

# Keegstra promises to appeal hate promotion conviction

By PAUL LUNGEN

**TORONTO —** Former Eckville, Alta. school teacher Jim Keegstra has vowed to appeal a guilty verdict and \$3,000 fine imposed on him for promoting hatred against the Jewish people. "I didn't expect what I got," Keegstra is quoted as saying. "I expected to be found not guilty."

The court decision marks the second time the former social studies teacher turned auto mechanic has been found guilty of willfully promoting hatred of Jews. In 1985, after a widely-publicized trial, he was fined \$5,000 on the same charge.

Keegstra appealed that outcome and in December 1990, the Supreme Court of Canada upheld the constitutionality of the hate promotion section of the Criminal Code. But the High Court sent the case back to the Alberta Court of Appeal to deal with other grounds of appeal.

In 1991, the Alberta Appeals Court, finding mistakes in the trial process, struck down the conviction and ordered a second trial.

Despite being given wide latitude in selecting the jury and after handling his own defence, Keegstra, 58, was again found guilty.

Queen's Bench judge Arthur Lutz said Keegstra's loss of employment

and 10 years involvement in the legal system were mitigating factors in determining his sentence.

The Crown case against him focused on the years between 1978 and 1982 when Keegstra taught social studies to students in grades 9 and 12. Student notebooks, essays and tests showed that he taught that Jews were evil, were imposters, were responsible for revolutions and wars, con-



Jim Keegstra

trolled the media and banks, and were engaged in an international conspiracy to destroy Christian civilization.

Students who parroted Keegstra's lessons were given high marks, those who used other information sources received lower grades.

The decision of the eight-woman, four-man jury was applauded by Jew-

ish groups.

"We believe [the] verdict reflects the feelings of all decent Canadians that those who would sow bigotry and hatred are an unwelcome intrusion in Canadian society," said Irving Abella, president of Canadian Jewish Congress.

"For four months, Keegstra had the jurors — his peers and neighbors — as a captive audience and he put forward his case to them as best he could," said Manuel Prutschi, national director of community relations for Congress. "He claimed that he told the truth and that he was a victim of hatred, but at the end of the day, the jurors shot him down."

Mac Vomberg, Alberta region chairman of B'nai Brith's League for Human Rights, said "we hope this verdict will deter racists and anti-Semites, especially those who seek to poison the minds of our children."

Sol Littman, Canadian representative of the Simon Wiesenthal Centre, said the muted media treatment of the trial, compared to the wide publicity in 1985, settled the question whether the case would serve as a platform for Keegstra's anti-Jewish views.

The verdict also "shows that Canadians don't buy the phony conspiracy theory peddled by Keegstra that makes the Jews the source of all the world's ills," Littman added.

# Court hears Keegstra's views

**TORONTO —**

The first time Jim Keegstra stood trial for willfully promoting hatred of Jews, the court accepted that "Jews" were a readily identifiable group.

This time around, the court did not take judicial notice of that fact, putting the onus on the Crown to prove it.

Enter Prof. Eliezer Segal of the religious studies department of the University of Calgary — the Crown's expert witness on Jews, Jewish history and the Talmud.

Over the course of four trying days in a Red Deer courtroom, Segal testified about the definition of Jews, about the Khazars of central Asia and about Talmudic passages quoted by Keegstra to allegedly show the perniciousness of Jews.

For more than two days of that time, Segal engaged in verbal sparring with Keegstra, who, foregoing the assistance of a lawyer, acted in his own behalf.

The cross-examination did not have a specific focus, nor did Keegstra approach it in a systematic way, Segal said in a telephone interview from Calgary.

"Keegstra was using the cross-examination as a soap box to present his theories," he said.

There was a point in which Keegstra "got up and began reading from the New Testament for one-and-a-half hours and asking if I agreed with the passages or not."

At times, the former teacher would look at scraps of paper on his table and repeat the question written there, with no apparent method to his queries, Segal said.

"When I asked for clarification, he'd just wander off

and lose interest in the question," Segal said. "He's not a systematic thinker and he doesn't have a long attention span. . . He just used the questions as debating points, [with the purpose] of showing the superiority of Christianity."

"I felt like I had been transported to Tortosa or Paris in the Middle Ages for a disputation about religion," Segal said.

Surprisingly, the judge didn't stop Keegstra and the Crown seemed content to let him go on "and make a fool of himself," he said.

Segal recalled that in earlier questioning by the Crown, he described Arthur Koestler's opus, *The Thirteenth Tribe*, as "a flawed book" that doesn't make the case promoted by Keegstra that today's Jews are the descendants of the Khazars, and not of the biblical Hebrews.

Segal said that underlying Keegstra's approach is "a racialist concept of the Jews," but that Jews have never defined themselves by race.

Segal said he also testified about false citations from the Talmud used by Keegstra to criticize Jews. One passage that Keegstra claimed required Jews to cheat Christians, in fact says the opposite, Segal said. It admonishes Jews from accepting money from Roman tax authorities that was collected dishonestly, he added.

Segal said his time on the stand was "tiresome and exhausting. . . It was a challenge. I wasn't really supposed to be debating, but there was no alternative. He would throw questions at you from anywhere and that puts you to the test."

— P.L.

# Schachter welcomes court decision

**TORONTO —**

A recent decision of the Supreme Court of Canada (SCC) in a case involving child-rearing benefits could have an impact on a legal challenge to Ontario's practice of funding Roman Catholic schools, a Toronto lawyer believes.

The SCC ruled that courts can end discriminatory practices in the allocation of government benefits by extending the benefits to those left out of the government plan, though it would do so very carefully and not in all circumstances, Shalom Schachter said.

The court decision comes as a pyrrhic victory for Schachter, who won on principle but was awarded only court costs for his efforts.

Schachter's case began in 1985 with the birth of his second child. A lawyer for the Ontario Nurses' Association, Schachter claimed that under the Unemployment Insurance

Act, as a natural father, he should be entitled to the same child-rearing benefits afforded adoptive fathers.

When the case finally reached the SCC, the High Court agreed that courts could order governments to pay social benefits when their allocation is discriminatory, though not in every case.

In the school funding case, five Jewish parents have asked an Ontario court to order the provincial government to fund Jewish schools as it does Roman Catholic schools. They argue that parents of children in Jewish schools are entitled under the freedom of religion and equality provisions of the Charter to that funding.

Schachter, a member of the executive of Canadian Jewish Congress' Ontario region, said the High Court in his paternity benefits case held that the principle of extending benefits is applicable where substantive Charter rights are involved. In situations

where the court is asked to end discriminatory practices but where social policy issues are involved, and not substantive rights, it may decline to do so, leaving it up to legislatures to extend the benefits, Schachter said.

Applying those principles to the school funding case, Schachter suggested that if the court finds that the current government practice infringes Jewish parents' freedom of religion — a substantive right — it could order extension of benefits to end the discriminatory practice.

If however, it rules that the equality provision was being violated and that the funding question is a social policy issue, it would look to the purpose of the legislation when it was enacted at Confederation.

In that case, a court might find that extending the benefit contradicted the legislators' original intent in conferring it, and it may decide to leave the matter in the hands of parliament, Schachter said.

— P.L.

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