

PRINCE ALBERT DAILY HERALD

Our free society depends on government neutrality in flag flying

Mayor Greg Dionne has violated Prince Albert's Flag Protocol Policy by cancelling existing plans to fly a pro-life flag on May 8, 2017. The purpose of Prince Albert's policy is "to establish a respectful and consistent process for the raising of flags." Mayor Dionne had no qualms about flying the controversial, contentious and divisive rainbow flag, which many voters find offensive. But the fact that some people find the pro-life flag offensive is seen by Mayor Dionne as valid grounds for censoring the expression of that opinion.

Perhaps the city should not fly any flags on municipal property at all, except for those of Canada, Saskatchewan and Prince Albert. But even these three flags might be offensive to some, for whatever reasons. If yes, would Mayor Dionne take them down?

In numerous rulings, the Supreme Court of Canada has stated that free expression is the life-blood of democracy, and the cornerstone of Canada's free society. The right of all citizens to express all opinions is the indispensable ingredient which allows for the free exchange of ideas, frank debate, and the sincere pursuit of truth. When government censors any one opinion, it strikes at the heart of truth-seeking, human dignity, and the ability to debate law, justice and good public policy.

Every opinion, on every topic, is bound to be offensive to at least one individual, and usually more than one. If we all have a legal right not

to be offended, then nobody has freedom of expression. Sadly, many people will still tell you: "I'm in favour of free expression, as long as it's not offensive." That's like believing in dry water, or cool sunshine .

Perhaps Mayor Dionne is swayed by the Abortion Rights Coalition of Canada, whose leader Joyce Arthur sent a letter to City Council last year with specious claims about the law. Ms. Arthur claims that flying the pro-life flag is "discriminatory" because it endorses a cause that, in her view, challenges women's equality. Pro-lifers would no doubt counter that abortion violates equality by denying the right to life to very young people, not to mention the equality rights of unborn girls who are aborted in Canada and around the world because of their gender. When it comes to the government's obligation to respect freedom of expression, it matters not which of these opinions is correct. Legally, you cannot use "equality" as an excuse to censor people's expression.

In its 1988 ruling in *Morgentaler*, the Supreme Court of Canada recognized society's interest in the protection of the fetus as a "perfectly valid legislative objective." Ms. Arthur's suggestion that the Charter provides a right to abortion is misleading. But even if she was correct on this point, that still does not take away from the right of every citizen to freely criticize existing laws, policies, court rulings, and the constitution itself.

Perhaps Mayor Dionne thinks the rainbow flag is loved and appreciated

by everyone in Prince Albert. But in fact, a growing number of Christians see the rainbow flag as a symbol of discrimination and oppression, representing an intolerant ideology that denounces as "hateful" and "bigoted" and "homophobic" anyone who dares to disagree with it. Again, when it comes to freedom of expression, it matters not which opinion is right. The point is that governments, whether municipal, provincial, or federal, should not take sides in these debates.

This gets back to Prince Albert's official policy of disallowing "controversial, contentious and divisive" flags. To be consistent with this policy, City Council should fly both the pro-life flag and the rainbow flag, or neither. But to allow the rainbow flag while banning the pro-life flag is to favour one group of offended people over another.

Mayor Dionne's so-called "compromise" to allow pro-lifers to fly a different flag, without a cartoon image of a fetus, is too clever by half. This "compromise" is an aggressive assault against the freedom of people to choose for themselves how they want to express their own message. And you can be sure that no matter what new flag the pro-lifers might design, the Abortion Rights Coalition of Canada will reproduce the same specious arguments that the new flag is hateful and somehow illegal.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (www.jccf.ca)