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**BETWEEN:**

**CANADIAN HUMAN RIGHTS COMMISSION**

**Applicant,**

**AND:**

**CANADIAN LIBERTY NET  
and DEREK J. PETERSON**

**Respondent**

**REASONS FOR ORDER**

**TEITELBAUM, J.:**

On March 27, 1992, Mr. Justice Muldoon issued an Injunction Order wherein he ordered Canadian Liberty Net including Cori Keating and Tony McAleer "and the respondent Derek J. Peterson, by themselves or by their servants, agents, volunteers, co-operants or, otherwise, anyone having knowledge of this injunction, be, and they are hereby restrained, enjoined and prohibited until a final order is rendered between these parties and persons in the proceeding before the Canadian Human Rights Tribunal, from communicating or causing to be communicated, by telephonic means those messages or that menu of messages or any part thereof identified in the Court's said "reasons for order" issued on March 3, 1992, and they are ordered to stop emitting said messages, being communications and messages which are found to be capable of exposing persons to hatred or contempt by reason of the fact that those persons are identifiable on the basis of race, national or ethnic origin, colour or religion, and in particular, the messages transcribed in exhibits to the affidavits of Lucie Veillette and Ronald Yamauchi respectively filed at the

hearing on February 5 and 6, 1992, and recited or referred to in correspondence between the respective solicitors and counsel dated March 3 and March 11, 1992, respectively, on the Rule 337(2)(b) proceedings, that is the following now enjoined and prohibited messages:"

There are approximately seven legal size pages of messages which are listed in the Injunction Order.

Mr. Justice Muldoon went on to state, in the said Order:

**THIS COURT FURTHER ORDERS** that, because the essential characteristic of the respondents' messages which are enjoined, is to denigrate, disparage or mock human persons just for their ancestry, national or ethnic origin, colour or religion, and just for being who they are, that characteristic and those messages are found to be capable of exposing such persons to hatred or contempt by reason of the fact that such persons are identifiable on the aforesaid basis or bases,

the *respondent Canadian Liberty Net*, including *Cori Keating* and *Tony McAleer*, and the *respondent Derek J. Peterson*, by themselves and/or by their servants, agents, volunteers, co-operants or otherwise **are hereby restrained, enjoined and prohibited** until a final order or disposition is rendered between these parties and persons in the Canadian Human Rights Tribunal's proceeding, from communicating or causing to be communicated by telephonic means any messages which denigrate, disparage or mock persons by reason of their race, ancestry, national or ethnic origin, colour or religion, or just for being who they are or what they are in terms of ancestry or religion, (such as Jews or non Europeans, or non-European-descended persons); and *those respondents shall forthwith stop* so emitting any such messages until the occurrence of the aforesaid order or disposition of the said Tribunal;

On June 15, 1992, the Applicant presented an *ex parte* motion requesting the issuance of a Show Cause Order naming the Respondents and their agents, volunteers and co-operants. The grounds for the request, according to the Notice of Motion are Rules 355(1) and 355(4) of the Federal Court Rules.

**Rule 355. Contempt in Relation to Court**

(1) Anyone is guilty of contempt of court who disobeys any process or order of the Court of a judge thereof, or who acts in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court. In particular, any officer of justice who fails to do his duty, and any sheriff or bailiff who does not execute a writ forthwith or does not make a return thereof or, in executing it, infringes any rule the violation whereof renders him liable to a penalty, is guilty of contempt of court.

(4) No one may be condemned for contempt of court committed out of the presence of the judge, unless he has been served with a show cause order ordering him to appear before the Court, on the day and at the hour fixed to hear proof of the acts with which he is charged and to urge any grounds of defence that he may have. The show cause order issued by the judge of his

own motion or on application must be served personally, unless for valid reasons another mode of service is authorized. The application for the issuance of the show cause order may be presented without its being necessary to have it served.

The Applicant provided, for the issuance of the Show Cause Order the affidavit evidence of Liliane Mercier and Andrew Epstein.

After reading the Injunction Order and the affidavits of Mercier and Epstein, I issued a Show Cause Order returnable before me on June 29, 1992.

At the hearing of the Show Cause Order, I was presented with an affidavit of an Edward Byers, a Process Server, and the affidavit of a Partap Girn, a Process Server, who state that they were unable to serve the Respondent Derek J. Peterson with the Show Cause Order and four other documents, namely, a Notice of Motion seeking the issuance of a Show Cause Order, a copy of the affidavit of Liliane Mercier together with a transcript of messages from the Canadian Liberty Net in British Columbia and in Bellingham, Washington, U.S.A. obtained on June 5, 1992, a copy of the affidavit of Andrew Epstein an "articled student" at the law firm of Arvay Finlay, to which is attached an affidavit of Roberta Mruk and a copy of a business record of "B.C. Tel" which, according to Mr. Epstein, indicates that a Tony McAleer was registered with B.C. Tel as a partner in the Canadian Liberty Net. A second affidavit of Mr. Epstein is attached to the Affidavit of Partap Girn which is the Injunction Order of Mr. Justice Muldoon of March 27, 1992.

The affidavit of Dean Willsie, a Process Server, dated June 26, 1992 indicates that he attempted to serve Cori Keating with the Show Cause Order and various other documents as with Derek J. Peterson but was unable to do so. It appears that notwithstanding the numerous attempts to find Cori Keating, Mr. Willsie was unable to do so.

Both Canadian Liberty Net and Tony McAleer were served with the Show Cause Order on June 15, 1992 and were, on June 23, 1992 served with the affidavits of Andrew Epstein sworn on June 12, 1992 and June 10, 1992, the affidavit of Liliane Mercier and Notice of Motion (see affidavit of service of Partap Girn and Edward Byers).

Counsel for the Respondents Canadian Liberty Net and Peterson at the hearing before Mr. Justice Muldoon, was served with a copy of the Show Cause Order and the same other documents as was served on Canadian Liberty Net and McAleer.

The Applicant called two witnesses. The Respondents did not call any witnesses.

Liliane Mercier, an employee of the Canadian Human Rights Commission stated that on June 5, 1992, in Vancouver, B.C., she dialed telephone number 604-266-9642. The following is the message that Ms. Mercier states that she heard:

Hello and welcome to the Canadian Liberty Net Liaison line for May the 28th. You may be wondering what the new number is for the Liberty Net and if that's what you called for you won't be disappointed. There may be a few problems with the system at the moment but we'll be working out those bugs over the next little while, please be patient. You know that we can now say exactly what we want without officious criticism and sanction, so please enjoy our extensive list of new messages. The new number for the Canadian Liberty Net in exile is area code 206-734-1306, that's area code 206-734-1306. Please enjoy our refreshing Liberty Net.

Ms. Mercier states that she telephoned a number in the United States, area code 206-734-1306 and taped what she heard on the telephone line. Exhibit A-2 is the tape of the messages heard by this witness on June 5, 1992. Exhibit A-1 is the transcript of the messages heard by Ms. Mercier after dialing number 206-734-1306. The opening of the message is the following:

Calling 206-734-1306 - Bellingham WA, USA

You have reached the Canadian Liberty Net In Exile, Canada's computer operated voice message centre to promote cultural and racial awareness amongst White people. If you are offended or upset by the free expression of European cultural and racial awareness press 6 on your touch tone phone and do not attempt to enter the Canadian Liberty Net. For those of you who wish to hear our messages press 1 on your touch tone phone to learn about how to use the system or press 88 to go to the main menu.

[PRESSED 88]

Welcome to the main menu, please note any messages and or editorial comment found in this system are those of the contributor or box holder and do not necessarily reflect the opinions and or the intentions of the Canadian Liberty Net. If at any time you wish to return to the previous menu press 9 on your touch tone phone.

Now press 1 for the Leadership Forum, press 2 for a Lesson in History, or press 3 for Miscellaneous Messages, or you can press 5 to leave a message. Please note once you have left your message you will be disconnected.

[PRESSED 1]

This is the leaders menu. Press 1 for Canada, 2 for the U.S. and 3 for International.

[PRESSED 1]

Press 1 to hear from Janice Long, wife of Aryan Nations Leader Terry Long, press 3 to hear from Ernest Zundel or press 4 to hear from the Heritage Front.

The full message obtained by this witness is found in Exhibit A-1.

The Applicant called as it second witness Mr. Andrew Epstein, an articulated student with the law firm of Arvay Finlay. Mr. Epstein states that on May 6, 1992 he called a telephone number 266-9642 to listen to the following message:

This is April 20 1992 and you have reached the Canadian Liberty Net broadcasting from the Soviet Socialist People's Republic of Canada. The federal court injunction is still in effect and so we can only provide a limited and sanitized update. The new U.S. phone line has been ordered but there is a wait for the installation. We should be up and running by May 4.

Sorry we were unable to answer the phone on Sunday the 19th, but we were attending a birthday party. We will be here next Sunday.

Tom Metzger's hotline will feature a live call-in on Saturday night from 6 to 9 Pacific, not Wednesday as was previously announced.

We still need your financial support for the upcoming legal battle. We have retained Doug Christie to represent the Liberty Net against the Human Wrongs Tribunal scheduled for May 25 through 29 in Vancouver, location to be announced later. Send your donations to: Canadian Liberty Net P.O. Box 35683 Vancouver, B.C. V6M 4G9.

Leave a message after the beep.

As a result of cross-examination, Mr. Epstein states that he had sworn to an affidavit on June 12, 1992. That a Gordon Mackie had testified before the Canadian Human Rights Tribunal while Mr. Epstein was present. Mr. Gordon Mackie was giving evidence "saying

something regarding the phone line in question" (Page 10, Transcript of Show Cause hearing). The telephone line in question was 266-9642 in Vancouver containing the above message.

Mr. Epstein states that when he swore to the affidavit of June 12, 1992, he did so on the basis of recollection but subsequently he obtained a transcript of the hearing. He also states that his recollection, on June 12, 1992, is a verbatim and accurate recollection and that the said Mr. Mackie informed the Canadian Human Rights tribunal that the business records of B.C. Tel indicate that Tony McAleer was registered with B.C. Tel as a partner in Canadian Liberty Net.

Exhibit "B" to Epstein's June 12, 1992 affidavit is a computer printout of B.C. Tel's records.

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266 9642      7      *(BSC) basic information**      date: 92/05/20
DEREK J PETERSON D/B CANADIAN LIBERTY NET      bp: 92/05/24
sa:      3576 W 36TH AVE      VAN BC      V6N2S2      cid:
ba:      3576 W 36TH      VAN BC      V6N2S2      mda:
npub: N      dep:      $0      no dir: 001      key ac: N      major acct:
cc: 8      trl:      $99999      no bil: 1      cr ch ex: N      inst date:
forms: trmt his: 000000      tx sta: TT      da ex: N      out date:
rocp: N      ---T--      cr cd: N      rate grp: 14      out on:
10 ci PR;TONY MCALEAR 3221629;PREV3221209;LD10
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sbi instr:      resp no:
s/e code      mac      qty      amount      fps      tic      pms      rac
B SLT CPE      A1      1      48.25 TT      23027      2D00A65      C1
CF      A1      1      5.00 TT      23218      2E01C02      G1
TCL CPE      A1      1      2.55 TT      23840      3U01D65      G1
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COMMENTS AVAILABLE

FOR SPECIAL SERVICE INQUIRIES TRANSFER THE CUSTOMER TO 430-7511.  
ABCD CID: 000208065

```
tn: 266 9642      screen: BSC month: 1 start:      past:
10:09:11
SNA 02 BCTIMSC      NUM LPT1      A
```

Mr. Epstein gave evidence that Mr. Mackie, in his presence, informed the Human Rights Tribunal that "PR Tony McAleer" on the B.C. Tel records indicates that this person is a partner in the Canadian Liberty Net.

No other evidence was made by the Applicant. No evidence was called for by the Respondents.

**The Issues:**

- 1) **Can the Respondent Canadian Liberty Net and Tony McAleer be found guilty of contempt in that a telephone message in Canada directs a caller to call a telephone number in Bellingham, Washington to hear a message which had been prohibited from being given in Canada as a result of an Injunction Order dated March 27, 1992?**
- 2) **Has it been shown, beyond a reasonable doubt, that the Injunction Order issued on March 27, 1992 has been breached by the Respondent Canadian Liberty Net and by Tony McAleer?**

After hearing the evidence, I am satisfied that the following facts have been established.

- A) An Injunction Order of this Court was issued by Mr. Justice Muldoon on March 27, 1992 as regards Canadian Liberty Net and Derek J. Peterson as named Respondents and "including Cori Keating and Tony McAleer" to prevent them from transmitting messages "which are found to be capable of exposing persons to hatred or contempt by reason of the fact that those persons are identifiable on the basis of race, national or ethnic origin, colour or religion".

The Injunction Order specifically enjoined the Respondents, including Keating and McAleer, from transmitting specific messages. Those prohibited messages are too numerous to include into this decision but may be read in the Injunction Order of March 27, 1992.

- B) Following the issuance of the Injunction Order, a call to a Vancouver telephone number 604-266-9642 would result in a telephone message given by the Canadian Liberty Net. The message states that because of a Federal Court injunction a new U.S. telephone line has been ordered.
- C) That on June 5, 1992, a telephone call to 604-266-9642 resulted in a message that the caller has reached the Canadian Liberty Net Liaison line, that a new number for the Canadian Liberty Net "in exile" exists and it is "area code 206-734-1306", that the reason for the new number is "we can now say exactly what we want without officious criticism and sanction".

I take this statement to mean, to avoid the terms of the injunction Order of Mr. Justice Muldoon, the Respondent, Canadian Liberty Net directs the caller to a telephone number in Bellingham, Washington, U.S.A. It is not denied that the telephone number 206-734-1306 is in Bellingham, Washington in the U.S.A.

- D) I am satisfied that Exhibit "B" to the affidavit of Mr. Epstein of June 12, 1992 indicates that the telephone number 266-9642, as of May 20, 1992 (or June 5, 1992 affidavit of Mercier) was registered in the name of Derek Peterson and Canadian Liberty Net. Tony McAleer is a "partner" according to the evidence of Mr. Epstein.



I would comment on the evidence of Mr. Epstein as it relates to Mr. McAleer being a partner in the Canadian Liberty Net telephone number 266-9642. This evidence was not solicited by counsel for the Applicant. Exhibit "B" was not before me at the Show Cause hearing. It was counsel for McAleer in cross-examination that brought out this evidence. It was he who decided to question Mr. Epstein about an affidavit that was filed only for the purpose of issuing a Show Cause Order. This being the case, I am satisfied from Exhibit "B" and the *viva voce* evidence by Mr. Epstein in answering counsel for McAleer questions, that McAleer is a partner in Canadian Liberty Net telephone number 266-9642.

- E) Most of the messages heard by Liliane Mercier on June 15, 1992 after calling telephone number 206-734-1306 are messages which Mr. Justice Muldoon specifically prohibited. Examples of this, and I do not intend to repeat the messages, as they do not warrant repeating, can be found in Exhibit "A-3", Mr. Justice Muldoon's Injunction Order at page 4, Line 32 and following and then by looking at Exhibit "A-1" page 9 under the words [PRESSED 3] it is abundantly clear that the message is the prohibited message. Also see Exhibit A-3 page 5 and compare Exhibit A-1 page 15 under the words [PRESSED 5] the same message is communicated.

I do not believe it necessary to give further examples. It is clear that the messages given from the Bellingham, Washington

telephone number are a repetition of a number of prohibited messages.

In fact, counsel for McAleer and Canadian Liberty Net does not deny that the prohibited messages as found in the Injunction Order are being transmitted by Canadian Liberty Net from Bellingham, Washington.

- F) The Injunction Order of Mr. Justice Muldoon was not served on the Respondent Canadian Liberty Net itself before the Show Cause Order was requested on June 15, 1992 nor was it served personally on the Respondent Peterson, nor on Tony McAleer or Keating before June 15, 1992.

THE COURT: Before you go into your argument, do you have any evidence that the Injunction was ever served on Mr. McAleer or anyone else?

MR. FINLAY: No, I don't, sir.

- G) The Show Cause Order was not served on Peterson or Keating as they could not be found. In that they were not served, they are not part of these proceedings.

### The Law of Contempt

In the case of *Cartier, Incorporated & Cartier Men's Shops Ltd.*, T-62-86, May 20, 1988 (the appeal of this decision was dismissed), I stated the following as to the law of contempt:

Mr. Justice Heald, in the case of *Maison des Semiconducteurs Ltée/House of Semiconductors Ltd. v. Apple Computer Inc. and Apple Canada Inc.*, unreported, F.C.A. a-111-87 at page 5, March 17, 1988 (now reported [1988 3 F.C. 277]), quoted Lord Denning in speaking of the proper approach to be taken in contempt proceedings.

\*Lord Denning M.R. articulated the proper approach succinctly in the case of *In re Bramblevale Ltd.* [1970] 1 ch. 128 at 137:

A contempt of court is an offence of a criminal character. A man may be sent to prison for it. It must be satisfactorily proved. To use the time

honoured phrase, it must be proved beyond reasonable doubt... Where there are two equally consistent possibilities open to the Court, it is not right to hold that the offence is proved beyond reasonable doubt."

(Underlining is mine)

At page 6, Mr. Justice Heald goes on to state, in speaking of the test to be applied in contempt proceedings:

"The test is the one required for offences of a criminal nature - namely, proof beyond reasonable doubt"

(Underlining is mine)

The issue of contempt and the elements required to find contempt were reviewed in the case of *Valmet Oy v. Beloit Canada Ltée/Ltd. and Beloit Corporation and Valmet-Dominion Inc. v. Beloit Canada Ltée/Ltd. and Beloit Corporation*, unreported, F.C.A., A-602-86, February 1, 1988 (now reported at 20 C.P.R. (3d) 1) both by Mr. Justice Pratte and Mr. Justice Marceau.

Mr. Justice Pratte, in speaking of Rule 355(1) which reads as follows:

#### **RULE 355. CONTEMPT IN RELATION TO COURT**

(1) Anyone is guilty of contempt of court who disobeys any process or order of the Court of a judge thereof, or who acts in such a way as to interfere with the orderly administration of justice, or to impair the authority or dignity of the Court. In particular, any officer of justice who fails to do his duty, and any sheriff or bailiff who does not execute a writ forthwith or does not make a return thereof or, in executing it, infringes any rule the violation whereof renders him liable to a penalty, is guilty of contempt of court.

states at pages 14 and 15:

"Before discussing that judgment, it is necessary to have in mind certain elementary principles:

(1) As Rule 355(1) of the Federal Court Rules makes it clear, a person may be guilty of contempt of court either by disobeying an order of the Court or by obstructing or interfering with the course of justice. The only person who may disobey an order of a court is the party to whom that order is addressed. However, a third party who knowingly aided and abetted a party to disobey an injunction may be found guilty of contempt, not because he breached the injunction, but rather, because he acted in a manner that interfered with the course of justice.

(2) A person cannot be found guilty of contempt of court if the contemptuous behaviour is not proved beyond a reasonable doubt. In such matter, the standard of proof is similar to that applicable in criminal matters.

(3) a court injunction must be complied with strictly in accordance to its terms. However, the defendant against whom an injunction is pronounced is enjoined from committing the prohibited acts whatever be the method he may use in committing them. It follows that a defendant will be in breach of the injunction pronounced against him not only if he himself contravenes the order of the court but also if the order is breached by his agent, workman, servant or another person acting for him."

(Underlining is mine)

Mr. Justice Marceau, at page 3 of his judgment, states:

"1. Considering what has to be proved, it is well established that the activity said to have constituted the contempt must be one clearly covered by the prohibition, which implies that it be expressly or by necessary inference mentioned in the order. Because of this prerequisite, I do not think that the trial judge was entitled to find, as he did, that the commission of a certain action, although not covered by the injunction was nevertheless contemptuous as being contrary to the "spirit" thereof.

2. Coming now to the quality of the proof, it is also well established that it must be of the high standard necessary for a criminal conviction, not the lower standard sufficient to dispose of a disputed question of fact in a civil litigation. The proof must satisfy beyond any reasonable doubt, not merely on a balance of probability."

(Underlining is mine)

Considering the above and the very strict requirements necessary to be met before one can be found in contempt of Court, are the Respondents Canadian Liberty Net and McAleer in contempt of Court of the injunction issued by the Court on March 27, 1992?

### Evidence and Discussion

As I have stated, the evidence is clear that Canadian Liberty Net has continued to make use of the telephone number it had before the issuance of the injunction. This, in itself, is permitted as the Order does not prevent the continued use of the telephone number. The Order prohibits Canadian Liberty Net, Peterson, Keating & McAleer by themselves, their servants, agents, volunteers, co-operants or otherwise anyone having knowledge of the injunction from communicating or causing to be communicated by telephonic means those messages or that menu of messages or any part thereof identified in the reasons for order issued by Mr. Justice Muldoon on March 3, 1992.

I am completely satisfied that both McAleer and Canadian Liberty Net knew of the Injunction Order and what it contained. Counsel for Canadian Liberty Net at the hearing before Mr. Justice Muldoon was Mr. Douglas Christie and he received a copy of the Injunction Order. I can and do conclude from this that his client was made aware of the Injunction Order. Furthermore, on Exhibit A-1, filed with the affidavit of Ms. Mercier, it states that "the new number for Canadian Liberty Net in exile is area code 206-734-1306. I am satisfied that the reason it is operating "in exile", in the U.S.A., is because of its knowledge of the Injunction Order. This becomes most obvious when one looks at Exhibit A-4 where the message is:

This is April 20, 1992, and you have reached the Canadian Liberty Net broadcasting from the Soviet Socialist Peoples Republic of Canada. The Federal Court injunction is still in effect and so we can only provide a limited and sanitized update. The new U.S. phone line has been ordered, but there is a wait for installation. We should be up and running by May 4.

(Underlining is mine)

I am also satisfied that Tony McAleer had knowledge of the Injunction for the same reasons as Canadian Liberty Net. The message on the telephone tape on April 20, 1992 states that the Canadian Liberty Net has been reached and that because of the Injunction Order, a new telephone number in the U.S. has been ordered.

As I have stated, Exhibit "B" to Epstein's June 12, 1992 affidavit clearly indicates, with the *viva voce* evidence of Mr. Epstein, that McAleer was a partner in Canadian Liberty Net. The message refers to the Injunction Order of the Federal Court.

The evidence satisfies me beyond a reasonable doubt that the contents of the Injunction Order were known to Canadian Liberty Net and McAleer on June 5, 1992. As I have stated, Mr. Justice Pratte, in the *Valmet Oy* case (*supra*) states that a defendant will be in breach of the injunction pronounced against him not only if he contravenes the order of the Court but also if the order is breached by his agent, workman, servant "or another person acting for him".

Tony McAleer was not a named Respondent in the proceedings brought before Mr. Justice Muldoon. Nevertheless, Tony McAleer was specifically named in the Injunction Order and prohibited from causing to be communicated the messages mentioned in Mr. Justice Muldoon's Order of March 27, 1992.

As I have stated, the messages carried from the U.S. Bellingham, Washington telephone number are in breach of the March 27, 1992 Injunction Order in that the messages are, in most part, the same prohibited messages as found in the Injunction Order.

It is important to understand what it is that Canadian Liberty Net and McAleer have done. This may still be continuing but I have no evidence of this.

A call is made to the Vancouver, B.C. telephone number of Canadian Liberty Net of which McAleer is a partner. The caller is informed that he reached the Canadian Liberty Net and is referred to the Bellingham telephone number in the U.S. where the caller is told he or she has reached the Canadian Liberty Net in exile and is then told to press a particular number on his telephone to receive a message which message, I am satisfied, is prohibited from being transmitted by the Injunction Order of Mr. Justice Muldoon.

I do not have any evidence that the transmission of the messages on the U.S. telephone of Canadian Liberty Net are illegal in the United States. I believe that whether or not the transmission of the messages is legal or not, it matters not for the purpose of the present hearing.

As I have stated, Mr. Justice Muldoon specifically prohibited Canadian Liberty Net and McAleer from causing to be communicated the prohibited and I say reprehensible messages. I am satisfied that by informing persons to call the Bellingham telephone number, both Canadian Liberty Net and McAleer are causing to be communicated the prohibited and reprehensible messages.

It is clear from the evidence (Exhibit A-3) that this method of causing the prohibited messages to be communicated to Canadians was carefully thought out. What Canadian Liberty Net and McAleer are now attempting to say in their defence is that the Court has no jurisdiction over them as the prohibited messages are being transmitted from the U.S.A. They do not deny the messages are the same as the prohibited messages found in the Injunction Order.

The evidence is overwhelming, and beyond any reasonable doubt that Canadian Liberty Net and McAleer purposely and methodically arranged to have the prohibited messages transmitted by telephone to Canadians by specifically and purposely directing anyone who called the Canadian telephone number to call the American telephone number to hear the prohibited messages.

Clearly the Respondents Canadian Liberty Net and McAleer acted in such a way as to interfere with the orderly administration of justice and are thus in contempt of Court.

**Conclusion**

As I have stated, the messages transmitted by the Canadian Liberty Net from its Bellingham, Washington telephone number are most reprehensible and an insult to the peoples against whom they are directed. Notwithstanding the fact that Mr. Justice Muldoon found that the messages are capable of exposing persons to hatred or contempt by reason of the fact that those persons are identifiable on the basis of race, national or ethnic origin, colour or religion, Canadian Liberty Net and McAleer persist in causing to be communicated these hateful and reprehensible messages.

I believe that the breach of the March 27, 1992 Injunction Order warrants a most serious penalty in order to ensure that this type of behaviour does not continue.

For this reason, the parties are to appear before me or any other judge of the Federal Court of Canada at the time and place stated in my Order.

Costs in favour of the Applicant.

"MAX M. TEITELBAUM"

J U D G E

OTTAWA

July 9, 1992

IN THE FEDERAL COURT OF CANADA

Court No. T-209-92

BETWEEN:

CANADIAN HUMAN RIGHTS COMMISSION

Applicant,

AND:

CANADIAN LIBERTY NET and  
DEREK J. PETERSON

Respondent

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REASONS FOR ORDER

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FEDERAL COURT OF CANADA

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO.: T-209-92

STYLE OF CAUSE: CANADIAN HUMAN RIGHTS COMMISSION v.  
CANADIAN LIBERTY NET ET AL

PLACE OF HEARING: VANCOUVER, B.C.

DATE OF HEARING: JUNE 29, 1992

REASONS FOR ORDER OF THE HONOURABLE MR. JUSTICE TEITELBAUM

DATED: JULY 9, 1992

APPEARANCES:

MR. JOHN L. FINLAY REPRESENTING THE APPLICANT

MR. DOUGLAS H. CHRISTIE REPRESENTING THE RESPONDENTS

SOLICITORS OF RECORD :

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DOUGLAS H. CHRISTIE FOR THE RESPONDENTS  
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