

Edition

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Editors' Association of Canada, Toronto branch

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Program Report Freedom to Read

by Sharon Aschaiek

In 1984, Freedom to Read Week was established to raise awareness about censorship in Canada, and to generate solutions to this growing problem. Created by the Book and Periodical Council, it is a national organization whose members include thousands of Canadian writers, editors, librarians, and publishers. Freedom to Read Week events across the country reflect on issues such as the impact of libel chill on publishing, Internet filtering in public schools and libraries, the effects of oligopoly on news reporting, legal actions against controversial writers, and more.

This year marks the 20th anniversary of Freedom to Read Week—but how much has changed since 1984? Toronto editors learned first-hand how censorship and self-censorship continue to plague the publishing industry, and how this affects freedom of expression, during February's EAC panel discussion.

"In a democracy, you should never arrest a writer," said Stephen Williams, author of two books on Paul Bernardo and Karla Homolka, *Invisible Darkness* and *Karla: A Pact With the Devil*. "Charging someone criminally in relation to their work product just isn't done. Writers can't work in this kind of climate."

Last May, Williams was charged with violating a publication ban



Stephen Williams

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for allegedly posting illegal information—the names of nine sexual assault victims—on his Web site on May 1.

Williams maintains the information was posted inadvertently for only 12 hours. He says he removed the information immediately after hearing from his Internet service provider, who had been contacted by police. The author, whose books are riddled with criticisms of the Crown and the police, was thrown in jail for a night, and was released only after paying \$25,000 in bail.

Despite the fact that he had shut down the site and surrendered his archives to the court, two months later the OPP searched the farm he lives on with his partner, author Marsha Boulton, and seized both of their computers and all their files.

The OPP laid 94 charges against Williams for violating publication bans and court orders—an unprecedented action against a Canadian author. The case has raised concerns about freedom of expression, and Williams has received support from the Writers' Union of Canada, PEN Canada, and Canadian Journalists for Free Expression.

"If the police have a warrant, you are eradicated," Williams said. He added that he was an easy target for the authorities over major media outlets, which possess the same information.

"Twelve prosecutors and 22 full-time cops have been devoted to prosecuting me, and it has cost



Susan Renouf, Marsha Boulton, Greg Ioannou, Ryder Gilliland

millions," Williams says. "CBC, MSNBC, and CTV all have the same information, and could match them dollar for dollar in court, for years. I can't."

Marsha Boulton was also a member of the four-person EAC panel. Boulton is the author of *Letters from the Country*, an irreverent look at country life, which earned her the Stephen Leacock Medal for Humour in 1996. She is also a former *People* entertainment reporter and writes the history series *Just a Minute* for McArthur & Company. The work on her novel in progress, an historical look at a Presbyterian cult in Cape Breton in the 1850s, ground to a halt when her files were seized last year, despite the fact that the police were interested only in Williams's files.

"They took my backup disks [of files] which, along with the book, I had been working on for three years, had nine manuscripts, my dad's eulogy, e-mails between me and a cancer support group," Boulton says. "The cops were reading all this stuff, and the government permits it."

Panel member Ryder Gilliland,

a lawyer who specializes in media and corporate litigation, weighed in on the end goals of a publication ban.

"Its purpose is only to prevent harm to the public," Gilliland said. "The benefits have to outweigh the deleterious effects. Freedom of expression and the Canadian Charter of Rights and Freedoms need to be protected."

The topic of libel chill arose, and the effect it has on publishers seeking to balance putting out good titles with self-preservation.

"When considering picking up new titles, publishers are spending more time asking, 'What is the possibility of being sued?'" Gilliland said.

Panel member Susan Renouf, a publishing executive with more than 20 years of experience in the Canadian book business, agreed that libel chill is becoming a growing concern in the industry.

"When we're considering a controversial book, we have our eyes open to the possible repercussions. We edit carefully and flag sections for our lawyer to

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review,” Renouf said. “But at the same time, while we want to stay within the legal boundaries, we don’t want to take the teeth out of the book.”

A former president and editor-in-chief at Key Porter Books, and now a freelance publishing consultant and editor currently on contract with Random House of Canada, Renouf has worked on several controversial books. Among them were *Safety Last* by Nicholas Regush, an investigation into drug-approval processes in Health Canada, which resulted in libel suits from

large pharmaceutical companies, and *Bare-Faced Messiah* by Russell Miller, an exposé of L. Ron Hubbard and Scientology, which drew death threats.

The tone of the evening’s discussion suggested that threats to freedom of expression persist, and that much work still needs to be done in the battle against censorship.

“An expensive libel case can bankrupt a publisher,” Renouf said. “You start to ask, ‘Do we need to die for this book?’” **E**