

The Gag Law

The "Gag Law," is the name of a law Chretien enacted in 2000, ostensibly to moderate the capacity of the rich to control the electoral process. Opponents argued this law is an attempt to a) restrict freedom of speech and b) ensure that election financing flows through political parties. Heading the opposition to the Gag Law is the National Citizens Coalition, the organization previously headed by Steven Harper, now the leader of the Conservative Party. This is how Harper harped it then:

"I think the purpose of the law is to force people to funnel their political activities and monies through political parties because political parties want to control the agenda."

Harper got it right, it is the political parties fighting for turf, driven by the instinct of self preservation, who all got together to make the Gag Law. If you remember the ferocity with which lawyers attacked No Fault Auto Insurance, then you will understand the politicians' reaction against Corporate Canada by-passing them to purchase political influence directly, in the election "marketplace". In their unanimous support for the Gag Law, the political parties are defending their stranglehold on the People's Parliament.

Harper and the Coalition took the government to court on this and won. The decision was appealed and in May 19, 2004 the Supreme Court of Canada upheld the Gag Law, at least for the time being. Accordingly the Gag Law is in force during the 2004 election.

Does Harper feel as strongly against the Gag Law after becoming a party leader? Likely he fancies the prospect of having money funneled through the Conservative party so that he may be among those who "control the agenda."

I see the Gag Law as Harper saw it then, but I oppose it for different reasons - where Harper found it too restrictive, I deem it inappropriate.

Allowing private interests, mainly those of Corporate Canada, to erode the monopoly of political parties in "controlling the society's agenda", surely does not result in democracy. At issue should be not whether parties share control of the agenda exclusively or whether they share it with other private interests - the agenda is the peoples' agenda, and

it must revert to the people. It is not a matter of interlopers splitting the loot. It is, instead, a matter of keeping the society's political agenda public; it is a matter of protecting it from all those who seek to control it.

Not all Supreme Court Judges supported the reincarnation of the Gag Law. The dissenting judgment is of interest. It points to the high cost of propaganda and contrasts it to the low limits of spending the Gag Law allows. Accordingly, the \$150,000 allowed under the Gag Law is inadequate, given the fact that the cost of one day of running a whole page newspaper ad, nationwide, is \$425,000. How then could anyone influence elections with the \$150,000 the Gag Law allows? Since one needs more money than that to do a good job at changing the course of an election, those willing must be allowed to spend freely, as much as it pleases them or as much as it may take to tilt the electoral playing field the way they want it to go.

Nonetheless, the dissenting Judges made it clear that the reasons they wanted the Gag Law repealed is to facilitate democratic debate by "permitting an effective voice for unpopular and minority views," the presentation of which is essential to deliberative democracy. How right they are, how important their words are.

But, there are two problems with this line of arguments. The first is that not all of us can afford to spend that kind of money - yet all of us, hoi polloi, have equal right to express ourselves as those who can pay \$425,000 a pop for an ad. That is why democracy provides for access to the fora of the society for the presentation of ALL views, including "unpopular and minority views." The second problem with the judges way of facilitating debate is that of bringing together citizens to pool their pennies so as to be able to match, ad for ad, the waves of \$425,000 ads of Corporate Canada for a fair debate to materialize.

In a democracy issues are sorted out through exposure and debate. That is to say, dialogue is associated with democracy just as monologue appertains to despotism - you cannot run a democracy with monologue any more than you can run a dictatorship with dialogue.

Dialogue can be suppressed and monologue can be imposed. In dictatorships, this is done by the force of arms put in the hands of brutal police. In a democracy monologue can be imposed by the force of money, put in the hands of the soldiers of fortune of psychological

warfare, the "advertising gurus." Group-action types can be brutal, albeit less conspicuously so than secret police.

When Corporate Canada buys a full page in every daily to disseminate its message, spending half a million dollars on it and possibly another half a million on professional mind-benders and spin doctors to engineer the message for maximum impact, it is brutal force. It is also a monologue and this does not change by the freedom of people to staple on the telephone pole a few lines in reply to that brutal force of the coast to coast full page ad, or television prime time message.

The consequences of monologue are substantially similar, if not the same, irrespective of whether the monologue is imposed by force of arms of an unsophisticated dictator or with the force of money by a sophisticated establishment. Hidden persuaders can be as effective and consequential as gun-packing thugs.

A difference is that when the force is physical, people are aware of their predicament and eager to make things right. That is not always the case when the force is psychological, where often people do not know why they hurt, who caused them the pain.

The exposure of both, or all if you will, sides of the story is essential to meting out justice. Both sides must have an equal opportunity to present their case be it to a Court of Law or the Court of Public Opinion. Not unlike in sports where competing teams are restricted to the same number of players and entitled to a level playing field.

The above brings us to what I would like to suggest: if Corporate Canada and other affluent entities claim a right to spent money on presenting their point of view to the electorate, let's not question it. Let them spend money to their heart's content to buy propaganda for whatever they desire, against everything they hate - but at double the going price. What I am suggesting is that those wishing to disseminate a political message share the forum with those who may challenge it. When the "Citizens Coalition" buys media time and space to tell the voters something, they should share the venue it with those who would challenge it, as is done in the courts, as is done in Parliament.

One may look at it as being kind of a tax on propaganda, imposed in line with the tax on tobacco and alcohol. For propaganda is toxic to the mind like certain substances are to the body. Make sure the proceeds buy mind detox facility to battle effectively the propaganda intoxicant.

Again, we must think a means of implementing this scheme. But fear not about costs, fear not the emergence of another bureaucracy, neither would happen. This, because the simple Solomonean solution will eliminate the problem rather than "manage" it. I will explain:

Corporate Canada and any other body who may buy election propaganda, are doing it because they can do monologue. They relish going to the Court of Public Opinion to tell their story without the other side of the story being told, without the other side's lawyer cross-examining them. It is irresistible, they love it and want to keep it that way.

But they will not go to the Court if their assertions will be challenged, if the other side to their story will be told, if they are to be cross-examined by opposing lawyers. We will see that if required to give exposure to the other side, their enthusiasm for spending such sums of money will wane considerably.

Propaganda exposed to debate fares no better than icecubes in Hell. Dictators throughout the entire range from "tin pan" types to tyrants of the stature of a Hitler or a Stalin, know that much and that is why they eliminate all possible sources of response to their propaganda. They know that propaganda not only is not beneficial if answered, but destructive to the cause of the propagandeur. It is de facto monologue Corporate Canada is after and if directed to dialogue they will retreat fast.

Abolish the controversial Gag Law, all we need is to make the playing field even and ensure that teams have comparable resources. That is to say, democracy.

Tom Varzeliotis. Citizen.