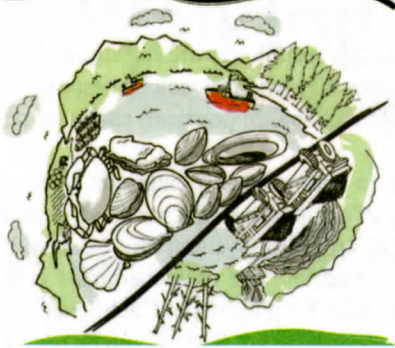


COAL NOT REQUIRED

Growing a Sustainable Economy in the Comox Valley



by Joe Foy

For 30 years I have been proud to work under the banner of the Wilderness Committee. It's been a wild ride, with more than my fair share of adventure. I've climbed up an oldgrowth Sitka spruce tree 20 storeys tall to help construct a tree-top research station, stared down an agitated mother bear while exploring endangered spotted owl habitat and crossed a white water torrent in a plastic pool raft to get to an ancient redcedar grove – all in the quest to protect Canada's wild nature.

During this time I have developed a pretty good sense of where danger lurks, and how best to avoid it.

But I was completely taken by surprise back in 2012 while using what I thought was one of our oldest, most used, and safest tactics – the written word.

Taseko Mines Ltd, a BC mining company, didn't like what we had to say on our website about its proposed mine project near Fish Lake on BC's Chilcotin Plateau. As a result, the company sued us for defamation. Legal papers were delivered to our office on March 1, 2012. And in the blink of an eye I discovered that free speech isn't free. Sometimes you have to hold your ground to defend it.

From that day forward we have been embroiled in our court defence against the mining company's allegations, which has now lasted three years and counting. A decision will be delivered later this year.

Wild Times

Dangerous Talk

One of the side effects of being sued is that I have increased my knowledge of all things dangerous. These include (but are not limited to): tree climbing, river crossing, chainsaw operation, bear management, and having an opinion. I now know a little more about the historical struggles of people who openly speak and write about what worries them.

Canadian defamation law comes from English legal tradition. The laws



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against saying uncomfortable things about the rich and powerful go back many centuries in England. Thankfully, the original English restrictions on free speech have been weakened over time, allowing common people more freedom to speak and write what they actually think. This applies to English speaking countries like the UK, Ireland, Australia, New Zealand, Canada, and the USA. But it's the USA that has made the greatest gains when it comes to allowing its citizens to voice their true concerns.

The greatest leap forward for free speech in the USA happened as a result of an ad in the *New York Times* that was published in 1960. The ad, endorsed by an impressive list of prominent Americans, called for donations to carry on the fight to end

racial segregation in Alabama. Those who placed the ad were sued for what they had written, and they lost their case in the Alabama courts. They were ordered to pay \$500,000 in restitution. But eventually the Supreme Court overturned Alabama's ruling, citing the US Constitution and its commitment to free speech.

As a result of that US Supreme Court decision, Americans can now say or write pretty much what they believe. In Canada we are not quite as free, but things have been improving thanks to some outspoken Canadians – including a few from our home province, BC.

For example, radio host Rafe Mair forcefully spoke out against those who wanted to ban school books that depicted gay parents. He was sued for the words he chose on air. After first losing in the BC court system, in 2008 he finally won in Canada's Supreme Court. By doing so, he advanced the right of all Canadians to speak from the heart.

Several years ago, environmental activist Don Staniford was sued for what he had written in opposition to salmon farming on the BC coast. So far the salmon farm company that sued him is winning – but the case has not yet made it to Canada's top court.

And so the Wilderness Committee takes its place among those who have stood accused of dangerous talk. We do so proudly.

Joe Foy is the National Campaign Director for the Western Canada Wilderness Committee, Canada's largest citizen-funded membership based wilderness preservation organization.