



TRUE RIGHTS ARE FREEDOMS, NOT POWERS

- Edward W. Younkins

{Dr. Younkins is a Professor of Accountancy and Business Administration at Wheeling Jesuit University in West Virginia. Writings by Dr. Younkins can be found in other freedom-oriented journals such as *The Freeman*, *The Social Critic*, *The Free Radical*, *Discourse*, *The Individual*, *Free Life*, and *Markets and Morality*. His essay below, submitted to *Consent* for publication, brings to our attention some of the fundamental and universal principles necessary to any free society. In an age when the concept of 'rights' continues to be misrepresented and misunderstood, we would all be best served by re-examining the legitimate meaning of 'rights', and the legitimate context in which they apply.}

America was founded on the concept of rights; however, when many of its citizens speak of rights today, they mean something quite different from what was envisioned by Madison, Jefferson, Franklin, and Locke. These men shared the belief that individual rights were a fact of nature existing prior to, and independently of, any man-made laws. The purpose of the legislative process was not to create laws or additional rights of the legislators' own design, but merely to proclaim and enforce men's natural rights while taking none of these rights from them.

New conceptions of sovereignty and politics have recently become popular with the result that people have increasingly come to regard the government as a source of rights rather than as a defender of pre-existing individual rights. The assumption of this new view is that a right is not simply a freedom to do a certain thing, but is the privilege of forcing others to take positive actions to provide some perceived entitlement. If this were true, a right would not be seen as a freedom but rather as a power.

NATURAL RIGHTS ARE FREEDOMS

To the founders, a right was a moral principle or imperative defining and sanctioning a man's freedom of action in a social context. Such a right represents a man's absolute power to seek an end. Under this process view of rights, the only duty imposed on others by such rights is the negative duty of forbearance --- of not interfering with that to which a person has a right. If a person has a right to perform a certain activity, then others have the obligation not to interfere with that activity.

It follows that there are no group rights --- only individual rights.

Group rights are arbitrary and imply special interests. The state is not involved in the creation of rights --- it mainly exists to protect an individual's natural rights. Concerned with protecting the self-directedness of individuals, rights are a metanormative concept that provides law with a moral underpinning.

Where do rights originate?

Many believe that all humans are endowed with rights by God. Sovereignty, the source of rights, rests with the Creator. All human beings have natural rights inherent in their created nature and have moral obligations to respect the rights of others. Natural rights such as religious liberty, the right of self-directedness, the right to private property, and the right to economic initiative are founded in the nature of the person --- each person having been made in the image of God.

Others say that certain moral rights are inherent in human nature and the human condition, and are thought to be possessed by all persons because of their nature as rational beings. To flourish in accordance with human nature, a person must live intelligently. It follows that autonomy in the use of one's reason is a necessary, but not sufficient, condition of human flourishing.

Respect for the self-directedness of each person is thus necessary since self-directedness is required for the flourishing of each individual. The purpose of natural rights, also known as negative rights or liberty rights, is to protect individual autonomy and, for many, accountability to God. From the standpoint of interpersonal relations, each man is a self-owner with the inalienable rights of life, liberty, and the pursuit of happiness (which includes the right to private property). These protect a man's right to act freely to pursue his happiness. Rather than guarantee happiness, they leave us responsibility for our lives and for the pursuit of our freely-chosen goals.

Natural rights impose a negative obligation --- the obligation not to interfere with one's liberty. Being all equal and independent, no one ought to harm another with respect to his life, liberty, or possessions. It is illegitimate to use coercion against a man who does not first undertake the use of force. The role of government is to protect man's natural rights through the use of force, but only in retaliation, and only against those who initiate its use.

The natural right to political freedom is a social condition necessary for the possibility of moral action. Political freedom involves the idea of a

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To those who consent, no injustice is done

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protected private sphere within which an individual can pursue his freely chosen norms, actions, and ends without the intervention of arbitrary coercion. Natural rights, therefore, require a legal system which provides the necessary conditions for the possibility that individuals might self-actualize and pursue their own moral well-being.

Individuals' natural rights do draw the lines that separate people, their properties, and their spheres of action. However, these rights also provide opportunities for community members to act virtuously toward one another. For example, under a system of natural rights, a person can withhold a claim (i.e., forgive a debt) against another person, express generosity, etc.

"The role of government is to protect man's natural rights through the use of force, but only in retaliation, and only against those who initiate its use."

To be a natural right it must be possible for all persons to exercise the claimed right simultaneously without logical contradiction. Rights such as freedom of speech, freedom to own property, freedom of religion, and freedom of association are examples of natural rights. Each can be exercised by each person without denying that right to others. Whenever a right claimed by an individual imposes an obligation on another to perform a positive action, it is impossible for the alleged right to be exercised by each simultaneously without logical contradiction.

Natural rights are not only genuine rights, but they are timeless, possible to achieve, and require human action for their violation. In addition, it's possible for charity to exist within the realm of natural rights.

WELFARE RIGHTS ARE POWERS

During the 1960s, proponents of redistribution began to use the language of "rights" in their efforts: (1) to achieve a greater equalization of wealth; (2) to expand the role of government beyond its original conception; and (3) to allow recipients of government subsidies to think they are getting what they have earned or deserve. Welfare rights, also called positive rights, are rights to goods such as food, clothing, shelter, education, health care, a job, etc. Welfare rights are communal rights for the enforcement of which a coercive government is required.

This interventionist or positivist view of rights stems from the philosophy of legal positivism and asserts that the state can create and extinguish rights as long as it follows the rules of procedural due process. Under this alternative view, people can create rights through the government and are constantly revising their conceptions of rights. Positive rights are not derived from our natural rights.

A positive right of one person to food, health care, a job, education, etc., imposes a duty on others to undertake positive actions to provide the entitlement and thus involves an expenditure of money, time or effort. People have positive rights only at the expense of someone else's natural rights. Welfare rights are claims to the products of another person's labor and involve demands for new forms of government compulsion. Rather than ensuring the

procedural freedom of all individuals, they are, in fact, special privileges, conferred upon some persons at the expense of others.

The claim of welfare rights is meant to impose on some people the positive obligation to provide goods for others. However, neither needs nor demands create rights. If my need of a particular good establishes my right to it, then some other people have the involuntary obligation to provide me with the good at their expense. Other people are self-owners just as I am. I cannot morally force them to pay for my needs or wants. If others are forced to provide for me because of my welfare rights, then they are being used as a means to my welfare. The welfare rights idea is incompatible with the view of persons as ends in themselves.

In addition, consistency requires that one man's rights not diminish the rights of others. For example, a government which simultaneously asserts the natural right to private property and then takes the property to fulfill

welfare rights has adopted inconsistent principles.

Welfare rights are illegitimate rights --- they change over time, are impossible to attain, and do not require human action for their violation. Furthermore, if there are welfare rights, then it is impossible for a person to engage in charitable acts. I can't give a person something if it's his right to have it! A willingness to help others is a matter of personal choice --- not a requirement imposed by the state.

NATURAL RIGHTS ARE LEGITIMATE RIGHTS

A legitimate right is not to a thing or to a given result --- but to engage in an activity without the guarantee of success. For example, the right to property is not the power to have it taken from others, but simply to do something to attain it that does not violate the natural rights of others.

This process conception of rights involves the legal ability of individuals to carry on certain processes without regard to the desirability of specific results, as judged by other persons. The function of natural rights as metanormative principles is to protect the self-directedness and moral autonomy of individuals and thus secure the freedom under which individual happiness and moral well-being may be pursued.

A political and economic system that recognizes only (or mainly) negative rights is superior to systems that try to spell out extensive positive rights in addition to the negative ones. The minimal state allows individual community members to directly look out for and take care of people one knows personally. A system based on negative rights puts individual voluntarism, interpersonal attachments, and community goodwill at the core of political, social, and economic arrangements. [END]

WIZARD OF ID By Brant Parker and Johnny Hart



"Morality, after all, is merely a demand for rational behaviour." - John MacMurray

CONSERVATIVE GRIDLOCK

(An Open Letter To Tom Long)

- Joe Armstrong

{Author, historian and heritage publicist Joe Armstrong is a sixth-generation Canadian whose best-selling books, *From Sea Unto Sea: Art & Discovery Maps of Canada, Champlain, and Farewell the Peaceful Kingdom*, have indelibly left their mark on the Canadian landscape. The following essay, taken from notes for an address to the Toronto Don Valley Rotary Club on June 1, 2000, was framed as an open letter to Tom Long, an Ontario Tory and contender for the federal leadership of the newly-formed Canadian Alliance. With the federal election of 2000 now behind us, Joe Armstrong's historical evaluation of freedom and the conservative dilemma in Canada take on a new meaning.}

Dear Tom Long,

I write to you with a conservative family heritage in Ontario and Canada dating back to 1895. *

Yet for the umpteenth time in recent decades I find myself disenfranchised from Conservative Party politics. I have no place to park my vote with any conviction, or faith that what I most strongly believe in has any home in this country.

I know I'm not alone. After so many letdowns and betrayals within Conservative ranks, I am now a seasoned cynic because I see no prospect of any relief from this malaise. As I have stated publicly and published in writing many times: we are entombed in a world of Liberal Welfare State Absolutism -- an anti-democratic stew-pot.

You know the issues as well as I do: starting with an unelected Senate, the tyrannical powers vested in the Prime minister by constitutional law. You know too that in any free and democratic society, there must be the very real prospect of an alternative government.

For decades now, for many, including numerous members of my immediate and extended family, there has been only one escape: to individually brain drain ourselves elsewhere. Some eight out of fifteen family members now live permanently in the United States, Taiwan, Singapore, Germany and elsewhere.

Mr. Long, I believe that we conservatives are largely responsible for this morbid state of affairs: Conservative-Gridlock.

For too long we have been witless and gutless. And mostly uninformed: And therefore easily manipulated by others --- And on the agenda of others.

This, I hope, is no surprise to you. And, because of your demonstrated courage and commitment to enter the gladiatorial arena at the federal level, I want to share with you some of my thoughts.

For a start, I attended your Canadian Alliance Leadership launch on April 27 in Woodbridge, Vaughan Township. I regret, however, that after only a short period of time

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since that date, I find myself, yet again, disillusioned. Let me tell you why.

Let me begin by revealing where I am coming from. Just for fun, I'll do this in the typical Canadian way, negatively.

First: On being a "small c-conservative" (You say you are one of these):

I have always rejected this negative put-down of a noble political philosophy that does nothing more than expose the insecurity of too many conservatives. As Winston Churchill, (a man I had words with in London when I was 17), barked back to a journalist who insisted Clement Atlee was at least a "modest man": Churchill retorted: "Those who are modest, usually have a great deal to be modest about."

Conservatives must have no place in their vocabulary for such insufferable self-deprecation. Period! I, as an historian, for example, write history --- not non-fiction.

Secondly: On being a "Red Tory" (You are clearly not one of these):

Like you, I am not a Red Tory, lower or upper case. The socialist academic Gad Horowitz invented this oxymoron and conservatives in droves have legitimized this classification. Let's be clear: Red Tories are either Liberals or NDPs and all belong in a socialist party bailiwick.

Time and again conservatives have allowed themselves to be defined by socialists. The latest term in vogue that conservatives now have gleefully rallied to is 'Social Conservative.' Here's another nonsense label that has half a hundred different meanings. Everyone claims to be socially responsible. So why indulge this confusion? Manning and Day worship this chaos, by the way.

Third: On the former "Reform Party" or the "Canadian Alliance Party":

I am not, though I once was, a Reform Party member. I left Reform in 1994, after two years, for many reasons -- mostly the systematic erosion by Reform leadership of every single conservative principle that was adopted at their founding convention in Winnipeg in 1987.

I am doubly not a member of the Canadian Alliance. This party has now endorsed the intellectually bankrupt platform of the Reform

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"Happiness, the final object of all human effort, is a state of mind that can be maintained only through the hope of future achievement. Happiness lies always in the future and never in the past." - Napoleon Hill

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Party --- the same that moved so surreptitiously to the left of center in Canadian politics.

I ask how could any conservative support a party that endorses Pierre Trudeau's vision of Canada as exemplified by state forced Official Bilingualism? The whole country knows full well that Official Bilingualism is the singular and most significant constitutional rubric of the Liberal doctrine of founding races and founding cultures. In one suicidal jump, the 'Canadian Reform Conservative Party,' - a.k.a. "The Alliance," have taken a breathtaking leap into the socialist statist camp.

You can not, as a Conservative, claim to reject the racist and statist doctrine of "founding races and founding cultures" and then jump aboard its most pernicious frontier. The 'have proof' of where this disastrous thinking leads is the Nisga'a Treaty, creating citizenship rights of a distinct kind for native Canadians. Conservatives of all party stripes have been hornswoggled into this socialist nonsense. Another Charter mess is making the Metis (whatever that means) a founding race of Canada. The result: Sir John A. Macdonald, the founding father of Canada, is now the murderer of Louis Riel. And Louis Riel, a murderer if nothing else, is just as Canadian as Sir John A., indeed a founding father of Canada. Manning says so. Clark says so. A real piece of brainwork this one!

Dear Thomas, by ignoring Canada's conservative heritage, look at the mess you got yourself into recently. You told Quebecers that Quebec Bill 101, the French language law, may not be perfect, but it's more or less O.K. What on earth did you have for breakfast that morning?

Bill 101 is the same legislation, despite the trivial amendment of Bill 86. It is the same statute that was damned by the United Nations as a violation of free speech on April 8, 1993. Bill 101, the French language charter is a racist statute, pure and simple. It is manifestly offensive in international law, let alone to every Canadian and most certainly every single Quebec Anglophone and Allophone. Your team captain at the time, Brian Mulroney, totally ignored this international humiliation of Canada, preferring to slip into Corporeal retirement instead.

Fourth: On Theocratic Conservatism & Populist Conservatives (You are neither of these):

Look at the olla podrida Day created by promising funding for religious schools. What is our charming kick-boxer up to? Has nothing been learned from Manning's theocratic bent, musings and endless manipulations? For the Canadian Alliance, there goes the Ontario neighbourhood.

In a pluralistic and ever-growing secular state, regardless of one's personal beliefs, Conservatives must be the ones that champion the separation of church and

state. The Liberals at least are successful at bamboozling people into thinking they are they are on the right side of history on this one. Pithy pulpit thumping of any kind is superb entertainment --- but that's all it is. One would think after the failure of no less than five western protest parties, many tainted with cenobite vigour, that Bible thumping en route to power guarantees one thing only --- political rigor mortis.

As for conservative populism, who knows what this means? While on the one hand, populists come across as grassy rooted and as Barbecue-friendly as your next-door "Town-Hall" buddy, as Manning proved time and again, once the touting populist gets back to headquarters, those sweet grass roots and clippings are relegated to the compost heap. The Stornoway saga is a superb example.

Fifth: On The Progressive Conservative Party: (Here again you're spared in spades):

Joe Clark is Joe Clark --- nothing more, nothing less --- a nice fellow, really --- a community of communities in his own mind. Joe is neither a Tory nor a statesman. Worse, he's a not a threat to anyone. He's just an elder and his political beliefs, if they exist, are unknown, thank heaven. I for one do not wish to have Joe Clark put under a microscope to clear up his ambiguities. This would be cruel. And think where it would take us! The media would starve.

But, more important, what to do with him?

For donkey's years, Joe's done noble service for the Liberals. Surely, if only because he desires a better community of communities he deserves the nation's highest honour, Companion of the Order of the Ceramic Snowflake: Canada's good conduct medal; if he hasn't already been so anointed.

At some point soon, when the numbers fit, a place for Joe Clark will be found in the Senate, so appropriately named the Red Chamber. Prime Minister Jean Chretien or one of his successors, Tyrannataxus Rex Paul Martin, who lives on Jurassic Park on the Rideau, will come to Clark's rescue and take him home to slumber at will. It will be a great moment in history.

Finally: On The Corporeal Conservatives (You are most certainly one these chaps):

I am half in and half out of this camp, only because this gang is only half Conservative. It's no insult to be a Corporeal Conservative, but there is a brobdignagian problem for those who choose this path to power --- like Satan in the Cadbury's chocolate ad: "It's not enough."

So many of these warriors of return on invested capital start on the right road, but because these scorekeepers ignore fundamental obstacles, they bypass genuine opportunities to power. So many Corporeals, just seconds out of the starting gate, get mired in the mud at the side of the road. Too bad! Corporeal Conservatives are needed, in spite of themselves. But they need something more inviting than a squabble over numbers --- a game those in power always win.

For openers, Corporeals have the wrong priorities. While they all cry in unison for lower taxes, this trumpeting is more often prompted by the state bordering on fiscal bankruptcy rather than motivation from an ingrained philosophical belief in conservative values. The cry for reduced taxes and money management sanity never wins control of the agenda. There is one exception: the Boston Tea Party. Anyone, from any political party can call for "lower taxes" and sound sartorially conservative. Even Paul Martin!

The ideological conservative, the one that counts, knows the priorities. There is only one mantra: a battle cry for freedom through less

"There is only one mantra: a battle cry for freedom through less government. It's not a policy matter: it's a matter of principle."

"Will conservatives never learn that to defeat Trudeau's socialist state, our poor perverted Canada that we all live in, we can only win with constitutional reform based on a far superior vision?"

"When I say 'capitalism,' I mean a full, pure, uncontrolled, unregulated laissez-faire capitalism - with a separation of state and economics, in the same way and for the same reasons as the separation of state and church." - Ayn Rand

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government. It's not a policy matter: it's a matter of principle. Every Tory, who knows his onions, knows instinctively that every public servant has been dragooned, almost exclusively, to generate tax revenue and distribute private wealth rather than nurture the national wealth of everyone, corporations and citizens alike. Forget this at your peril.

The mantra is freedom through less government. Barbara Amiel is one the few who has it right. A conservative is almost a Libertarian. Conrad should be told. Maybe if Barbara worked harder on him, he could become so much more than a mere Corporeal.

This is how to end the welfare state. The conservative cuts the branches of government thus starving the trunk of excess nourishment and unfettered growth. The tree now thrives because it is on a strict diet. Like any healthy orchard, the high quality of the harvest is the direct result of routine pruning and pest control.

Just as important, a conservative innately knows that you cannot tend the farm until property rights are as constitutionally entrenched as freedom and equality before the law. Property rights and freedom cannot be separated. Prior to Trudeau's Constitution Act of 1982, Canadians derived their property rights and freedom from a thousand years of British Common Law. These rights were understood, basic.

In the Charter of Fights and Fiefdoms, however, there is no such protection. In fact, after April 17, 1982, all freedoms and rights were classified, reduced, and many were whisked away. And, while the BNA Act of 1867 is still a part of the Constitution, the Liberal-socialists of this country have increasingly qualified this essential common law right. This constitutional failure will undoubtedly --- at length --- destroy the Canadian federation. If you doubt me, look at the big weeds being fertilized by every provincial government in Canada: the assortment of Human Rights Commissions across the country. This wellspring of kangaroo courts trample daily over the rule of law and no government in Canada has put the brakes on them, let alone abolished them, certainly not in B.C. or in Ontario.

To put the case squarely Tom Long: if you don't know how the Constitution works, and you think you can ignore it, you're dead. I

Born in Ontario!

Not Preston Manning

Ontario born!

Not Joe Clark

Knows all the words to 'Ontari-ari-ario'

Definitely born in Ontario!

Yes, born in Ontario!

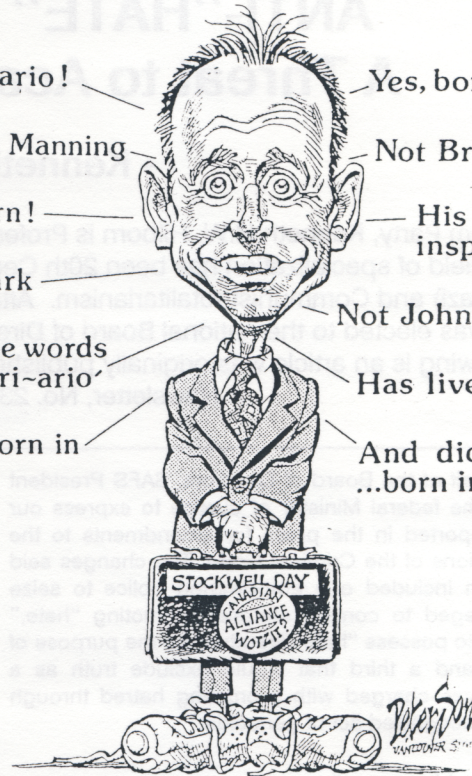
Not Brian Mulroney

His name alone inspires the TSE

Not John Diefenbaker

Has lived in Ottawa!

And did we mention ...born in Ontario?



SELLING 'MR. RIGHT'

learned this first hand after 23 years of personal experience in the federal public service. When Brian Mulroney took charge in 1984, for example, after only a few weeks every conservative I knew in government was dumbfounded. After so many years of Liberal statism, this well-meaning innocent, the grand Corporeal of them all, demonstrated he didn't have a clue as to how government works: what really happens inside the public service labyrinth. Within a few short weeks this happy Quebec Corporeal was on everybody else's

child --- the Calgary Declaration. Making Quebec the priority gave us the Bloc and Conservative Gridlock.

Now, having failed for the last quarter century because Corporeals got into the constitutional race from the ditch, many have decided to skulk off the freedom racetrack in snippety snit. Not too swift!

The musings of Corporeal David Frum in the National Post are a revelation of where conservative defeat must surely lie. On May 26 in the National Post, Frum fires a torpedo across the Stockwell Day campaign because, as Frum says, Day is "caught up in zany irrelevancies like the Constitution" (NP, May 26/00). Thomas, Thomas, Thomas. I can't believe it. You joined Frum in this nonsense on May 29 in Vancouver.

Now let me get this straight. Are Corporeals saying that, although bedrock Conservatism has always stood for law and order in the past, Conservatives must now ignore the highest law in the land --- the Constitution --- because it doesn't work for them? It's just too

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agenda including the liberal-socialists at his side. The list is legion, from Dalton Camp, Stanley Hartt and Hugh Segal to the most equivocal Corporeal savant of them all, Thomas D'Aquino of the BCNI.

No wonder we got into the Meech Lake mess, The Charlatan Accord nightmare, and, following on the heels of the Mulroney cum Kim Campbell reign, the provincial orphan

(GRIDLOCK concluded on page 12 (back cover)...)

"No one can take away our freedom. We can, however, give it up, and most of us do." - William Trench

ANTI-"HATE" LEGISLATION: A Threat to Academic Freedom

- Kenneth Hilborn

{A member of Freedom Party, Kenneth H.W. Hilborn is Professor Emeritus of History at the University of Western Ontario in London. His primary field of specialization has been 20th Century international relations and he has also taught courses on National Socialist (Nazi) and Communist totalitarianism. After 36 years on the faculty, Dr. Hilborn took early retirement in 1997. In 1998, he was elected to the national Board of Directors of the *Society for Academic Freedom and Scholarship* (SAFS). The following is an article was originally published in the *Society for Academic Freedom and Scholarship* Newsletter, No. 23 (November 1999).}

Last January, on behalf of the Board of Directors, SAFS President Doreen Kimura wrote to the federal Minister of Justice to express our alarm about proposals reported in the press for amendments to the "hate propaganda" provisions of the Criminal Code. The changes said to be under consideration included one empowering police to seize computer hard drives alleged to contain material promoting "hate," another making it a crime to possess "hate" literature for the purpose of distributing it to others, and a third that would exclude truth as a defence when a person was charged with promoting hatred through denial of any "historically recognized act of genocide."

Moreover, the "identifiable groups" to be protected under the revised law were to include those distinguished by age, mental or physical disability, sex or sexual orientation, as well as the present "colour, race, religion or ethnic origin." Would it become risky to criticize too strongly the validity of claims made by the "learning disabled" for academic "accommodations"?

Even the existing "hate propaganda" provisions of the Criminal Code (Sections 318-320) are potentially dangerous to academic freedom, as well as to freedom of expression in society at large. For example, it is by no means clear how far a person can go in criticizing the average performance of a protected group, or in attributing to it undesirable tendencies (such as a high rate of violence), without running at least a theoretical risk of being charged with promoting hatred.

There are supposed to be exemptions for statements established to be true or judged to be "relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds [the accused] believed them to be true." The exemptions are less than reassuring. Not only is the content of "truth" often debatable, but opinions may differ widely on what is beneficial to the public and on what constitutes "reasonable grounds" for believing something to be true.

As for "genocide," the present Section 318 defines it as "killing members" of a group with intent to destroy the group "in whole or in part." How many members? How large a part? On those points the Criminal Code is silent -- a serious problem if the denial of alleged genocides were to be made a crime.

Did lynchings in the American South amount to "genocide"? If it was alleged that they did, after the proposed amendments had been adopted, anybody who called the allegation misleading or exaggerated might face prosecution for promoting "hate" against blacks by denying the "genocide" in question, and the defence of "truth" would be ruled out. In such a case, the text of the law would offer no protection for freedom of historical debate. Everything would depend on the changeable attitudes of prosecutors, judges and juries -- that is, on the political climate of the moment.

The requirement that an alleged act of genocide be "historically recognized" would not necessarily provide an adequate safeguard against abuse. Being human, historians are by no means immune from national, ethnic, or religious bias, nor are they immune from politically-motivated fads and fashions.

Did the United States commit "genocide" in Vietnam? Did the Soviet Union do so in Ukraine during the 1930s, or in Afghanistan during the 1980s? Opinions on

such issues can be expected to fluctuate in response to fluctuating political currents.

Disagreement among historians regarding the reliability and interpretation of evidence is a normal part of the process of historical inquiry. The right to offer new interpretations of old evidence, as well as to seek out and publish new evidence that calls prevailing views into question, is indispensable to the pursuit of truth in all academic fields, history clearly among them. What is "historically recognized" can mean only what the prevailing view is at a particular time. It may be difficult enough for a scholar to challenge a dominant opinion without having to face the fear that some group favoured by it may put pressure on the government to have him prosecuted on criminal charges.

The proposal to outlaw possession of "hate" literature for purposes of distribution could also be used to strike directly at the freedom of historians, among others. In a course on German history or 20th Century ideologies, one might wish to acquaint students with excerpts from Nazi writings or speeches, without having to exclude statements expressing hate. And what about the presence of Hitler's *Mein Kampf* on open shelves in libraries?

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"Abolishing inequality requires massive government power. But power by its nature is unequal: there are those who have it and those that do not." - Jarret B. Wollstein

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Among the other fields threatened, perhaps still more than history, are sociology and psychology. Even certain topics in a subject like physical education might pose a problem. However strong the evidence, would it be prudent to distribute material stating that any "identifiable group" was on average superior to any other in an athletic activity? For a sociologist, literature examining differences among "identifiable groups" in rates of crime or out-of-wedlock births might create a risk.

Psychology is Prof. Kimura's field -- or should the word be "minefield"? She pointed out to the Minister of Justice that because of possible feminist hostility, certain studies of mental differences between human males and females could become grounds for "hate propaganda" accusations. So could discussion of the reasons for homosexuality.

The danger is not that police will swoop down on libraries and universities a few hours after new legislation takes effect. A much more likely scenario is that the pressure groups agitating for more draconian "hate" laws will use them as a means of intimidation: "There's a law against what you're doing, and if you don't stop it, we'll go to the authorities and demand that you be prosecuted."

Even if no prosecution actually occurs, the mere threat of it may have a chilling effect on research and debate in controversial areas, particularly on topics where a substantial number of people feel a strong political or emotional commitment.

Because federal officials were working on possible anti-"hate" amendments in consultation with the provinces, I wrote (in late February) a letter of protest to the Attorney General of Ontario.

More than two months later, in May, the Assistant Deputy Attorney General (Criminal Law Division) sent me an unexpectedly long and detailed response. It included ominous passages, one of which made the point that according to the Supreme Court "unfettered freedom of expression is not completely desirable in Canadian society. Some expression is harmful to the values of tolerance and equality and, as such, there can be legitimate limits to expression."

The official added that one Supreme Court ruling "questioned the need for a defence of truth. If the aim is to prevent the

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harm associated with the promotion of hatred, what difference should it make to that harm whether the statements made were true?" Thus, according to the Supreme Court's interpretation of the Charter of Rights and Freedoms, "the defence of truth could be removed or modified."

In other words -- the implication was clear -- the public has no right to hear a truth that might lead it to adopt incorrect attitudes, and perhaps should be actively shielded by governments against truth of that kind.

Nevertheless, the Attorney General's subordinate went on, "Ontario does not support the idea of an outright repeal of the defence of truth." In a further attempt to be reassuring, he drew a distinction between "legitimate historians" and those using history "as a vehicle to give legitimacy to their ultimate and underlying objective" of promoting hatred against an identifiable group. Presumably the same

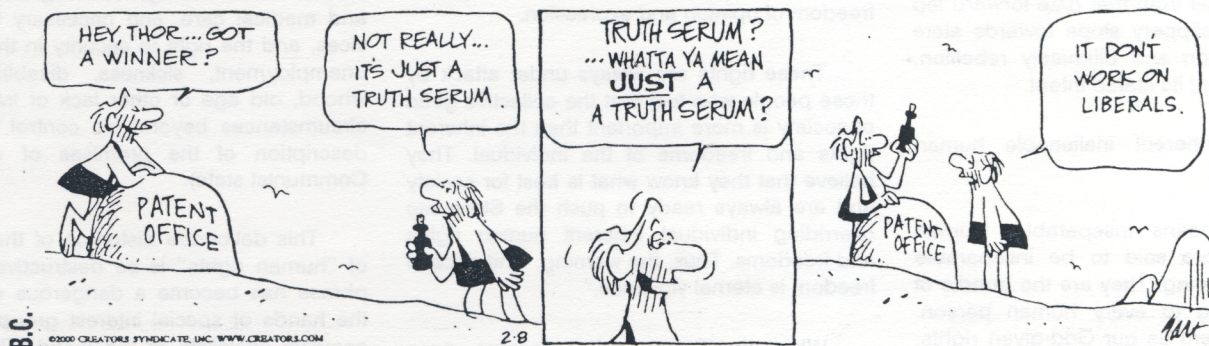
distinction would apply to sociologists, psychologists, biologists, etc. Prosecutors, judges and juries would decide who was a "legitimate" scholar or scientist and who was not, with only the latter having anything to fear.

What would be the criterion of "legitimacy"? An appointment at a reputable university, or the political acceptability of the statements made? The Assistant Deputy Attorney General did not say.

My reply (which ended the correspondence) pointed out that when Prof. Philippe Rushton put forward his theory about racial differences, his status as a legitimate psychologist had not prevented him from becoming the target of a lengthy investigation. For a considerable period he felt himself -- not unreasonably -- to be under the threat of governmental action. Thus I questioned whether even legitimate scholars could be safe from the law "if their conclusions are sufficiently distasteful to certain segments of society" and if the law "provides any possible basis for repressive action." I argued that it was "best to put freedom first by excluding such possibilities from the law to begin with."

SAFS members were by no means alone in objecting to the federal government's reported plans, and at the time of writing (early September) it is not known how much, if anything, the Minister of Justice will propose to Parliament. Whatever the decision regarding early legislative action, the pressure groups that have been advocating tougher "hate" laws are likely to carry on their campaign to impose more and more restrictions on freedom of expression. Academic freedom will therefore continue to be in peril from government, as well as from the forces of "political correctness" within universities. SAFS must remain on the alert.

<END>



"Any strategy for social change, resting as it does on persuasion and conversion, can only be an art rather than an exact science." - Murray Rothbard

'HUMAN RIGHTS'

The new euphemism for coercive State Socialism

- Dick Field

{Dick Field is Chairman of the *Voice of Canadians Committees*, a network of concerned Canadians whose mission is to uphold Canadians' fundamental freedoms. In an effort to explain the accelerating rate at which these freedoms are disappearing, he has outlined a progression of events and philosophies that have led us to the point at which we now stand. For those interested in finding out more about the Voice of Canadians, details follow this essay.}

In 1948, in response to the tragedy of World War II and the revelations of massive genocide which took place behind the smoke screen of war, the allied nations and many other nations of the world met to form a new United Nations organization. The main purpose of the UN was to establish a lasting peace.

One of the first acts of the General Assembly of the newly formed United Nations was to adopt, proclaim and disseminate a Universal Declaration of Human Rights. Two statements contained in the preamble of the Declaration clearly articulate the rationale of human rights: (1) "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace throughout the world." (2) "It is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that the laws protect human rights."

Unfortunately, when the authors of the Declaration defined "inherent and inalienable human rights," they failed to adhere to the fundamental meaning of these terms and corrupted the Declaration by turning the document into a blueprint for coercive State socialism. The Declaration and its promise of "human rights" has from that date forward led us down a very slippery slope towards state tyranny, oppression and ultimately rebellion, the very opposite of its stated intent.

What are inherent inalienable human rights?

"Inherent" means inseparable. Human rights are therefore said to be inseparable from the human being. They are the bundle of rights that belong to every human person. Many describe them as our God-given rights. "Inherent freedoms" and "inherent human

rights" are interchangeable terms. The word "inalienable" also used in the preamble to the Declaration, means, "cannot be transferred to others" and reinforces the concept that the State has no authority to give or transfer inherent human rights and freedoms. They are the natural rights of every human being. The State's sole responsibility is to defend inherent human rights and freedoms.

"When the State, under pressure, goes beyond the defense of our individual freedoms and begins to provide other benefits outside (a) narrow but fundamental requirement, the State enters into the dangerous area of coercion, force, corruption, and abuse of inherent rights and freedoms."

Articles 3, 7, 18 and 19 of the Declaration are a few examples of inherent human rights:

Article 3. Everyone has the right to life, liberty and security of person.

Article 7. All are equal before the law and are entitled to equal protection of the law.

Article 18. Everyone has the right to freedom of thought, conscience and religion.

Article 19. Everyone has the right to freedom of opinion and expression.

These rights are always under attack by those people who feel that the collective good of society is more important than the inherent rights and freedoms of the individual. They believe that they know what is best for society and are always ready to push the State into overriding individual inherent human rights and freedoms. Thus, the warning; "the price of freedom is eternal vigilance."

When the State, under pressure, goes

beyond the defense of our individual freedoms and begins to provide other benefits outside this narrow but fundamental requirement, the State enters into the dangerous area of coercion, force, corruption, and abuse of inherent rights and freedoms.

The slippery slope to coercive State Socialism Article 22 is a classic example of the Declaration's departure from support for individual inherent human rights to the promotion and advocacy of coercive State Socialism:

"Everyone, as a member of society, has the right to social security, and is entitled to its realization through national effort and international cooperation in accordance with the

resources of each State, of the economic, social and cultural rights indispensable for his dignity and free development of his personality."

The word "entitled" emphasizes the radical departure from inherent human rights and freedoms to benefits provided by the State. Article 25 is even more specific:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, housing and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." (A close description of the promises of a Marxist-Communist state).

This deliberate distortion of the meaning of "human rights" is so destructive, that the phrase has become a dangerous weapon in the hands of special interest groups and the coercive socialists of the world. The familiar

(cont'd next pg...)

"Socialism attracts because it appears to combine charity with justice." - Kenneth McDonald

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demand for my (our) "human rights" has become the predictable euphemism for the wants of every power or benefit seeking person or group in Canada.

When such benefits are guaranteed by the State, they ultimately create a vast public dependency on the incomes and efforts of others through the tyranny of massive taxation and transfer of wealth. No person is born with the right to demand confiscation of the earnings or savings of others. What a free people collectively agrees to provide as a support system for those who may encounter financial or other setbacks, or for the education and health of the community, must be agreed to democratically by the majority. Social benefits are not a human right. To presume so, would ultimately cause the loss of all our inherent freedoms.

"All Canadian federal and provincial Human Rights Acts are the progeny of the Universal Declaration of Human Rights. All declare that every person must be treated equally. However, every Human Rights Act or Code in Canada promptly overrides their own declarations and makes precisely the distinctions disallowed."

The Canadian slide into Human Rights tyranny

All Canadian federal and provincial Human Rights Acts are the progeny of the Universal Declaration of Human Rights. All declare that every person must be treated equally, particularly in the areas of employment, housing, education, and provision of services and that no distinction may be made between people because of race, national or ethnic origin, colour, religion, age, sex, marital status, physical disability or sexual orientation.

However, every Human Rights Act or Code in Canada promptly overrides their own declarations and makes precisely the distinctions disallowed. All proffer special protection exclusively to persons who are members of designated groups. For example, the Ontario Human Rights Code Chap. H.19, 14. (1) states: "A right under Part I (the all persons should be treated equally without discrimination section) is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist persons or groups to achieve or attempt to achieve elimination of the infringement of the rights under Part I." In other words, this section authorizes special programs that do discrimi-

minate on the basis of race, colour, religion etc.

The Canadian Charter of Rights and Freedoms condones the same divisions of people and groups and encourages discrimination under Para 15, Subsection (2) by stating: "Subsection (1) (the guarantee that all are equal before and under the law) does not preclude any law, program, or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion etc." Thus, Canada

and our provinces are in direct conflict with their own HR Codes and also the Universal Declaration of Human Rights, which specifically call for no discrimination by race etc. When distinctions are made on the basis of race or colour, we become a racist society by definition. The fact that these laws may be of good intent does not matter. As we have learned throughout history, "the road to Hell is paved with good intentions."

Some other "human rights" corruption's in Canada. The Universal Declaration of Human Rights, Article 23 (2), calls for "equal pay for the same work" (a social fairness but not a human right). Under the pressure of the extreme Canadian feminist lobby, this Article evolved into "equal pay for work of equal value"(a political unfairness). This "equal value" terminology has been included in The Canadian Human Rights Act and the human rights Codes of many provinces. A recent court decision may cost us \$6-7 billions of unjustified dollars, confiscated from all of our earnings, in settlement of claims made by federal women clerical staff. It will cost untold billions of coerced tax dollars in the future. All falsely demanded in the name of "human rights."

The Universal Declaration

upholds our inherent right to freedom of thought and expression (Article 19). However, the Canadian Human Rights Act and most of our provincial codes, give authority to human rights tribunals to order that monetary compensation be paid to a complainant member of a "protected group" by an accused person (or organization) who may have said something causing the complainant "mental anguish." Insult or comment causing hurt feelings is a personal matter. Freedom of expression is thus severely curtailed. We may strive to be polite, but rudeness or insult is often the anvil in the forge of truth.

The latest "human rights" fiasco is to have welfare recipients and the working poor designated as "socially disadvantaged" and included as another specially protected group under Canadian and provincial human rights codes. The lobbyists, for the most part, are a coalition of well-paid unionists, full time professional poverty activists, welfare recipients, welfare industry participants, and other social activists. The purpose of the effort is to stifle any negative comment by the public of those people who demand a share of society's earnings as their "human" right.

The possibilities for abuse of our freedoms are enormous.

(STATE SOCIALISM concluded on page 12 (back cover)...)

SPEED BUMP BY DAVE COVERLY



There are those who deal with tax season better than Doug.

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficial." - US Justice Louis Brandeis (1928)

PLEASE RISE AND SING

-Tyler Chilcott

{Hate literature? Or Love of Country? We leave it to you to decide. Tyler Chilcott is one of a number of individuals living in London, Ontario who received an official letter from the London Police Department identifying each of them as someone who "holds extreme right wing beliefs." As a consequence, he was "required" to attend a meeting at the London police station on a Sunday afternoon in order, according to the police letter, "to allow you to express your point of view." (See Freedom Flyer #34, Fall, 2000 for the complete story and documentation.) What's all the fuss about? Perhaps the following essay will help to enlighten us. Please Rise And Sing, as it appears here, is only the first half of a privately-produced (by Chilcott himself) booklet entitled: *Please Rise And Sing - The Destruction of Our National Anthems*. Using 'Oh Canada' and 'The Maple Leaf Forever' as his referent points, Chilcott paints a picture of Canada that the politically correct in Canada do not want to hear about. Now, please rise and sing: Oh, Canada!}

I must first defer to the great satirists, such as Alexander Pope and John Dryden, the likes of whom naturally put my work to shame. While I am not a great satirist, however, I am a devoted nationalist with a keen eye for politics. Where Pope has wit, I have devotion and what I may lack in skill and finesse, I hope to make up for in common sense and sincerity.

I have chosen to chastise Canada's growing socialist movement with an attack that lies somewhere between the horation and juvenalian brands of satire. By socialists here, I do not mean merely the admitted socialists, but the majority of political activists of our time and many of the more social reform oriented politicians of the past forty or so years. The attack is aimed at any who seek to bring the social level of our entire nation down to that of the lowest common denominator or who seek not to earn rightfully, but to share their labour and live off the toil of others. It is that element that we must expose and cast out if we are to bring Canada back to its former glory and restore the culture of our people.

In this, I invoke the national icon of greatest power: the national anthem. I shall use OH CANADA, the invention of these fiends, to expose their reforms that have most harmed the people of this nation because I see it as only fitting that I should use their own aberrant invention to condemn them.

OH CANADA I heard you sing as you stood atop parliament hill. You sang it loud, our e'er revised anthem, as you stood there in your pride. The year is 1998. The socialists sing triumphant. The Canada we once knew is

through, soon to be reborn in a cold test tube. I watched the birth of your constitutional creation --- a new nation: Canada Cannibalized.

OUR HOME AND NATIVE LAND I've been told is not our rightful home. At Ipperwash my home did sit, taken from me by native land claims. They told me how the government oppressors stole their land and that they're finally coming home. I guess I'm the one who is oppressed now, but where shall I call home?

TRUE PATRIOT'S LOVE like mine is for the people and the nation. It can be neither

"While I am not a great satirist, however, I am a devoted nationalist with a keen eye for politics. Where Pope has wit, I have devotion and what I may lack in skill and finesse, I hope to make up for in common sense and sincerity."

altered nor taken by decree. They have replaced all our symbols and they're stripping our rights, but for proper rule we'll properly fight. Once, Canada stood for peace, order and good government.

Now, politicians strive for a piece of the action, citizens take orders, and the term 'good government' has become an oxymoron. How could things have gone this far wrong? Look to the past and use it wisely to predict the future.

IN ALL THY SON'S COMMANDS lie the desire for freedom and prosperity. In order to establish their rule, the socialists needed to strip the people of their ability to command anything from the government. Thus, they began the process of stripping the people of

their arms. In 1959, Lester the Leftist passed the Handgun Registration Act in defiance of the British North America Accord and the British Constitution by threatening the financial security of more conservative members of his own party. In truth, he surmised that an unarmed population can command nothing of a government that has the backing of a military force.

WITH GLOWING HEARTS WE SEE THEE RISE, but what has risen with thee? In 1965, Lester the Liar raised his new socialist battle flag to adorn our land. The Maple Leaf is proudly displayed closed in by oppressive-looking bars of red that can only symbolize the communist ideologies closing their grip on our snowbound field of white. The Red Ensign is a flag that I can see the symbolism in. The Union Jack, the Fleur de Lys, the harp and the lions all represent the national backgrounds of the dominant Canadian peoples. The three maple leaves joined at the stem are symbols of our unity. The red field is for all the blood that was spilt in the exploration and preservation of our fair land. Where have all our symbols gone?

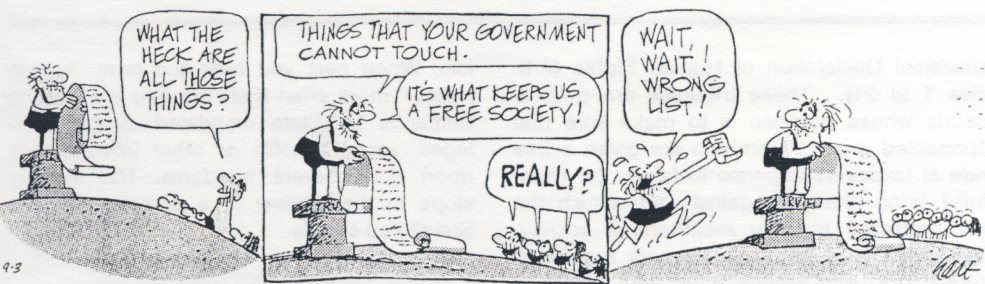
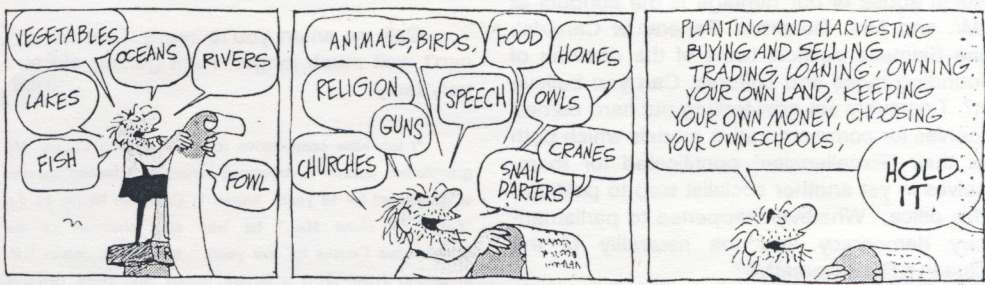
THE TRUE NORTH must forever stand **STRONG AND FREE**. I, however, fail to see the strength or freedom in the socialist reforms that have been inflicted upon the Canadian people.

In 1966, Pearson the Parasite introduced the socialist concept of universal healthcare to Canada, causing the three plagues of interventionism to hit so terribly that, if four, I would have run from the impending apocalypse. Inflation spread like pestilence as our national debt built up.

(cont'd next pg...)

"Capitalism is superior to socialism because, by minimizing the writ of politics and maximizing the writ of the market, it creates a more effective form of democracy" - Arthur Seldon

B.C.
BY
JOHNNY HART



effective as it would be if we could all own firearms without the red tape and bureaucracy. We cannot guard our homes from intruders, our children from the growing hordes of drug dealers and criminal gangs, or our food from the animals, and many honest men and women fear that we may one day have to defend ourselves against our own government, but we shall ever do our best to stand the guard.

GOD KEEP OUR LAND GLORIOUS AND FREE rhymes off in our new anthem, adopted in 1980. It does not ask God to save our queen or for heaven's blessing as The Maple Leaf Forever did, nor does it mention love, pride, or rights. I guess all these things are either too much to ask for or of too little value in a socialist country. Now we must even be sure not to mention God in our schools or in public, lest someone be offended. Pride is only acceptable once it has passed through the censorship boards and the Human Rights Commission. Our rights are all protected with the "Charter of Rights and Freedoms notwithstanding" clause, and love is purely a sexual thing.

OH CANADA! I cried and cringed when they scrapped the BNA, our long-standing constitution. The year was 1982 and from the twisted mind of Pierre Trudeau, the Charter of Rights and Freedoms was spawned. We had a constitution, but it had two problems. First, many laws passed within the last twenty years were illegal under the BNA. Secondly, there was no escape clause. Politicians were not free to pass laws that infringed upon the 'rights' of the people. Villainous crook-jawed Pierre took up the challenge with his patented grin.

WE STAND ON GUARD FOR THEE. Unfortunately, our vigil waned. I am as much at fault as any. Our anthem, our flag and the BNA have fallen by the wayside. As our rights were stripped, I am afraid that I have fallen with them. I am on the fringes of this society, the proud citizen of a nation that no longer exists.

I call on you, my people true, to look back at what we've lost. Be ever watchful and vigilant with the likes of Crook-jawed Pierre and his socialist kin, for they continue to rape us still. His followers have never ceased skulking around the hallowed halls of parliament. We must use hard work and sensible votes to rebuild and revitalize our land under the guidance of the past, our forefathers, our true flag, The Red Ensign, and our true constitution, the British North America Accord, while singing our true anthem, The Maple Leaf Forever!

{END}

(...cont'd from previous page)

Socialist reforms attacked our businesses as the hordes of war. Taxes robbed food from the tables of the middle class as only a famine may. We were told that the money was going to feed the poor, but I still see them poor and unfed. "Is death coming, too?" I asked before they stole my free speech.

FROM FAR AND WIDE the Frenchmen came to end your tyranny. The FLQ put up a fight so that Quebec could be free. In 1976 they rose and struck terror into socialist hearts, wanting only the sovereignty that the British North America Accord promised them. In return, the War Measures Act was passed to strike fear

into the hearts of all the Canadian people. The FLQ may have been stopped, but Quebecers, as with all Canadians, are a strong-willed folk and the spirit of rebellion against this socialist state remains strong in Quebec even today.

OH CANADA! What has happened to our nation? By this time in our calendar, the Canadian spirit was almost broken. A strong government was considered a good thing and freedom was seen as relatively unimportant when compared to

safety. The FAC Act of 1976 has disarmed many of us, but through it all...

WE STAND ON GUARD FOR THEE. Unfortunately, our guard is not nearly as

"We were told that the money was going to feed the poor, but I still see them poor and unfed. 'Is death coming, too?' I asked before they stole my free speech."

"Man can live the most self-fulfilling, creative, and emotionally satisfying life by intelligently organizing and disciplining his thinking. You feel as you think." - Dr. Albert Ellis

(...GRIDLOCK continued from page 5)

much of a salmagundi to digest! Imagine, Conservatives surrendering the only real place to battle the enemy. How can conservatives ever succeed if they turn a blind to the outrage foisted on every Canadian by the 1982 Constitution Act of Pierre Trudeau?

Will conservatives never learn that to defeat Trudeau's socialist state, our poor perverted Canada that we all live in, we can only win with constitutional reform based on a far superior vision? What's to stop us? We've tried everything else, including obfuscation and compromise.

Of all people who should know better it's the board room gang -- the Corporeal Conservatives. Directors know their company charter and they know they can't change the future if the rule book is a crock and the product stinks. To survive in business, you either have, or you go and find, a superb product and you make sure your legal set-up enables you to capture the market. The whole country knows the Canadian Constitution Act of 1982 is a rotten apple with limited shelf life.

Even Pierre Trudeau, its architect, knew, and said it was a mess.

Ignore this truth and we can expect the ever acceleration and continued growth of the welfare state. We can expect less democracy: witness Stephane Dion's braggadocio before the Senate Committee on Bill C-20, the Clarity Act. He says if Quebec separatists ever win a majority referendum on secession, the Liberals will negotiate the country's breakup without consultation with the Senate or Canadians. This is dictatorship.

Another blatant example of the Constitutional abuse of our heritage is the conduct of 'Mr. and Mrs. Governor General of Canada', the Siamese political twins of the doctrine of founding races and cultures. Can you believe it? Taxpayers are now forking out hard earned loonies for commemorative medals which both of their "Excellencies" pontificated for themselves in yet another socialist step to politicize this office. Whatever happened to parliamentary democracy and the neutrality of the Queen's Representative?

Mr. Long, we need a constitutional revolu-

tion, nothing less. Who knows, we might even succeed in getting Canada out of Quebec where it has been paralyzed and languishing on Quebec's agenda for three decades and more.

Think of it. Quebec, once on its lonesome with no place to go, might even join a democratic Canada in the future in what some once thought was a damned good idea: a federation of provinces and territories. Remember? We once called this Confederation. How do we do it?

Read my next political book, of course.

Call me when you're ready Tom Long. I can't wait much longer: I am getting old and very testy. {END}

*I too have conservative roots in Lambton County. My grandfather, Joseph E. Armstrong served as a federal Member of Parliament for 18 years. Known in Canadian history as the "Father of Rural Mail," he was also chairman of the Conservative Caucus for five years. My Father, James S.P. Armstrong (1899-1971) a fervent backer and close personal friend of George Drew, was born in Petrolia and served as Ontario Agent General in London England for 24 years.

(...STATE SOCIALISM cont'd from page 9)

Neither Canada nor the Provinces has respected any Article of the Universal Declaration of Human Rights, involving the protections of inherent human rights. The institution of the Employment Equity Act of Canada, a law requiring hiring and promotion by race, sex and skin colour etc. totally defies the non-discrimination articles of the Declaration. Our right to speak any language has not been respected. The United Nations has already found Quebec guilty in its use of anti-English Laws and yet Canada will not uphold the inherent right of all Canadians to use any language they wish, anywhere in this country of supposedly free men and women.

The Human Rights Tribunal system itself insults every inherent human right and freedom of Canadians and virtually all of the

Universal Declaration of Human Rights (Articles 1 to 21). These tribunals are political courts whose purpose is to make sure that "protected group" members are given a free ride at taxpayers expense to falsely (or truthfully) bring charges against and punish the non-protected majority members of society. The intent is to force government mandated "outcomes" and silence those who object to infringements of their inherent rights and freedoms.

Coercive State Socialism is the objective of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights has spawned a never-ending series of human rights demands that are not compatible with inherent rights and freedoms. "Human rights" has become the euphemistic weapon of choice for domestic and international social-

ists. When next you hear the term "human rights," more often than not you are hearing demands for State mandated special privileges, social benefits or other infringements upon our inherent freedoms. The slippery slope to the tyranny of a coercive Socialist State? You decide. {END}

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CONSENT

Number 31: January 2001, is published by the Freedom Party of Ontario. Editor: Robert Metz; Subscription Rate: \$25 for six issues. CONSENT welcomes unsolicited manuscripts, submissions, cartoons, quotes, and comments. Letters to CONSENT are published in Freedom Party's official newsletter, Freedom Flyer. Opinions expressed in this publication do not necessarily reflect Freedom Party policy.

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