual community

should be entitled and treated no differently than any other sex offender, rapist, or child molester.”

25. The notion that gay sex is unnatural and sick is promoted by the Reverend Ken Campbell's Metro Renaissance in his brief presented to the Royal Commission on Learning. The brief stated the following: *“A good rule of thumb is, ‘if it doesn't fit, don't put it in.’ Perhaps you've been brainwashed by the media to be ‘tolerant’ and accept homosexual behaviour; Then let's imagine for a moment that there are people with an ‘orientation’ where they are obsessive about putting broom sticks up the orifices of their nostrils with recurring stretching, tearing and bleeding; ‘Oh, get serious,’ you're probably saying, ‘That's absolutely ludicrous’; Well, no more ludicrous that [sic] shoving something into a rear end's orifice with the same results of stretching, tearing and bleeding.”*

26. In response to Bill C-23, intended to modernize the statutes of Canada in relation to benefits and obligations, Peter Stock of the Family Action Coalition stated: “There is no discernible good that these relationships contribute to society.” In April of 2000, Bill C-23 reached 3rd reading and passed 174-72 with much argument about bigotry, the moral fiber of society, etc. The term “common-law partners” now covers gay and straight relationships alike. In all, 170 amendments were filed by opponents. The Reform party asked that the bill be sent back to committee for further amendments to insert the definition of marriage many times; however, the motion was defeated.

27. In 1994, Jim Egan and Jack Nesbitt's challenge to the Old Age Security Act reached the Supreme Court of Canada. Government lawyers argued that lesbians and gay men are not a needy group. Egan and Nesbitt had applied for a low-income supplement and had been living together since 1948. A coalition, including the Attorney General of Quebec, the Canadian Conference of Catholic Bishops, REAL Women, Focus on the Family, Hindu, Sikh and Muslim groups, the Evangelical Fellowship of Canada, and the antigay Interfaith Coalition on Marriage and the Family, argued that the state can and should “privilege” heterosexual relationships. In its joint brief, the coalition said: “Society is more prepared to eat excrement than it is prepared to accept homosexual relationships.” The government withdrew its support of Egan and Nesbitt following the defeat of Bill 167.

28. In January of 2000, the Winnipeg Council of Rabbis said that the decision of one of their peers to perform same-sex and interfaith unions “will lead to communal suicide,” but Rabbi Michael Levenson says he has performed many such unions in the U.S. which is more tolerant.

29. Some believe that the “homosexual movement” undermines the Bible. In July 1993, the Saskatchewan president of the Christian Heritage Party said human rights protection for lesbians and gay men has turned the Bible into hate literature (citing the section of Leviticus which says gays should be put to death) and lodges a complaint with the Saskatchewan HRC to have the sexual orientation amendment reversed for undermining the freedom of expression provisions. The Saskatchewan Human Rights Commission has previously rejected Owen's contention that the Bible is hate literature.

30. Calgary Bishop Fred Henry calls for governments to “proscribe or curtail” homosexuality, saying the government has a duty to suppress public expressions of homosexuality. In a pastoral letter read in every church in the diocese, Henry equates lesbian and gay relationships with prostitution and pornography: “Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, then the State must use its coercive power to proscribe or curtail them in the interests of the common good. . . .It is sometimes argued that what we do in the privacy of our home is nobody's business. While the privacy of the home is undoubtedly sacred, it is not absolute. Furthermore, an evil act remains an evil act whether it is performed in public or in private.” In 2003, Henry warned Catholic politicians that they might not get into heaven if they supported equality for lesbian and gay relationships.

31. In response to Reform Health Critic Grant Hill's comments about Bill C-33 and “gay disease,” Dr. Jack Armstrong, head of the Canadian Medical Association, tells the annual

meeting of the Medical Society of Nova Scotia that “physicians in Canada are here to provide care to all citizens of this country, regardless of their sexual preference or orientation or for any other reasons.”

32. The notion that lesbians and gay men are a danger to society and have the power to annihilate society as Canadians know it is promoted by Nova Scotia MP Roseanne Skoke in response to the discussion concerning changing the definition of “spouse.” During a CBC interview on the topic, Skoke stated, “[They] are not families in law . . . and they will not be family” and “There are those innocent victims that are dying from AIDS and then there are those homosexualists that are promoting and advancing the homosexual movement and that are spreading AIDS. AIDS is a scourge to mankind and there will be no cure for AIDS. And so this love, this compassion [between homosexuals] based on an inhuman act, defiles humanity, destroys the family . . . and is annihilating mankind.” He declared, “To redefine the family to include homosexual and lesbian relationships is immoral, unjust, and a violation of the rights of the family which are well founded in both Canadian and natural law.” Skoke continued, “The family unit is the basic institution of life and the solid foundation on which our forebears built this great nation.” Skoke also opposed lesbian, gay, bisexual child custody and human rights protection on the basis of sexual orientation and compared homosexuality to pedophilia and bestiality. *Ibid.*, CLGRO, “Selected Newsclippings, 1994,” p. 16. On the same issue, Roman Catholic Archbishop of Toronto Aloysius Ambrozic patronized gays and lesbians by suggesting that they are weak and subject to their sexual appetites: “We should be kind to homosexuals and understand their problems . . . The poor devils, they’re their own worst enemies,” leaving one to wonder if having sex is all that gay and lesbian persons think about and do.

33. The suggestion that gays and lesbians are a social and public health problem was elaborated upon in the following case that went to the British Columbia human rights commission. After a Victoria B.C. resident in December of 1996 bought anti-gay hate material (U.S. Family Research Institute pamphlets) titled “Murder, Violence and Homosexuality,” “Medical Consequences of What Homosexuals Do,” and “What Causes Homosexual Desire and Can It Be Changed?” in Prince George’s Ave Maria Gifts and Health Foods, she complained to the owner, Louis Matte. He refused to withdraw any of the material except the first-mentioned leaflet. An employee of the store quit in protest and reported to the Canadian Broadcast Commission, which broadcast the news in January. The PG Coalition for Human Equality then formed. In February, Matte took out a full-page ad in the *Free Press*, criticizing the CBC, describing homosexuality as a social and public-health problem, and citing “traditional Christian values” and Alberta Reform MP Grant Hill. Shane Mills of the *Free Press* advocated that, for the sake of democracy, the BC government revoke the section of the human rights act prohibiting hate literature against lesbians, gays, and bisexuals. The RCMP was unwilling to lay charges since lesbians, gays, and bisexuals are not a protected group under the Criminal Code. In addition, they concluded that the distribution of religion-based hate literature in good faith is protected.

34. Upon banning the books *Asha’s Mums*, *Belinda’s Bouquet*, and *One Dad, Two Dads* from a British Columbia public school, the board chair stated, “I do believe that if parents want to teach their children that homosexuality is not a healthy choice, then they have that right to in this country—at least for now.” The BC Teachers Federation had passed a resolution in March to “create a program to eliminate homophobia and heterosexism in the BC public school system.”

35. In October, 2000, posters went up in Toronto’s gay district announcing the formation of a lesbian-bashing group; police said they were treating it as “uttering a death threat.” In May 1995, Winnipeg police said they were unable to press charges against the distributors of pamphlets calling for the killing of homosexuals since the federal law does not protect women or lesbians, gays and bisexuals. The notion that gay persons should be killed if found to be child molesters is evident in the beliefs promoted by the Liberty Net hotline. In January 1994, the Canadian Human Rights Commission tribunal investigated Liberty Net hotline,

which broadcast a recorded message by Tony McAleer in January 1993. The hotline message stated that “child molesters, homo or otherwise, should be executed. Hell, the ancient Celts used to take their queers and trample them into peat bogs. It’s not such a bad idea, maybe.” In this case, the CRTC ruled that Liberty Net must cease “discriminating on the basis of sexual orientation, in particular on the basis of homosexuality,” concluding that this “exposed a person or persons to hatred or contempt on the basis of their sexual orientation.” The CHRC could not close down the phone line; but any violation of the order was liable to lead to contempt of court charges. McAleer’s lawyer, Doug Christie, who also defended Ernst Zundel, said that 1) sexual orientation is not protected by the Charter or the CHRA, and 2) the message was not about homosexuals but pedophiles and it is ok to hate pedophiles, and 3) the message was humorous. In a previous complaint McAleer, who organized a white supremacist meeting in Vancouver in 1993, was ordered to close down the phone line because of racist messages and is currently appealing a contempt of court charge. The CRTC suspended Liberty Net’s right to telephone service because of the racist messages. Telephone messages are federally regulated.

36. In February of 1994, possibly in response to January’s Lesbian/Gay/Bisexual awareness week, handwritten flyers were posted at the University of Toronto and stuffed into the student newspaper, *The Varsity*, reading, “Repent or perish. The death penalty for homosexuality still stands.” *Ibid.*, the University of Toronto responds that it cannot pursue an investigation because “sexual orientation” is not a protected group under the Criminal Code.

37. That gays and lesbians are considered to pose a danger and are a dangerous and criminal element is evident in the position taken by BC Reform MP Bob Ringma in a December 14th interview in the *Nanaimo Free Press*: “I’m not in favour of them trying more and more to make their way of life spread around to other parts of the straight community—especially when they involve children—I would defend the right of an employer to discriminate against homosexuals if he found the homosexual had a negative effect on his business.”

38. *Canadian Press*, December 1, 2006. “Human Rights Tribunal Finds Alberta Man Distributed Hate on the Internet.” CBC News online: <http://www.cbc.ca/cp/national>.

39. The notion that gays and lesbians may be corrupting the education system in Toronto, Ontario may have been on the minds of two Muslim groups. In September 2000, 600 Muslim fundamentalists (Ontarians for Traditional Family Values, and the Toronto District Muslim Education Assembly) rallied outside Queen’s Park and marched to the Toronto school board under the slogans “morality not promiscuity,” “save the children,” and “education not moral corruption.” The group claimed they objected to the school board’s positive teachings on homosexuality.

40. The theme of gays and lesbians imposing themselves on others arose in another case being heard by the British Columbia Human Rights Commission (2000). In October, 2000, hearings began on a hate discrimination case filed by a group of gay teachers and straight parents in B.C. against the Vancouver-based Citizens’ Research Institute, which sent out in 1996 “A Declaration of Family Rights,” which was a mailing showing how to threaten legal action against schools that portray homosexuality as something “acceptable” that “must be tolerated.”

41. The conspiratorial nature of gays and lesbians was discussed at the Human Life International conference in Toronto. In April 1999, the Human Life International 18th annual world conference in Toronto met with large demonstrations and confined itself to a hotel. The conference featured lectures such as “Abnormal Relations: Same Sex Attraction and Marriage,” with opening speaker Father Paul Marx, who founded HLI in 1972. He endorses the views of Paul Cameron, who was barred from the American Psychological Association in 1983 for saying he thought that HIV-positive persons should be branded on the face and forced to be celibate or eliminated. Marx’s 1991 book, *The Apostle of Life*, claims that homosexuals, feminists and Jews are part of a conspiratorial “culture of death.” Conference presenter Judith Reisman claimed that “Hitler was brought to power by the homosexual

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movement.” Two men who protested against HLI were arrested and the charges were later dropped.

42. In April of 1995, the U.S. anti-abortion group Human Life International held its 14th annual world conference in Montreal, where some 1000 attended. The HLI “position statement” says that “homosexuality is deviant behaviour that is socially, and personally destructive.” Theresa Bell, executive director of HLI Ottawa, stated, “Homosexuality is a life issue . . . on an economic level, if we’re going to approve [of LGBs], where will we get the population from?” Reisman claimed: “You will not ever do anything about homosexuality until you address pornography,” and Father John Harvey of Courage expressed the belief that gays should return to their opposite-sex spouses or live without sex.

43. The belief that sexual minorities are violent was promoted by the Reverend Fred Phelps in June of 1999. Minister of the Kansas-based Westboro Baptist Church, Phelps runs the Internet site *godhatesfags.com*. He planned to visit Canada on June 28 and burn the Canadian flag outside the Supreme Court building in Ottawa to show his objection to the *M. v. H.* decision. Phelps stated: “Canada is a grotesque malignant tumour sitting atop Uncle Sam’s head, threatening to metastasize.” Margie Phelps, his daughter, claimed that “Everyone knows fags are violent” and that “your police officers are as black-hearted as the perverts.” Phelps said he would go to Ottawa at the end of pride week celebrations on July 18 and would picket “Ottawa fag churches” on July 19. In August of 1999, Fred Phelps did not show up in Ottawa, but his daughter and press officer did, and burned the Canadian flag on the steps of the Supreme Court building: “We’re here to basically say it’s not okay to be gay,” she said. “God’s hate is wonderful and perfect and someone’s got to start talking about that. He does not love everybody.” They proceeded to Montreal where they unfurled and burned a “fag flag”; a scuffle ensued and two counter-protesters were arrested for disturbing the peace. In February of 1994, at gay activist Randy Shilt’s funeral service, Reverend Fred Phelps and ten supporters carried signs that read “God Hates Fags.” The Phelps clan also organized a demonstration outside the funeral of murdered gay student Matthew Shepard.

44. In April of 1998, in response to the *M. v. H.* decision, Ken Campbell and some of his groups took out a \$45,000 full-page add in the *Globe and Mail* declaring that the government was “imposing ‘bathroom morality’ on the churches and in the nation’s living rooms.” Philip Shea filed a complaint with the Ontario Human Rights Commission (OHRC) under s. 13.1 of the OHR Code claiming it is illegal to announce the intention to discriminate or incite others to do so; however, his complaint was later dismissed on the grounds of freedom of expression.

45. Vancouver-area Reform MP Paul Forsyth opposed the inclusion of sexual orientation in the hate crime bill, C-41, because “gay bashing is as likely to be perpetrated by vengeful gays suffering from the effects of short term relationships and poor health.”

46. In April of 1995, hundreds of protestors in Winnipeg shouted down antigay evangelist Bob Larson from Colorado; he left the university campus without presenting his speech. Eight hundred of Larson’s supporters were there, including local KKK sympathizer Bill H Marcus. Larson’s crusades included such topics as opposing gays, abortion, NRT, witches, satanism, and heavy rock. Later, Larson used the event in a fundraising letter to “wage war in the Canadian Courts to demand our Christian rights”: “The devil is trying to force me off the air in every city. He’s using a well-organized homosexual movement to do it.”

47. In June, 1995, Bill C-41, the federal hate crimes legislation, passed commons 168-51, with sexual orientation included as a protected category. Reform MP Myron Thompson said that it was “condoning immorality” and that “85% of Canadians agree.”

48. In July of 1995, the British Columbia (BC) human rights minister Ujjal Dosanjh announced Bill 32 to overhaul the BC Human Rights Act, which would include replacing the BC Adoption Act with one that allows common-law couples and unmarried adults to adopt. Reform MP Richard Neufeld responded that children are raised much better, and their whole outlook on life will be different, if they are raised in a traditional family. Reform party leader

Jack Weisgerber opined that “in the event of the death of a lesbian or gay parent, a child should be taken away and adopted by a traditional family.” At the June Reform convention it was resolved that “the traditional family is the basis of society” and marriage was defined as “the legal union of two people of the opposite sex.”

49. Gays are considered to be members of well organized militant groups. In response to the defeat of Bill 167 (Ontario), Federal Reform MP Myron Thompson of Wild Rose, Alberta issued a press release that claimed that “the failure of the militant gay and lesbian special interests to get same-sex legislation passed in Ontario is a victory for the traditional family” and that “the traditional family is the most important link to social order and peace in Canada.”

50. In the following examples it is argued that lesbian or gay “lifestyle” is a departure from Christianity and godliness, and is unnatural. In September of 1994, Fidelity, a group of Conservative Anglican clergy, sponsored a conference on homosexuality, promoting the view that “homosexuality is an inherent departure from God’s order.” Ibid., CLGRO, “Selected Newsclippings, 1994,” p. 29. Speakers included Sue Careless from CURE and US therapist Elizabeth Moberly, who claimed she “cures” gays. In September of 1994, MP Roseanne Skoke stated that gays and lesbians impose their lifestyle on others: “We’re talking about imposing upon and insisting that all Canadians condone what is in my opinion immoral and unnatural . . . I have a right as a Christian to defend the values of our Canadian country.” She expressed the belief that gays are undermining and destroying Canadian values and Christian morality (CLGRO 1994, 29). When Bill C-41 passed second reading in October 1994, Ken Epp, Reform MP for Elk Island, Alberta, said that sexual fidelity will end AIDS and solve everything. Art Hangar, Calgary, Northeast, said he does not believe homosexuals should be treated as families.

51. In 1994, out gay Kanata councillor Alex Munter’s campaign posters were defaced with anti-gay graffiti, and articles written by Robert Eady and Bruce Clark in local newspapers suggested a “hidden homosexual agenda.” In Toronto, out gay school trustee candidate Philip Share received harassing telephone messages: “You fags are history. Your place is going to explode” and “Nobody’s going to vote for a fag and a Jew.”

52. In November of 1994, Stratford’s *Beacon Herald* ran a piece beginning, “If homosexuals get special consideration in law against hate crimes, a push to legalize paedophilia won’t be far behind,” and went on to quote U.S. anti-gay researcher Paul Cameron: “Homosexuals die younger, are unhappy, develop their sexual orientation through childhood homosexual experiences and are likely to pass it on by sexually assaulting young children.”

53. In December of 1994, Scarborough Liberal MP Tom Wappel held a special community forum at Danforth Gardens Public School on immigration and sexual orientation. Wappel said he could not support the inclusion of “sexual orientation” in the CHRA, since it could include “pedophiles, maybe heterosexual, homosexual, and bisexual,” and that “inclusion would imply that homosexuality is OK,” which he said that most of his constituents don’t believe. He distributed a 21-page document stating that homosexuals die early, that homosexuals (apparently all men) are promiscuous, that homosexuality can be unlearned, and so forth.

54. In 1987, *Toronto Life*’s “Sex and Death” issue stated that bathhouses and in particular the Barracks help spread AIDS. In December of 1993, *Toronto Life* finally published an apology.

55. Omni 1, a Toronto multicultural TV station, apologized for a telecast of US evangelist Jimmy Swaggart’s television program in which he threatened to kill gays. The program prompted an investigation by the CRTC. Swaggart responded: “I’m trying to find the correct name for it . . . this utter absolute, asinine, idiotic stupidity of men marrying men. . . . I’ve never seen a man in my life I wanted to marry. And I’m gonna be blunt and plain; if

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one ever looks at me like that, I'm gonna kill him and tell God he died." These remarks met with applause from the congregation at his ministry in New Orleans where the show was taped.

