

Moore's Canadian Headache

By Tyler Kustra

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After making a movie decrying the alleged Saudi influence over President Bush, Michael Moore may himself be charged with meddling in another country's politics.

While promoting Fahrenheit 9/11 last month in Toronto, Moore said, "I really need you to make sure that [Conservative Party leader Stephen] Harper does not take over the Prime Ministership. Why would you like to be like us? ... We're trying to get rid of our conservative, you know. We're going one way, you guys shouldn't be going the other."

Ordinarily, this wouldn't have prompted a reaction. But Moore made his comments during a hotly-contested federal election just a month after the Supreme Court had upheld an election gag law barring citizens from spending more \$3,000 in a local election or \$150,000 nationally to express their views.

The law also makes it a crime for foreigners to "during an election period, in any way induce electors to vote or refrain from voting... for a particular candidate." That's where Kasra Nejatian, president of the Ontario Campus Conservatives, saw his opening.

Nejatian collected over 2,000 signatures on a petition to have Moore charged with violating the Elections Act (Lest he be accused of hypocrisy, he ensured they were all Canadians). Yesterday, he filed a complaint with Elections Canada.

"It's a draconian law that has no place in a democracy," Nejatian said, noting that right-wing Canadians have often run afoul of selectively enforced gag laws. "But so long as it exists it ought to be apply equally to conservatives, liberals and socialist multi-millionaires."

Especially socialist multi-millionaires who, like Moore, have campaigned for other gag laws.

"For me it's a win-win situation. Either we succeed with the charges and we shut Michael Moore's loud mouth for a little bit or the law is declared unconstitutional and the government will have to repeal it."

Nejatian has hired Calgary lawyer Jonathan Denis to force the government to lay a charge or scrap the law and said he'll pursue the case to the Supreme Court if necessary.

It is sheer lunacy to political speech during an election, even speech which is emanating from Michael Moore. However, Nejatian's paradoxical plan to use a law he finds abhorrent to charge Moore may just play right into Moore's hands

Moore has made a career playing the little guy who speaks truth to power, even if power continually declines his request for an interview and needs to be ambushed at home. He used Miramax's refusal to distribute the film to allege censorship and the Citizen's United complaint that he was violating the McCain-Feingold campaign-finance laws to garner more publicity. Imagine what he'll do when he faces the prospect of six months in a Canadian jail.

Fortunately for Moore (and anyone with whom he might have to share a cell) there is little to no chance he will actually end up in the slammer. While Elections Canada won't comment on the complaint, legal experts agree that the courts will likely strike down the provision that bans foreigners from supporting a politician while still barring Canadians from spending more than \$3,000 to support their local candidate.

So in a final bit of irony, after all his legal bills are tailed, Nejatian may find he's won freedom for Michael Moore but not himself.

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