



JULY 28, 2017

Resistance is not futile in defence of free expression

The Star Trek movies and TV series are so much a part of our culture that universities have offered courses on its social and philosophical relevance. Nobody should be surprised, or feel offended, that Nicholas Troller chose "ASIMIL8" for his personalized licence plate, joined by a border stating "WE ARE THE BORG" and "RESISTANCE IS FUTILE."

In 2015, Manitoba Public Insurance (MPI) approved Mr. Troller's plate, consistent with MPI's invitation to Manitobans to express themselves: "Personalized licence plates are rapidly becoming a treasured item for car owners. As a gift for yourself or someone else, personalized licence plates can make a statement about a profession, favourite hobby, status in life or pride in vehicle ownership."

The Borg, an enemy alien group in Star Trek, uses "assimilate" as a core part of their dialogue. While displaying this Star Trek plate over the course of two years, Mr. Troller was approached by many people commenting positively, and asking to have their picture taken with it.

MPI renewed Mr. Troller's plate in 2016. But in April 2017, MPI suddenly revoked it, claiming that this plate "is considered offensive." MPI did not state in its letter why the Plate is "considered offensive," or who considers it offensive. Nor did MPI explain why "ASIMIL8" was not offensive in 2015 or 2016, but suddenly became offensive in 2017.

MPI later claimed that some people would feel offended by "assimilate"

because this word can be used in a negative context, to refer to Aboriginal residential schools.

Like many words, "assimilate" by itself is neither negative nor positive. We assimilate nutrients into our bodies, in order to stay alive. A student assimilates information in class. A company can assimilate respectful workplace practices into its corporate culture. The word "war" can also have positive or negative connotations. The "war" against cancer and poverty will be seen as good, but a "war" fought between two equally bad governments, that causes civilians needless suffering, will be seen as bad.

No reasonable person will be offended by "ASIMIL8" when it's clearly a Star Trek reference.

Mr. Troller's court action against MPI seeks to preserve his fundamental Charter freedom to express himself as he - not politically correct bureaucrats - deems best.

It's safe to assume that many people feel offended by historical efforts to assimilate Aboriginals into European culture. That still doesn't change the fact that the meaning and connotation of "assimilate" are entirely changeable, and dependent on context. Why should the Manitoba government be able to ban the use of a word that, by itself, is neither positive nor negative?

When it comes to licence plates, MPI has every right to prohibit profanities and vulgarities. Some four-letter words are inherently offensive, regardless of context. While government should not censor individuals who swear on a public sidewalk, it's reasonable to ban some words from personalized license plates. But only if the word is inherently vulgar, regardless of context. That is not the case here.

The English language belongs to all of us. If one person feels offended by the potentially negative meaning of a neutral word, that should not destroy the freedom of other people to use that same word as they see fit--including on licence plates. Freedom of expression, and Canada as a free society, cannot exist if people have a legal right not to feel offended by what they see and hear. MPI should abandon its devotion to political correctness, and apply common sense to protect everyone's freedom of expression.

The irony of MPI's censorship is not lost on Mr. Troller. It's like he has been assimilated by the bureaucratic machine, like the Borg subsuming and erasing less powerful forces. And, like the Borg, MPI felt no need to explain itself to the people in its path, when it suddenly reversed course in 2017 and revoked the personalized license plate that Mr. Troller had enjoyed in the preceding two years.

Fortunately, resistance is not futile in this situation. MPI has a legal obligation under the Charter to respect Mr. Troller's freedom of expression. MPI refuses to do so, and its refusal is being placed before the Manitoba Court of Queen's Bench, which is asked to uphold Mr. Troller's constitutional right to free expression.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (JCCF.ca), which represents Mr. Troller in his court action against Manitoba Public Insurance.