

# Interview with Mordecai Briemberg

By Anne Roberts

Mordecai Briemberg, this year's winner of the YMCA's international Power of Peace Award, faces a lawsuit by Canwest Global Communications that was launched in December 2007 for "conspiracy" to produce and distribute a parody of the *Vancouver Sun*. The retired Douglas College instructor always denied involvement with producing the parody, but from the beginning said he picked up a handful of copies at a public meeting at the downtown library and handed them the next morning to people commuting to work on public transit in his neighbourhood.

In mid-July this year, Gordon Murray and Carel Moiseiwitsch, two Vancouver Palestine solidarity activists, publicly acknowledged in an article in *The Georgia Straight* (July 17) that they were the "sole" creators and publishers of the parody. They explained how their first-hand experience in occupied Palestine with the International Solidarity Movement (ISM) so dramatically contrasted with the viewpoint presented in the Canwest media that they were motivated to produce a parody to expose this bias.

The Seriously Free Speech defence committee initially formed to defend Mordecai Briemberg against arbitrary political attack by Canwest from the beginning also argued that it was a democratic right of anyone in Canada to use satire to freely express their ideas on this contentious issue, a freedom guaranteed under Canada's Charter of Rights and Freedoms. For these reasons the committee now calls for Canwest to drop its suit against all three people: Mordecai Briemberg, Gordon Murray and Carel Moiseiwitsch. – A.R.

The following interview was done on July 25<sup>th</sup>.

**AR:** In the 1980s, two professors coined the term "SLAPP." It stands for Strategic Lawsuits Against Public Participation. Why do you consider your case a SLAPP suit?

**MB:** The purpose of a SLAPP is to intimidate, punish and silence critics of corporate activities. Corporations use their huge financial resources to try and transform disputes that belong in the public political realm into convoluted court processes that are too costly for those they attack.

Currently Barrick Gold has launched just such a legal suit against a small publishing firm in Quebec, Ecosociete, because they published a book on mining in Africa which exposes cruel and inhuman treatment of miners there. The SLAPP aims to shut down the circulation of this book and financially break the publisher. Similarly, Shell wants to mine coalbed methane on the territory of several First Nations "sacred headwaters" in

ANNE ROBERTS, who previously worked as a journalist for Canadian Press, CBC and The Globe and Mail, teaches journalism at Langara College. She was elected to Vancouver City Council from 2002 to 2005 and served as a Vancouver School Board trustee from 1993 to 1996. A neighbourhood activist, Anne chaired the Kensington-Cedar Cottage CityPlan Committee and led the campaign against Wal-Mart and other Big Box stores. She is now one of the co-chairs of the Seriously Free Speech Committee.

northern BC. Shell has been toying with a legal suit to intimidate those who are resisting this project.

In my case Canwest is trying to intimidate legitimate, entirely legal, public political challenges to their use of media for biased pro-Israeli advocacy. They are trying to prevent open discussion of an important and contentious political issue, and improperly using the courts and the high costs they entail to help achieve this political goal.

**AR:** Canwest claims this case is about "trade-mark" law – the parody reproduced the daily Sun newspaper's exact logo. So why do you say it's about free speech on the issue of Israel and Palestine?

**MB:** Both the lawyer for Canwest and Kevin Bent, president and publisher of the *Vancouver Sun* and *Province*, call the spoof four-page edition "counterfeit," designed to "mislead and misinform thousands of people" into believing it really was the commercial *Vancouver Sun*.

Power must have devoured their sense of humour. The spoof had a weather report that forecast "operation summer rains with occasional missile showers and the chance of tank shelling in the afternoon" and reporters' names like "Hy Pockrazy" and "Cyn Sorsheep" and titles like "Study Shows Truth Biased Against Israel."

Trade-mark law is designed to protect against knock-offs produced by a competitor for commercial advantage. There was no commercial advantage in distributing the parody. This case has everything to do with free and open expression of differing political ideas.

**AR:** So far, you've been served with a writ from Canwest that outlines their case against you and undergone questioning by the Canwest lawyers in the examination for discovery. What have you learned about Canwest's motivations in this process?

**MB:** Experience has reinforced my initial impression from reading their writ of summons. That writ refers again and again to my views (as characterized by Canwest) on Israel and my involvement with Canada Palestine Support Network. What do these have to do with "trade-mark"? Besides, Canada Palestine Support Network isn't even **accused** of anything by Canwest.

The way the writ is composed makes clear that Canwest is motivated by hostility to those who are critical of Israeli state policies and practices. But I think it is more than hostility—I think their anger grows out of fear. For all their biased reporting and one-sided commentary, Canwest senses the ground is shifting under their feet. Outside elite and government circles, Canadian opinions are shifting on the Israel-Palestine question. It's no longer sufficient to bias reporting and to "disappear" criticism to keep Canadians worshipping the golden calf. Lacking confidence in their ability to convince people in open, democratic discussion, Canwest now are desperate to wreck and shut down even tiny voices that present alternate views on websites like Canpalnet.ca.

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**AR:** Does Gordon Murray and Carel Moisiewitsch's decision to acknowledge full and sole responsibility for production of the parody edition of the Vancouver Sun change anything?

**MB:** Clearly I shouldn't have been charged in the first place. Even more clearly, given that others have acknowledged sole responsibility, Canwest at the very least should now withdraw the suit against me, apologize, and reimburse the legal costs. That's what should have changed. Will it?

It's highly unlikely, for the simple reason that this is a political vendetta against people who dare to defy the efforts of Canwest to drown Canadians in pro-Israeli government propaganda.

The parody produced by Gordon Murray and Carel Moisiewitsch offends Canwest. So they are attacked. The plain speech and activism in which I have engaged publicly for many decades, and for which I have always willingly taken responsibility, encouraging people to re-think what is happening in historic Palestine, also offends Canwest. So I am attacked.

Neither Gordon, nor Carel, nor I should be victims of a SLAPP suit. Whether publisher or paper-boy, we all have a democratic right to do what we did. That is why the Seriously Free Speech is correct in defending all three of us, and calling for the suit to be dropped against everyone.

And when readers of *Outlook* speak freely, dissenting from Canwest orthodoxies, whether on this or other important issues, such exercise of their democratic rights also can offend Canwest. And they too are liable to political vendettas.

This is why we all need to join together in opposition to Canwest media monopolization, their distortions of reality, and their bullying efforts to silence dissent.

**AR:** Media ownership in Canada is among the most concentrated in the world. Canwest owns one national paper, 10 metropolitan papers, 30 community papers, 80 magazines, the Global Television network and numerous cable specialty channels. What does that mean for your case?

**MB:** The more concentrated the ownership, the more homogenous the viewpoint. Media concentration is by its very nature antithetical to a democratic culture. In the former Soviet Union there was a saying about their two main newspapers: "There is no *Pravda* in *Izvestia*, and there is no *Izvestia* in *Pravda*"—meaning, "There is no truth in News, and there is no news in Truth."

Because Canwest so dominates the media, there is no news about the controversy over their legal suit against me. The *Vancouver Sun* reports the outrageous SLAPP suit launched by the mayor of Powell River against citizens in that city who have criticized his public actions. The B.C. Civil Liberties Association (BCCLA) has supported the citizens and criticized the mayor, and this too the *Vancouver Sun* sympathetically reports. Now consider: the BCCLA has similarly criticized Canwest for its legal suit against me, and told them they should drop it. They sent the *Sun* an op-ed which was rejected. When BCCLA issued a press release, the *Sun* did not even report it. For their readers, it simply didn't happen. It was "disappeared."

Apparently sensing unease among their employees, the publisher of the *Sun/Province* just issued a letter to all who work for them claiming that what they publish "is true, balanced and fair reporting that upholds the highest journalistic standards." *Chutzpah* I grant them. Balance, fairness, and truth—you decide.

But what truly needs to be remarked upon is how **non**-Canwest media have been intimidated into silence, including the CBC. The *Georgia Straight* is the sole commercial media to report on this issue, and they deserve credit for this. And so do alternate media such as *Rabble.ca*, *Adbusters*, Vancouver Cooperative Radio and of course *Outlook*.

**AR:** Many people believe that the media have a moral obligation to protect and even expand freedom of expression. But Canwest, if successful, might set a legal precedent that ends up limiting the use of satire and parody?

**MB:** We should have a goal that people's voices, with their diversity of perspectives, experience and knowledge, are publicly known, shared, and considered. Without this how can there be a democratic culture? But in Canada today, the large, well-funded media are moving in the opposite direction.

As for the court ruling to further **limit** the use of satire and parody, the opinions I have heard from lawyers, including at the BCCLA, incline in the opposite direction. They see the possibility of this case expanding the range for parody in Canadian law. Although Canada has a long and valued tradition of political parody and satire, our law heretofore has been considerably less protective of this right than is the case in the U.S. However in a very recent decision of the Supreme Court of Canada, Justice Binnie wrote: "the law must accommodate commentators such as the satirist or the cartoonist who...exercise a democratic right to poke fun at those who huff and puff in the public arena."

**AR:** Do you see this SLAPP suit as part of a larger effort to silence discussion of Israeli policies and practices?

**MB:** Initiatives to freeze-out expressions of "unacceptable" thoughts are an important feature of the work of Canadian advocates of Israeli state policies. This includes efforts to silence even children's voices.

In 2006 the Canadian Jewish Congress waged a campaign to prevent Ontario school children from reading the words of Palestinian and Jewish Israeli children presented in the book *Three Wishes: Palestinian and Israeli children speak*, by award-winning Ontario author Deborah Ellis. The book had been recommended by the Ontario Library Association as one of those eligible for their prestigious Silver Birch Award, winners chosen by the votes of school children who read the eligible books.

About three years earlier, in Vancouver, one of the owners of Kidsbooks devoted considerable effort to halt publication and restrict distribution by Macmillan Children's Books of *A Little Piece of Ground*. This book, written by internationally renowned children's writer Elizabeth Laird, centres around a 12-year-old

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*May the New Year  
usher in a world at peace*



**United Jewish People's Order**  
**V a n c o u v e r , B C**

**BRIEMBERG...**

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Palestinian boy trying to find a place to play soccer in the occupied West Bank.

The McMaster University administration tried to ban use of the words "Israeli apartheid" on their campus. And of course there were intense efforts to block the performance of the play *My Name is Rachel Corrie* in Toronto.

These are only a few examples of pro-Israeli government silencing campaigns.

**AR:** *How has this suit affected you?*

**MB:** Personally, I am determined to continue, uninterrupted, the work I have been doing for decades—patiently, and with sustained effort, presenting alternate information and ways of thinking about this dangerous conflict, ways that encourage people to consider a variety of opinions and to make up their own minds. I am optimistic that people who do think for themselves will realize there is an alternative to the advocacy for and defence of endless Israeli war-making, and instead advocate for a resolution founded on respect for the humanity and equality of all.

**AR:** *What support have you received, and why?*

**MB:** When I read the comments made by people signing the petition on the Seriously Free Speech website it is clear that they are sincerely committed to defending free speech, and understand how media monopoly threatens free speech. Many recognize how much this free speech is missing in the media when it comes to the contentious issue of Palestinian rights. I would speculate that people also are worried by the creeping and sweeping attack on democratic rights across the board "rationalized" by the "war on terror."

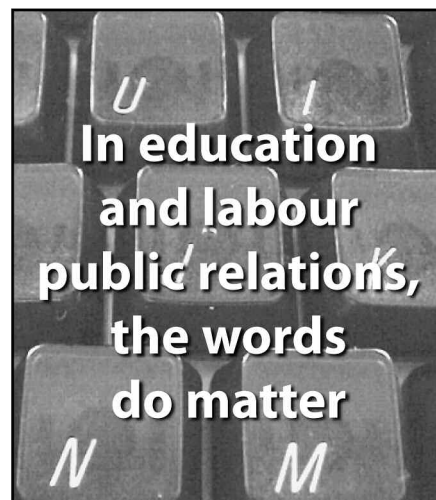
Locally, I mentioned the support of the B.C. Civil Liberties Association, which will apply for intervenor status in the court. There is the B.C. teachers union, the Vancouver labour council, the union for *Vancouver Sun* and *Province* employees, Vancouver Quakers, and many personalities like MP Libby Davies, Michael Byers, and the editor of *BC Bookworld*.

Across Canada there are the Quebec Ligue des droits et libertes, the president of the federation of Quebec student unions, the Canadian Librarians Association, novelist Joy Kogawa, concert pianist Anton Kuerti—both members of the Order of Canada—and the president of the Canadian Labour Congress, Ken Georgetti. Internationally Noam Chomsky, Naomi Klein,

John Pilger, Omar Barghouti, Ali Abunima and Nurit Peled are among scores of honorary members of the committee.

I encourage readers of *Outlook* also to become supporters—sign the petition, spread the word, encourage organizations they belong to similarly to speak out, and to contribute financially. Just go to the website: [www.seriouslyfreespeech.ca](http://www.seriouslyfreespeech.ca) and see what fine company you will have! ♦

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