

Court File No.

94-CQ-58630cr

ONTARIO COURT OF JUSTICE
(GENERAL DIVISION)

 BETWEEN:

ARNOLD MINORS

Plaintiff

- and -

THE TORONTO SUN PUBLISHING CORPORATION,
HARTLEY STEWARD, JOHN DOWNING, CHRISTIE BLATCHFORD, JAMES WALLACE,
JEFF HARDER, ROBERT BENZIE, TRACY NESDOLY,
ANDY DONATO, and ERIC

Defendants

AMENDED STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiffs' lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

If you wish to defend this proceeding but are unable to pay legal fees, legal aid may be available to you by contacting a local Legal Aid office.

Date: Dec. 6/94 Issued by: S. Lallo
Local Registrar

Address of Court Office:

145 Queen Street West
Toronto, Ontario M5H 2N7

TO: TORONTO SUN PUBLISHING CORPORATION
333 King Street East
Toronto, Ontario
M5A 3X5

AND TO: HARTLEY STEWARD, Publisher
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Toronto, Ontario M5A 3X5

JOHN DOWNING, Editor
Toronto Sun Publishing Corporation
333 King Street East
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"ERIC"
Toronto Sun Publishing Corporation
333 King Street East
Toronto, Ontario M5A 3X5

1. The Plaintiff, Arnold Minors, claims against all the defendants jointly and severally with respect to each defamation alleged:

- (a) general damages for defamation in the amount of \$50,000.00 for each defamation;
- (b) aggravated damages in the amount of \$50,000.00 for each defamation;
- (c) pre-judgment and post-judgment interest in accordance with the Courts of Justice Act, R.S.O. 1990, Chap. C.43, as amended;
- (d) its costs of this action on a solicitor and client basis and any amount of Goods and Services Tax applicable thereto; and,
- (e) such further and other relief as to this Honourable Court seems just.

2. The Plaintiff, Arnold Minors ("Minors") claims against the defendants The Toronto Sun Publishing Corporation, Hartley Steward and John Downing punitive damages in the amount of \$200,000.00 for each defamation.

3. Minors, is a professional mediator, educator and business consultant on organizational effectiveness, with particular emphasis on equity issues, for example race and gender. He is often retained by not for profit and government bodies to give training sessions on sensitivity to, and management of, issues of sex and race. He has a B.Sc. from McGill University and an M.B.A. from Queens University.

4. Minors is also a provincial government appointee to the Metropolitan Toronto Police Services Board, the body responsible for supervising the Metropolitan Toronto Police Force.

5. The defendant Toronto Sun Publishing Corporation is a Corporation, incorporated under the laws of Ontario. It is the proprietor of The Toronto Sun newspaper (hereafter "The Sun" or "Sun") and has its head office located in the City of Toronto. The Sun newspaper is a major media outlet in the Toronto area with daily readership of almost one million.

6. The defendant, Hartley Steward, was and is the publisher of The Sun and as such controlled the content of the Sun is personally responsible for the series of articles, editorials and cartoons described below.

7. The defendant, John Downing, was and is the editor of The Sun and as such controlled the content of the Sun and is responsible for the series of articles, editorials and cartoons described below.

8. The defendants, Christie Blatchford ("Blatchford"), James Wallace ("Wallace"), Jeff Harder ("Harder"), Robert Benzie ("Benzie"), and Tracy Nesdoly ("Nesdoly") are newspaper writers who are published in the Toronto Sun.

9. The defendants Donato ("Donato") and Eric ("Eric") are cartoonists who publish in the Toronto Sun.

10. The first defamation was published on or about October 6, 1994. The defendant Blatchford wrote and The Sun, Downing and Steward published of Minors the following words:

"MINORS SPIEL A MINUS"

The Holocaust in which an estimated six million Jews were murdered was "not a racist act"

The Hutu-Tutsi civil war in Rwanda - in which, conservatively, 500,000 have been massacred since April solely because of ethnicity - is not racism, either, but "an intercultural conflict between people of colour."

...

The man who made these outrageous statements - and who is getting paid, with your tax dollars, to do it - is none other than Arnold Minors, consultant, member of the Metro Police Services Board and possible successor to board chair Susan Eng.

...

But Minors' remarks, dogmatic definition of racism and refusal to even discuss the possibility that discrimination may also constitute racism have left many of the Crowns reeling in disbelief.

His remark, for instance, that the Holocaust, however horrible, wasn't also racist left one Jewish Crown attorney so obviously upset that, after the class took a break, Minors offered the man an explanation.

He told the group that the notion of a "Jewish race" was a theoretical concept conceived by the Nazis and that there was no Jewish race,

merely a Jewish religion. The explanation, say sources in the local Crown attorney's offices, appeared to somewhat mollify the man.

...

However disturbed by Minors' comments many crowns were, most are simply "scared to death" to criticize him openly because of his apparent clout within the Bob Rae government and for fear of their careers.

...

The astonishing question, I should think, is how he continues to win government contracts and maintain the position of trust he apparently has at Queen's Park when what he preaches, when all is said and done, is that whites have a patent on racism.

The crown attorneys, who are in the courtrooms of Ontario every day don't believe that. Most of us don't believe it. The two women who were pushed around at the Kennedy subway station don't believe it. So why are we all paying someone to teach this unmitigated ---- ?;

11. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

12. The above article is untrue in that:

- (a) Minors did not say that the Holocaust was not a racist act;
- (b) Minors did not say that whites have a patent on racism; and,
- (c) Minors did not say that the civil war in Rwanda is an intercultural conflict between people of colour.

13. The above words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Arnold Minors is anti-semitic;
- (b) Arnold Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Arnold Minors is unfit to instruct on the topics of racism and discrimination.

14. The second defamation was published on or about October 7, 1994. The defendant Harder wrote and The Sun, Downing and Steward published of Minors the following words:

'QUESTIONABLE THEORIES ON JEWS'

MPPs: FIRE MINORS

Jews are just plain different Arnold Minors said yesterday.

Minors, a Metro Police Services Board member accused of anti-Semitic teachings by a group of his Crown attorney pupils, defended his government-sponsored lectures.

...

Liberal MPP Elinor Caplan wanted to know how Minors, an acquaintance of Rae is landing government contracts "to teach and preach questionable theories."

Tory MPP Charles Harnick was smoking mad.

"This is sick he said." "It's bizarre in the first order."

Minors has a \$108,500 contract with the attorney general to give two-day anti-racism workshops to Crown lawyers. Sun Columnist Christie Blatchford revealed yesterday that Minors is telling his pupils that there is no Jewish race, only a Jewish religion.

15. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

16. The above article is untrue in that:

- (a) Minors did not say Jews are just plain different; and
- (b) Minors did not say that there is no jewish race, only a Jewish religion.

17. The above words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination

18. The third defamation was published on or about October 8, 1994. The defendant Harder wrote and the Sun, Downing and Steward published of Minors the following words:

HOLOCAUST TALK PROBED

Premier Bob Rae has ordered an investigation into Arnold Minors' remark that the Holocaust was not a racist act.

The controversial Metro Police Services Board member, nominated to that post by Rae himself, made the remark while giving anti-racism lectures to Crown lawyers, Sun columnist Christie Blatchford revealed this week.

Rae said he ordered the probe after reading Blatchford's column.

Tory MPP Charles Harnick said Minors should be removed from the police services board.

19. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

20. The above article and insert are untrue in that Arnold Minors did not say that the Holocaust was not a racist act.

21. The above words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

22. The fourth defamation was published on or about October 8, 1994. The defendants Sun, Downing and Steward wrote and published of Minors the following words:

Insert Entitled "Arnoldese"

Saying the Holocaust was "not a racist act" isn't the first time Arnold

Minors has shown symptoms of foot-in-mouth disease:

23. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

24. The above insert is untrue in that Arnold Minors did not say that the Holocaust was not a racist act.

25. The above words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

26. The fifth defamation was published on or about October 11, 1994. The defendant The Sun, Downing and Steward wrote and published of Minors the following words:

The Editorial

"HEY, ITS OUR MONEY"

Arnold Minors is Arnold Minors.

To us, he's an idiot who sees the world solely through the prism of race. What's worse, an idiot who has been a destructive force on the Metro police services board. But we can live with that.

What we can't abide is our socialist provincial government paying this clown public money to spout his vile piffle as if he was some sort of credible expert on race relations.

C'mon - a guy who tells Crown attorneys that the Holocaust was "not a racist act"?

Oh come on.

What possible use are Minors' nutty theories to Crown attorney's anyway?

For our money, Minors is entitled to his stupid opinions. We just wish this government would stop giving him both the money and the platform to spout them.

27. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

28. The above editorial is untrue in that Arnold Minors did not say that the Holocaust was not a racist act.

29. The above words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination

30. The sixth defamation was published on or about October 11, 1994. The defendant "Eric" drew and The Sun, Downing and Steward published of Minors the following caricature and words:

The Caricature - "Eric"

Beside the Editorial entitled "Hey, it's our money" is a caricature of Arnold Minors and a television reporter which:

i. has written on the podium behind which Mr. Minors is standing:

"Arnold Minors Doctor of Discrimination".

ii. has the reporter saying:

"These Cults tend to take root where there is a breakdown in traditional government."

31. Minors asserts that these words are defamatory of him in their own right but also in the context of the adjoining editorial.

32. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is a leader of a cult;
- (b) Minors is anti-semitic;
- (c) Minors is unfit to serve on the Metro Police Services Board; and,
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

33. The seventh defamation was published on or about October 15, 1994. The defendant Benzie wrote and The Sun, Downing and Steward published of Minors the following words:

MINORS SLAMMED OVER INACTION IN SHOOTING

BAD EXAMPLE

Arnold Minors conduct the night of a fatal shooting downtown came under fire yesterday from a fellow member of the Metro Police Services Board.

As revealed first in the Sun Minors didn't help an officer in distress on Sept. 29 - the evening his neighbour, Albert Moses was shot after attacking a constable with a hammer.

Moses, 41, later died from his wounds. The province's Special Investigations Unit is probing the incident.

Minors, who lives next door to the scene of the George Street shooting, went inside his house and didn't call 911 - even though he saw a plainclothes officer radioing for backup.

Police services board member Norm Gardner said his colleague's behaviour "makes you wonder."

"I don't want to bad-mouth him, but if you're interested in humanity, you don't run away from the situation," Gardner said.

"If all citizens acted like Minors did, we'd never give out any awards for bravery or anything like that," he said.

"We have an example to set to the community - that's part of our responsibility."

"Knowing what the situation is now, I'd have hoped (Minors) would have expressed more interest in terms of the officer's safety."

...

Paul Walter, incoming president of the Metro Toronto Police Association, said if it's true Minors refused to aid the officer, then the board should "issue a vote of non-confidence" in him.

"If there's that lack of support from a police services board member, how can officers have confidence in the policies of the board."

34. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

35. The above report is untrue in that Minors did not decline to help an officer in distress on September 29, 1994. The fact is that Minors briefly observed an officer alone on the stairs of a neighbouring building and heard him call for a supervisor and CIB. Minors was in his house and not on the street. There was no reason for Minors to believe, and he did not believe, at the time that the officer was in need of any other assistance other than what he had called for.

36. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is cowardly;
- (b) Minors is hostile and uncooperative toward the Police; and,
- (c) Minors is unfit to serve on the Metro Police Services Board.

37. The eighth defamation was published on or about October 15, 1994. The defendants Sun, Downing and Steward published of Minors the following:

The Enlarged Quote of Norm Gardner

'If you're interested in humanity, you don't run away.'

38. Minors asserts that these words are defamatory of him.

39. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is cowardly; and,
- (b) Minors is unfit to serve on the Metro Police Services Board.

40. The ninth defamation was published on or about October 19, 1994. The defendant Wallace wrote and The Sun, Downing and Steward published of Minors the following words:

AG's PROBE OF MINORS GOES SLOW

Premier Bob Rae ordered a review of Minors teachings 11 days ago after the 'Sun' reported Minors said the Holocaust, which saw six million Jews murdered, wasn't a racist act during anti-racism lectures to Crown attorneys.

Minors has also suggested that only whites are capable of racism and said the only people of colour with racist tendencies are those who have "been co-opted by the privileged group."

41. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

42. The above article is untrue*~~p1005X~~^{p1005X}in

- (a) Minors did not say that the Holocaust was not a racist act;
- (b) Minors did not say that only whites are capable of racism;

- (c) Minors did not say that the only people of colour who have racist tendencies are those who have been co-opted by the privileged group.

43. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

44. The tenth defamation was published on or about October 20, 1994. The defendants Sun, Downing and Steward published of Minors the following words:

Front Page Headlines

NOW MINORS IN MAJOR TROUBLE

Board members calls Metro cops occupying armies';

45. Minors asserts that these words are defamatory of him. Minors relies on the fact that these words were a front page headline and as such would be read by more readers than any other part of the paper, plus the many people who would observe the paper in newsstands. These words have had a greater impact than words complained of.

46. The above article is factually untrue in that:

- (a) Arnold Minors did not call Metro Police an occupying army.

47. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is hostile and uncooperative toward the Police; and,
(b) Minors is unfit to serve on the Metro Police Services Board.

48. The eleventh defamation was published on or about October 20, 1994. The defendant Blatchford wrote and the Sun, Downing and Steward published of Minors the following words:

The Article by Blatchford

"ARNIE'S ARMY"

As Crown, Leshner is one of those scheduled to receive anti-racism training from Minors, - one of 15 two-day seminars he is conducting for the attorney-general with \$108,000 of public money. Some Crowns who have already had their training had complained about some of what Minors had told them, including his statement that the Holocaust, while a tragedy, was "not a racist act".

...

"By implication," Leshner was snarling yesterday to all who would listen, "Crown attorneys are doing the dirty work of the dirty cops."

"I've expressed my concerns to the police on gay issues before, but by no stretch of the imagination, let alone fact, can the police be compared to an occupying army. There *are* no racist laws on the books in this province. What criteria is he (Minors) using . . . ?

"What is also relevant is how he has it every which way. He makes money by being on the police services board, and then makes money

teaching that the police are an occupying army? He can't come out of this with his ethical or moral conduct unscathed."

...

The still-emerging portrait of Minors is one of a man so arrogant he regards himself as invincible or, and this is the theory to which I subscribe, one bent on martyrdom. 'Minors run off police board'; I can practically see the headlines in SHARE magazine.

...

He compares the Metro police force to an occupying army. He walks by a plainclothes officer who, by his own admission he recognizes is a) a cop and b) in some distress - calling for help on his radio in a voice Minors tells police, later, is shaky. He does nothing to help. In his world, the only racism that matters is that directed at blacks and, his sop to Canadian history, aboriginal people.

...

It's not the fall of this man which is so fascinating, but that he was ever elevated to such a position of power - a police board member, a recognized "expert" in anti-racism - and that he held onto it for so long.

It speaks volumes about the Bob Rae government, the current state of our province and our willingness to tolerate reprehensible behaviour in a black man that we would never tolerate in a white one.

Fired? He should have been fired long ago. And remember, unless he is, Arnold Minors will have a vote in choosing the next leader of the occupying army that is the Metro police force. God forbid.

49. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.
50. The above article is untrue in that:
- (a) Minors did not compare Metro Police to an occupying army;

- (b) Minors did not say the Holocaust was not a racist act; and
- (c) Minors did not decline to help a police officer in need of assistance.

51. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

52. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

53. The twelfth defamation was published on or about October 20, 1994. The Sun, Downing and Steward published of Minors the following words:

The Heading Accompanying the Photograph of Arnold Minors

MAJOR TROUBLE

... Police Services Board member is under fire from all sides for comments he made comparing Metro's police force to an occupying army when dealing with blacks.

The Enlarged Quotations

'It has no business coming from a person who holds the office he does'

- Susan Eng

'(Minors) can't come out of this with his ethical or moral conduct unscathed'

- Michael Leshner

54. Minors asserts that these words are defamatory of him.
55. The above article is untrue in that Minors did not compare Metro police to an occupying army.
56. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.
57. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:
- (a) Minors is unethical;
 - (b) Minors is unfit to serve on the Metro Police Services Board; and
 - (c) Minors is unfit to instruct on the topics of racism and discrimination.
58. The thirteenth defamation was published on or about October 21, 1994. The defendants Sun and Downing wrote and Steward published of Minors the following editorial:

ENOUGH IS ENOUGH

We told you this would happen.

Now Arnold Minors has finally said something so outrageous that just about everyone has had enough.

His remarks comparing Metro police to an occupying army are so beyond the realm of fair comment in his capacity as a member of the police services board that even his most ardent supporters are backing away from him.

Minors has not only been an accident waiting to happen, he is an accident that has kept on happening ever since Premier Bob Rae appointed him to the police board while politically correct voices in our community kept on stubbornly ignoring his many gaffes.

Despite being a police commissioner, he walks by a plain-clothes officer he admits he knew was in distress without offering to help.

He tells Crown attorneys on a \$108,500 government contract to teach them about racism that the Holocaust, while tragic, is not racism.

We do hope Minors has so discredited himself now that not even Rae would have the chutzpah to make him chairman of the board before his government is tossed.

Amid this latest controversy it would be wise to remember three things. First, that Minors doesn't speak for anyone but himself and embarrasses no one but himself.

Second, that any potential witnesses to the Tae's Restaurant shooting should be encouraged to come forward by all responsible voices in our community.

And third, that whatever tensions do exist between the police force and some members of racial minority groups, surely we can all agree that helping the police find and convict murderers is a part of their job, and ours.

59. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

60. The above editorial is untrue in that Arnold Minors did not say that the Holocaust is not racism, nor did he make an analogy between the Metro police and occupying armies, nor did he decline to help a plain-clothes officer in need of assistance.

61. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

62. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and,
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

63. The fourteenth defamation was published on or about October 21, 1994. The defendant "Donato" wrote and The Sun, Downing and Steward published of Minors a caricature:

Beside the above noted Editorial entitled "Enough is Enough". It depicts Mr. Minors sitting on a doctor's examination table while the doctor is looking into Mr. Minors' ear with an otoscope. The light emitting from the otoscope is shown on the other side of Mr. Minors' head.

The doctor comments as follows:

"Well, Arnold, there doesn't seem to be an army of intelligence occupying your head!"

64. Minors asserts that these words are defamatory of him in their own right but also in the context of the adjoining editorial.

65. These words are in their natural and ordinary meaning and by way of innuendo means and is understood to mean that:

- (a) Minors is brainless; and,
- (b) Minors is unfit to serve on the Metro Police Services Board.

66. The fifteenth defamation was published on or about October 21, 1994. The defendant Wallace wrote and The Sun, Downing and Steward published of Minors the following words:

"MINORS' LECTURES A COSTLY EXERCISE"

...
Minors earned himself a place in Premier Bob Rae's doghouse after the Sun revealed he suggested in his seminars that the Holocaust was "not a racist act" and that only whites were capable of racism".

He also publicly stated this week that he believes the police failure to find witnesses to a murder at a black after-hours club is the result of "a long, long thousand year history of people not speaking to occupying armies."

67. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

68. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act, nor did he say that only whites were capable of racism, nor did he say that the failure to find witnesses in this case is a result of the history of people not speaking to occupying armies.

69. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

70. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

71. The sixteenth defamation was published on or about October 21, 1994. The defendant Tracy Nesdoly wrote and The Sun, Downing and Steward published of Minors the following words:

Metro councillor, Brian Ashton, who called for Minors resignation, also accused him of possibly hindering a murder investigation.

...

Minors gives anti-racism training for the attorney general, to the tune of \$108,000. He drew the ire of some assistant Crown attorneys for suggesting the Jewish Holocaust was a tragedy but "not a racist act."

72. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

73. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act, nor did he hinder a murder investigation.

74. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and
- (d) Minors hindered a murder investigation.

75. The seventeenth defamation was published on or about October 21, 1994. The defendants The Sun and Steward published of Minors the following words:

Headline:

RESIGN: POLICE BOARD MEMBER HAS LOST HIS CREDIBILITY: COHORT

The Text Accompanying the Photograph of Norm Gardner

The board dissociated itself from remarks by member Arnold Minors in which he compared Metro Police to an "occupying army."

76. Minors asserts that these words are defamatory of him and he relies on their context within the article, as well as their context within the accompanying photograph and lay-out of the page of which they are a part.

77. The above words are untrue in that Minors did not compare Metro Police to an occupying army.

78. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

79. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is without credibility;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

80. The eighteenth defamation was published on or about October 25, 1994. The defendant Blatchford wrote and The Sun, Downing and Steward published of Minors the following words:

"NOT ONE VOICE"

...

The latest blow came yesterday when the Ontario attorney general's ministry axed the four remaining sessions of anti-racist training left on Minors' \$108,000 contract. The content of that controversial course for Crown attorneys - the same course which enraged as many as a dozen of Ontario's front-line law officers with its narrow focus on black-directed racism and Minors' refusal to deem the Holocaust a racist act - is under review.

On another front at the Metro Police Services Board where Minors sits as an appointed member, he has been called on the carpet for comparing the Metro force to an "occupying army". His colleagues have disassociated themselves from his remarks; some have called for his resignation.

But the larger, and more important question remains: Does Arnold Minors speak for the black community: Who *was* he representing with those remarks?

The answer is not clear, at least not to this aging white girl.

...

Paul Culver, the senior Toronto Crown attorney, last week sent off a letter to Michael Code, the assistant deputy attorney general, passing along the concerns, some "quite emotional," of about a dozen Crowns who have spoken to Culver about the content of Minors' seminars. Their complaints, Culver said echo those of the Crowns I quoted anonymously in my column who heard Minors say the Holocaust wasn't "a racist act."

As for the "occupying army" line, it was first reported in the *Toronto Star* in a tape-recorded interview which makes it clear Minors was quoted accurately and in context.

...

The truth it seems to me, is that the black community is every bit as diverse and fractured as the white community; "more so:" Gates writes in the *New Yorker*. And yet the only voices which represent this great, heterogenous mix at least in the mainstream press, are the likes of Dudley Laws and Charlie Roach. They tend to speak for the tiny group of black youth who find themselves in confrontation with the police, who feel disenfranchised, and yet, because they're the only ones talking, others are reluctant to criticize them.

His now-suspended contract with Queen's Park aside, where does this leave Arnold Minors?

The answer is - still on the police board, which next Wednesday, will be choosing the next police chief.

81. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

82. The above article is untrue in that Arnold Minors did not refuse to deem the Holocaust as a racist act. In fact, he said that the Holocaust was a racist act. Nor did Minors compare Metro police to an occupying army. Further, it is untrue that the quotes of Minors were "in context". In context, Minors' remarks were that the police may be perceived by people of colour in Toronto as strangers and they are, as many others, reluctant to speak to them, as strangers.

83. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

84. The nineteenth defamation was published on or about October 25, 1994. The defendant Wallace wrote and The Sun, Steward and Downing published of Minors the following words:

MINORS SETBACK: SEMINARS AXED

Minors later said he believed the failure of Metro Police to find witnesses to a murder at a black after-hours club was the result of "a long, long thousand year history of people not speaking to occupying armies."

85. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

86. The above article is untrue in that Arnold Minors did not say that Metro Police difficulties finding witnesses was the result of the history of people not speaking to occupying armies.

87. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

88. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is hostile and uncooperative toward the Police; and,
- (b) Minors is unfit to serve on the Metro Police Services Board.

89. The twentieth defamation was published on or about October 27, 1994. The defendant The Sun and Downing wrote and Steward published of Minors the following words:

The Editorial

MISDIRECTION POLKA

Lest we forget the New Democrats had already ordered a probe into Minors' nutty remarks about the Holocaust (a tragedy not a racist act) and has now ordered yet another probe on his nutty remarks comparing the Metro police to an occupying army.

...

Meanwhile, Minors continues to sit on the police board and can participate in all of its decisions, including selecting the next chief. Incredible!

90. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

91. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act, nor did he compare Metro police to an occupying army.

92. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

93. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and,
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

94. The twenty-first defamation was published on or about October 27, 1994. The defendant Donato wrote and The Sun, Downing and Steward published of Minors the following caricature:

The Caricature "Donato"

Beside the above editorial entitled "Misdirection Polka is a caricature of Arnold Minors. Underneath the caricature the caption reads:

"Would you buy a new police chief from this man?"

95. Minors asserts that these words and the caricature would be read in the context of the editorial which accompanied it and are defamatory of him.

96. These words and the caricature, by their natural and ordinary meaning and by way of innuendo mean and were understood to mean:

- (a) Minors is unfit to serve on the Metro Police Services Board; and,
- (b) Minors is unfit to instruct on the topics of racism and discrimination.

97. The twenty-second defamation was published on or about October 27, 1994. The defendant The Sun and Downing wrote and Steward published of Minors as headlines on the front page:

NDP ORDERS PROBE OF 'ARMY' REMARKS

**ARNOLD MINORS TALKS TO REPORTERS OUTSIDE HIS DOWNTOWN
TORONTO HOUSE YESTERDAY**

**MINORS STAYS ... 'THAT'S WHAT I WANT -- IT'LL CLEAR ALL THIS
UP ...'**

98. Minors asserts that these words are defamatory of him.
99. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:
- (a) Minors is unfit to serve on the Metro Police Services Board; and,
 - (b) Minors is unfit to instruct on the topics of racism and discrimination.
100. The twenty-third defamation was published on or about October 27, 1994. The defendant Blatchford wrote and The Sun, Downing and Steward published of Minors the following words:

Headline on page 5

**NDP INQUIRY HAS NO TEETH
A MINORS' VICTORY**

...

... the importance of Minors' skin color and his experience as a black man in then-colonial Bermuda in leading him to compare, as he so clearly did in a taped interview with the Toronto Star (the paper should put the tape on its Star Phone service, so all of us can hear it), the Metro Police force to an "occupying army".

Far more likely, I think, is that the commission's investigators will take two months to interview the two key players in this (Minors and the Star reporter who has the "occupying army" quote, in the only context that should matter, i.e. as his response to a simple question about why Metro cops probing a recent triple shooting outside a black club are being met with a wall of silence) ...

101. Minors asserts that these words are defamatory of him and he relies on their context in the whole article of which they are a part.

102. The above article is untrue in that Arnold Minors did not compare Metro police to an occupying army.

103. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

104. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is unfit to serve on the Metro Police Services Board; and,
- (b) Minors is unfit to instruct on the topics of racism and discrimination.

105. The twenty-fourth defamation was published on or about October 27, 1994. The defendant Nesdoly wrote and The Sun, Downing and Steward published of Minors the following words:

HE'LL STILL HELP PICK NEW CHIEF

...

Christopherson instead announced a further 60 day review of Minors's comments referring to Metro police as an "occupying army"

...

The police Board, including Minors, is expected to meet next week to announce the new chief Thursday or Friday.

Metro councillor and board member Brian Ashton said he stands by his earlier statement that Minors should resign, and agreed Christopherson should have made a decision yesterday.

106. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

107. The above article is untrue in that Arnold Minors did not refer to Metro police as an occupying army.

108. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

109. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is unfit to serve on the Metro Police Services Board;

110. The twenty-fifth defamation was published on or about October 29, 1994. The defendant Benzie wrote and The Sun, Downing and Steward published of Minors the following words:

Minors Equates Brits with Nazis for Views of Irish

REVISING THE HOLOCAUST

...

He was disputing claims made by 12 Crown attorneys who said they heard him say the Holocaust wasn't a racist act during an anti-racism lecture he gave earlier this month.

111. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

112. The above report is untrue in that Arnold Minors did not say that the Holocaust was not a racist act.

113. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

114. The twenty-sixth defamation was published on or about October 29, 1994. The defendant Benzie wrote and The Sun, Downing and Steward published of Minors the following words:

MINORS ON DEFENSIVE

...

In an unedited 30 minute interview with CFRB Radio's Jane Hawtin, Minors backtracked, flip-flopped and danced around the controversial comments he's made recently on race and policing issues.

Despite being presented with evidence he likened police to an occupying force - including a taped interview with the Toronto *Star* - and testimony from a Crown attorney who heard him denigrate the meaning of the Holocaust, Minors maintained he's been misquoted and mistreated by the media.

...

Solicitor General Christopherson is currently investigating Minors, after an Oct. 19 story in the *Star*, where he said "There is a long, long, thousand, thousand year history of people not speaking to occupying armies."

Reporter Moira Welsh had asked him why he thought no one had come forward to assist a police probe into a fatal shooting at a predominantly black after-hours club.

Even though Hawtin played the tape for him, Minors insisted it was taken out of context.

...

"I said explicitly to the 'Star' I am not talking about the police; that I was not making an analogy between the police and occupying armies."

But Minors admitted he's had dealings with Metro Police in 19 years here that "remind me of my experience of being a black person in Bermuda with police officers."

...

"He said that all other actions against identifiable groups are not racism, so I then asked him... whether what Hitler did between 1932 and 1945 was not racism according to his definition and he said: 'No, it is not,'" said Priwes.

Priwes said Minors said the Holocaust "is not racism because he regards Jewish people as members of a religion, not of a race."

"The entire tenor of his comments were that racism was something evil that was done generally by white people to people of colour."

115. Minors asserts that these words are defamatory of him and relies on their context in the whole article and the photograph accompanying the article of which they are a part.

116. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act, nor did he liken Metro police to an occupying army.

117. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

118. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward Police;
- (c) Minors is unfit to serve on the Metro Police Services Board, and

- (d) Minors is unfit to instruct on the topics of racism and discrimination.

119. The twenty-seventh defamation was published on or about November 2, 1994. The defendant Wallace wrote and The Sun, Downing and Steward published of Minors the following words:

MINORS DEBATE TURNS UGLY

...

Tory Bob Runciman said Minors shouldn't be allowed to vote for the next Metro police chief because of his anti-Semitic teachings to Crown attorneys.

Minors told the Crowns the Holocaust was "not a racist act" during anti-racism seminars for which he was paid \$108,500 by the province.

120. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

121. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act.

122. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is unfit to serve on the Metro Police Services Board; and
- (c) Minors is unfit to instruct on the topics of racism and discrimination.

123. The twenty-eighth defamation was published on or about November 11, 1994. The defendant Blatchford wrote and The Sun, Downing and Steward published of Minors the following words:

Minors has 'hunch'

...

Minors' \$108,000 government contract to teach the Crowns about racism was abruptly suspended last month, with three of 12 seminars uncompleted, after complaints he had described the Holocaust as not a racist act.

...

This controversy, and a later one over remarks he made to the Toronto Star comparing Metro Police to "an occupying army" and which prompted a probe by the Ontario Civilian Commission on Police Services, have made the past few weeks "enormously stressful", Minors said.

124. Minors asserts that these words are defamatory of him and relies on their context in the whole article of which they are a part.

125. The above article is untrue in that Arnold Minors did not say that the Holocaust was not a racist act, nor did he compare Metro police to an occupying army.

126. Minors admits that he spoke to a Toronto Star reporter about the problems of the Metro Police getting witnesses in the Tae's Club shooting, but asserts that the words attributed to him have been quoted out of context.

127. These words by their natural and ordinary meaning and by way of innuendo mean and were understood to mean that:

- (a) Minors is anti-semitic;
- (b) Minors is hostile and uncooperative toward the Police;
- (c) Minors is unfit to serve on the Metro Police Services Board; and,
- (d) Minors is unfit to instruct on the topics of racism and discrimination.

128. Minors asserts that the defendants Sun, Steward and Downing conducted, or allowed, a strident and relentless campaign against him. The campaign consisted of:

- (a) the repetition of the defamatory material with the pattern of interrelated innuendo as pleaded;
- (b) the inclusion of gratuitously insulting and personally abusive remarks about Minors as pleaded below in paragraph 129;
- (c) recklessness regarding the truth and fairness of the material published in the defamations complained of in paragraphs 130 to 132; and
- (d) the abuse by a major media outlet of its power to attack an individual, Minors, by this campaign, where the individual is not even quoted in response except in the context of derision and ridicule and in a manner which belittles him.

129. Minors asserts that this campaign consisted of persistently gratuitously insulting and personally abusive remarks and cartoons about him. The particulars of which are as follows:

- (a) "So why are we paying someone (i.e. Minors) to teach this unmitigated ----?" (October 6, 1994, Tab 1, paragraph 10)
- (b) "... isn't the first time Arnold Minors has shown symptoms of foot-in-mouth disease. Try these Arnie-isms on for size ..." (October 8, 1994, Tab 2, paragraph 22)
- (c) "Arnold Minors is Arnold Minors. To us, he's an idiot ... what's worse, an idiot who has been a destructive force on the Metro police services board ..." (October 11, 1994, Tab 3, paragraph 26)
- (d) "... paying this clown public money to spout his vile piffle as if he was some sort of credible expert on race relations ..." (October 11, 1994, Tab 3, paragraph 26)
- (e) "... what possible use are Minors' nutty theories ..." (October 11, 1994, Tab 3, paragraph 26)
- (f) "For our money, Minors is entitled to his stupid opinions." (October 11, 1994, Tab 3, paragraph 26)
- (g) "The still-emerging portrait of Minors is of a man so arrogant he regards himself invincible or, and this is the theory to which I subscribe, one bent on matrydom." (October 20, 1994, Tab 7, paragraph 48)
- (h) "It's not the fall of this man which is so fascinating, but that he was ever elevated to such a position of power ... " (October 20, 1994, Tab 7, paragraph 48)
- (i) "... and our willingness to tolerate reprehensible behaviour in a black man that we would never tolerate in a white one. Fired? He should have been fired a long time ago." (October 20, 1994, Tab 7, paragraph 48)
- (j) Caricature reading: "Well, Arnold, there doesn't seem to be an army of intelligence occupying your head!" (October 21, 1994, Tab 8, paragraph 63)

- (k) "Now Arnold Minors has finally said something so outrageous that just about everyone has had enough." (October 21, 1994, Tab 8, paragraph 58)
- (l) "Minors has not only been an accident waiting to happen, he is an accident that has kept on happening ..." (October 21, 1994, Tab 8, paragraph 58)
- (m) "... Minors doesn't speak for anyone but himself and embarrasses no one but himself." (October 21, 1994, Tab 8, paragraph 58)
- (n) "... into Minors' nutty remarks about the Holocaust ... on his nutty remarks comparing Metro police to an occupying army ... We'd have preferred him bounced by now ... after Minors' latest fiasco (which wasn't even his worst gaffe, just the last straw ..." (October 27, 1994, tab 12, paragraph 89)
- (o) "... I don't believe (Minors) represents a serious perspective in the black community." (October 21, Tab 11)

130. Minors asserts that the defendants the Sun, Downing and Steward displayed reckless disregard of the truth of the allegations that Minors said that the Holocaust is not a racist act and the effect on readers of repeating this over and over again.

131. Minors asserts that the defendants Sun, Downing and Steward displayed reckless disregard for the accurate representation of Minors' comments about occupying armies and the effect on readers of repeating this over and over again.

132. Minors asserts that the defendant Sun, Downing and Steward displayed reckless disregard respecting the truth of the allegation that he refused to assist a police officer in distress and the effect on readers of repeating this over and over again.

133. Minors asserts that even if the words in paragraphs 10, 14, 18, 22, 26, 30, 33, 37, 40, 44, 48, 53, 58, 66, 71, 75, 80, 84, 89, 94, 97, 100, 105, 110, 114, 119 and 123 might be fair comment by the individual writers, which is not admitted but denied, they are not fair comment in the context of the campaign against Minors by the Sun, Downing and Steward. Minors asserts that the fairness of the comments by the defendant Sun and Steward should be determined in the context of the entirety of their campaign against Minors as described in paragraph 128 and 139.

134. Minors asserts that the strident and relentless repetition of defamatory comments in the context of the campaign by the defendants Sun, Downey and Steward as alleged in paragraph 128 has the effect on the reader that the allegations against Minors are all taken and perceived as fact.

135. Minors asserts that the campaign against him described in paragraphs 10 to 123 constitutes malice against him by the defendants the Sun, Downey^{im} and Steward.

136. The publications complained of in paragraphs 10, 14, 18, 22, 26, 30, 33, 37, 40, 44, 48, 53, 58, 66, 71, 75, 80, 84, 89, 94, 97, 100, 105, 110, 114, 119 and 123 have caused and will continue to cause damage to the reputation of Minors as specified in the innuendo complained of and generally by disparaging him in the public eye.

137. Given the nature of Minors' professional employment, this damage to his reputation seriously affects his credibility among those with whom he works. The publications have, and will continue to have, the effect that it is and will be harder for Minors to effectively carry out his work as a mediator because he is not trusted by those whom he meets. Minors' ability to obtain mediation and consulting contracts has been severely damaged and thus his ability to earn an income has been harmed.

138. Given Minors' public office, the publications complained of severely undermine his ability to participate effectively in any public debate, including but not restricted to, issues of race and policing.

139. Further Minors relies on the following facts:

- (a) Minors is a black man, a fact referred to many times in the articles and cartoons in question;
- (b) the history of tension in North America between black and jewish people is undesirable and regrettable;
- (c) the denigration of the Holocaust is deeply offensive to all right thinking citizens, especially jewish people.
- (d) in this context the denigration of the Holocaust by a black public figure who works in the area of discrimination would be seen as particularly shocking and offensive.

140. Minors further asserts that in the context of general social relations described in paragraph 139 above, the defamatory innuendo that Minors is anti-semitic is particularly odious, especially in light of his professional and personal commitment to understanding and reconciling racial tensions and eliminating racism.

141. Minors has devoted considerable personal, professional and political efforts to social equality issues. The impairment of his effectiveness in this area as a result of the publications complained of causes Minors great personal frustration and disappointment.

142. Minors asserts that the series of articles, editorials and cartoons complained of, along with the repetition of defamatory words constitute a strident and relentless campaign against him.

143. Minors further asserts that the defendants Sun, Downey and Steward were wanton and reckless in the campaign complained of regarding the ill-effect of it on tension in Toronto between black and jewish people.

144. Minors asserts that, in all the circumstances of this case, he should be awarded aggravated and punitive damages.

The Plaintiff proposes that this action be tried at the City of Toronto.

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January 11, 1995

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Toronto, Ontario
M5V 2E5

(416) 598-0103

Charles Campbell
Solicitor for the Plaintiff

**ONTARIO COURT OF JUSTICE
(GENERAL DIVISION)**

B E T W E E N:

ARNOLD MINORS

Plaintiff

- and -

**THE TORONTO SUN PUBLISHING CORPORATION,
HARTLEY STEWARD, JOHN DOWNING, CHRISTIE BLATCHFORD,
JAMES WALLACE, JEFF HARDER, ROBERT BENZIE,
TRACY NESDOLY, ANDY DONATO and ERIC**

Defendants

STATEMENT OF DEFENCE

1. The defendants deny that the plaintiff is entitled to any of the relief claimed in paragraphs 1 and 2 of the Amended Statement of Claim.
2. The defendants have insufficient knowledge with which to either admit or deny all of the contents of paragraph 3 of the Amended Statement of Claim.
3. The defendants admit the contents of paragraphs 4, 5, 8 and 9 of the Amended Statement of Claim.
4. The defendants admit that Hartley Steward is the publisher of the Toronto Sun and that John Downing is the editor of the Toronto Sun as set forth in paragraphs 6 and 7 of the Amended Statement of Claim but deny the allegation that either Hartley Steward or Downing is responsible (either as a matter of fact or as a matter of law) for the series of items

complained of in the Amended Statement of Claim.

5. The defendants admit that the various items complained of in paragraphs 10, 14, 18, 22, 26, 30, 33, 37, 40, 44, 48, 53, 58, 63, 66, 71, 75, 80, 84, 89, 94, 97, 100, 105, 110, 114, 119, 123 and 129 were published in the Toronto Sun and were either written by or illustrated by the individuals said to have written or illustrated the items as set forth in the said paragraphs but otherwise deny the contents of such paragraphs of the Amended Statement of Claim.

6. The defendants deny the contents of paragraphs 11, 12, 13, 15, 16, 17, 19, 20, 21, 23, 24, 25, 27, 28, 29, 31, 32, 34, 35, 36, 38, 39, 41, 42, 43, 45, 46, 47, 49, 50, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, 67, 68, 69, 70, 72, 73, 74, 76, 77, 78, 79, 81, 82, 83, 85, 86, 87, 88, 90, 91, 92, 93, 95, 96, 98, 99, 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 113, 115, 116, 117, 118, 120, 121, 122, 124, 125, 126, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143 and 144.

7. The following are expressions of opinion made by the defendants in good faith on matters of public interest, namely (i) the conduct of the plaintiff, a public member of the Metro Police Services Board who was appointed to that Board with a view to potentially becoming the chairperson of the Board, (ii) the conduct of the plaintiff as a person entrusted by public representatives of the Province of Ontario to provide anti-racism seminars to crown attorneys and (iii) the plaintiff's fitness or suitability to either sit on the Metro Police Services Board or provide anti-racism seminars to crown attorneys :

a) The plaintiff is unfit to serve on the Metro Police Service Board;

- b) The plaintiff is unfit to instruct on the topics of racism and discrimination;
- c) The plaintiff is hostile and uncooperative toward the police.

8. The expressions of opinion in paragraph 7 are based upon the facts set forth in paragraph 9 and the other facts contained in the various items complained of in the Amended Statement of Claim.

9. In the alternative, if the statements said to constitute expressions of opinion in paragraph 7 above are determined to be statements of fact then the defendants plead justification. It is true that the plaintiff is unfit to serve on the Metro Police Services Board, is unfit to instruct on the topics of racism and discrimination and is hostile and uncooperative toward the Police. Particulars of this plea now known to the defendants are as follows:

a) In 1992 the plaintiff wrote a report, based only on interviews with visible minorities who volunteered to be interviewed, that accused the Ontario Human Rights Commission of being racist;

b) In July 1993 at a meeting of the Metro Police Service Board there was discussion of a recommendation by a coroner's jury that police be given the power to arrest any parolee for breaching the terms of their release. In the context of this discussion the plaintiff stated that he was concerned that Metro police would abuse any new arrest powers and abrogate the rights of parolees;

c) In or about July of 1993 the plaintiff gave an interview to the Bermuda Times stating that "black people have been shot and killed per capita disproportionate to any other community" and "often they [police officers] claim they were in fear of their lives and then kill people" and "white cops let white youths off with a lecture but when they "approach young black men (they) have their weapons drawn and are more likely to engage in altercations";

d) On or about August 6, 1993 the plaintiff publicly stated that "if you are white, you have privilege or at least the possibility of having privilege. And people who have privilege have a higher responsibility, just like people who have guns. If you do not

understand that, you may unwittingly be contributing to the problem of racism. But then fish don't know water. White people are the fish --and everything around them is the water";

e) On or about September 2, 1993 the plaintiff repeated to the media that Metro police are fearful of blacks and have shot and killed a disproportionate number of them;

f) In November 1993, the plaintiff did refuse to help Sharon Lem , a reporter with the Toronto Sun, when she was intimidated by a hostile group at a meeting of the Organization of Ethnic Employees of the Metropolitan Housing Authority and ordered to hand over her note book and tape recorder;

g) On or about April 20, 1994 the plaintiff publicly stated that "Blacks should not assume that they have an individual right to criticize members of the family -- because the criticism will be picked up, especially by certain segments of the mainstream media, and used against all blacks. We have to stop talking about our family business in public and do it in private";

h) In or about July 1994 the plaintiff attended a fund raising dinner for the Black Action Defence Committee. This committee is well known for its anti-police stance. At the same dinner the plaintiff posed with a spokesperson for the committee who had been convicted of a criminal offence involving the smuggling of aliens across the Canadian border;

i) On September 29, 1994 a shooting took place at the property next door to the plaintiff's home. The plaintiff saw a plainclothes officer alone on the stairs of the neighbouring building and heard him radio for backup but neglected to call 911 or take any other action;

j) In October 1994 in response to a question by a Toronto Star reporter, Moira Welsh, on the lack of cooperation police were getting from witnesses to an early morning shooting at an after hours club frequented by black people the plaintiff responded, "There is a long, long thousand year history of people not speaking to occupying armies ... But I do know that when police officers talk about 'these people won't speak to us' it is precisely the same thing that occupying armies talk about. These people won't speak to us";

k) During the course of the interview with Moira Welsh the plaintiff used the term "occupying armies" three times;

l) After publication of the "occupying armies" quote the plaintiff either denied uttering the words or asserted that his words had been taken out of context;

m) During lectures to Crown attorneys on racism the plaintiff stated that the Holocaust was not racist because it was directed at Jews because of their religion and that only whites were capable of racism;

n) The Ontario government cancelled four anti-racism training sessions for Crown attorneys as a result of the plaintiff's remarks concerning the Holocaust;

o) Reviews or investigations were ordered by the Ontario government into the remarks referred to in sub-paragraphs (j) and (m) above.

10. In reference to the item complained of in paragraph 10 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"these outrageous statements"

"The astonishing question, I should think, is how he continues to win government contracts and maintain the position of trust he apparently has at Queen's Park when what he preaches, when all is said and done, is that whites have a patent on racism."

"The crown attorneys, who are in the courtrooms of Ontario every day don't believe that. Most of us don't believe it. The two women who were pushed around at the Kennedy subway station don't believe it. So why are we all paying someone to teach this unmitigated ---?"

11. In reference to the item complained of in paragraph 14 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"Questionable theories"

"Tory MPP Charles Harnick was smoking mad. 'This is sick' he said. 'It's bizarre in the first order'."

12. In reference to the item complained of in paragraph 18 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"controversial"

"Minors should be removed from the police services board."

13. In reference to the item complained of in paragraph 22 of the Amended Statement of Claim, the following words constitute expressions of opinion:

""Arnoldese"

"Isn't the first time Arnold Minors has shown symptoms of foot in mouth disease"

14. In reference to the item complained of in paragraph 26 of the Amended Statement of Claim, the following words are constitute expressions of opinion:

"Arnold Minors is Arnold Minors."

"To us, he's an idiot who sees the world solely through the prism of race. What's worse, an idiot who has been a destructive force on the Metro police services board. But we can live with that."

"What we can't abide is our socialist provincial government paying this clown public money to spout his vile piffle as if he was some sort of credible expert on race relations."

"What possible use are Minors' nutty theories to Crown attorneys anyway?"

"For our money, Minors is entitled to his stupid opinions. We just wish this government would stop giving him both the money and the platform to spout them."

15. The entire item complained of in paragraph 30 of the Amended Statement of Claim constitutes an expression of opinion.

16. In reference to the item complained of in paragraph 33 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"BAD EXAMPLE"

"Police services board member Norm Gardner said his colleague's behaviour 'makes you wonder'."

"I don't want to bad mouth him, but if you're interested in humanity, you don't run away from the situation,' he said."

"We have an example to set to the community - that's part of our responsibility."

"Knowing what the situation is now, I'd have hoped (Minors) would have expressed more interest in terms of the officer's safety."

"the board should 'issue a vote of non-confidence' in him."

"If there's that lack of support from a police services board member, how can officers have confidence in the policies of the board."

17. The entire item complained of in paragraph 37 of the Amended Statement of Claim constitutes an expression of opinion.

18. In reference to the item complained of in paragraph 44 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"NOW MINORS IN MAJOR TROUBLE"

19. In reference to the item complained of in paragraph 48 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"'By implication,' Leshner was snarling yesterday to all who would listen, 'Crown attorneys are doing the dirty work of the dirty cops.'"

"'by no stretch of the imagination, let alone fact, can the police be compared to an occupying army.'"

"'What is also relevant is how he has it every which way. He makes money by being on the police services board, and then makes money teaching that the police are an occupying army? He can't come out of this with his ethical or moral conduct unscathed.'"

"The still emerging portrait of Minors is one of a man so arrogant he regards himself as invincible or, and this is the theory to which I subscribe, one bent on martyrdom. 'Minors run off police services board'; I can practically see the headlines in SHARE magazine."

"In his world, the only racism that matters is that directed at blacks and, his sop to Canadian history, aboriginal people."

"It's not the fall of this man which is so fascinating, but that he was ever elevated to such a position of power - a police board member, a recognized 'expert' in anti-racism - and that he held onto it for so long."

"It speaks volumes about Bob Rae's government, the current state of our province and our willingness to tolerate reprehensible behaviour in a black man that we would never tolerate in a white one."

"Fired? He should have been fired long ago. And remember, unless he is, Arnold Minors will have a vote in choosing the next leader of the occupying army that is the Metro police force. God forbid."

20. In reference to the item complained of in paragraph 53 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"MAJOR TROUBLE"

"It has no business coming from a person who holds the office he does"

"(Minors) can't come out of this with his ethical or moral conduct unscathed"

21. In reference to the item complained of in paragraph 58 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"ENOUGH IS ENOUGH"

"We told you this would happen."

"Now Arnold Minors has finally said something so outrageous that just about everyone has had enough."

"His remarks comparing Metro police to an occupying army are so beyond the realm of fair comment in his capacity as a member of the police service board that even his most ardent supporters are backing away from him."

"Minors has not only been an accident waiting to happen, he is an accident that has kept on happening ever since Premier Bob Rae appointed him to the police board while politically correct voices in our community kept on stubbornly ignoring his many gaffes."

"We do hope Minors has so discredited himself now that not even Rae would have the chutzpa to make him chairman of the board before his government is tossed."

"Amid this latest controversy it would be wise to remember three things. First, that Minors doesn't speak for anyone but himself and embarrasses no one but himself."

"Second, that any potential witnesses to the Tae's restaurant shooting should be encouraged to come forward by all responsible voices in our community."

"And third, that whatever tensions do exist between the police force and some members of racial minority groups, surely we can all agree that helping the police find and convict murderers is a part of their job, and ours."

23. The entire item complained of in paragraph 63 of the Amended Statement of Claim constitutes an expression of opinion.

24. In reference to the item complained of in paragraph 66 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"MINOR'S LECTURES A COSTLY EXERCISE"

"Minors earned himself a place in Premier Bob Rae's doghouse"

24. In reference to the item complained of in paragraph 75 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"POLICE BOARD MEMBER HAS LOST HIS CREDIBILITY"

25. In reference to the item complained of in paragraph 80 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"NOT ONE VOICE"

"But the larger, and more important question remains: Does Arnold Minors speak for the black community: Who was he representing with those remarks?"

"The answer is not clear, at least to this aging white girl."

"The truth it seems to me is that the black community is every bit as diverse and fractured as the white community; 'more so' Gates writes in the New Yorker. And yet the only voices which represent this great, heterogenous mix at least in the mainstream press, are the likes of Dudley Laws and Charles Roach. They tend to speak for the tiny group of black youth who find themselves in confrontation with the police, who feel disenfranchised, and yet, because they're the only ones talking, others are reluctant to criticize them."

26. In reference to the item complained of in paragraph 89 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"MISDIRECTION POLKA"

"nutty"

"Incredible."

27. The entire item complained of in paragraph 94 constitutes an expression of opinion.

28. In reference to the item complained of in paragraph 100 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"NDP INQUIRY HAS NO TEETH"

"A MINORS VICTORY"

"the paper should put the tape on its Star Phone service, so all of us can hear it"

"Far more likely, I think, is that the commission's investigators will take two months

to interview the two key players"

"in the only context that should matter, i.e. as his response to a simple question about why Metro cops probing a recent triple shooting outside a black club are being met with a wall of silence"

29. In reference to the item complained of in paragraph 105 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"Minors should resign, and agreed Christopherson should have made a decision yesterday."

30. In reference to the item complained of in paragraph 119 of the Amended Statement of Claim, the following words constitute expressions of opinion:

"MINORS DEBATE TURNS UGLY"

"Minors shouldn't be allowed to vote for the next Metro police chief because of his anti-Semitic teachings to Crown attorneys"

31. The entire item complained of in paragraph 129 of the Amended Statement of Claim constitutes an expression of opinion.

32. The items complained of and the words in the items complained of in the Amended Statement of Claim that do not constitute expressions of opinion are true in substance.

33. All words referred to herein that constitute expressions of opinion were made in good faith by the defendants on matters of public interest and were based upon the facts particularised herein and the facts contained in the various items complained of in the Amended Statement of Claim. The matters of public interest are:

a) the conduct of the plaintiff, a public member of the Metro Police Services Board who was appointed to that Board with a view to potentially becoming the chairperson of the Board;

b) the conduct of the plaintiff as a person entrusted by public representatives of the Province of Ontario to provide anti-racism seminars to crown attorneys;

c) the plaintiff's fitness or suitability to either sit on the Metro Police Services Board or provide anti-racism seminars to crown attorneys :

34. All of the items complained of constitute fair reporting on matters of public interest as set forth in paragraph 33..

35. The plaintiff is a public figure. He has had and continues to have the ability to defend himself and to respond to the items to which he complains in the Amended Statement of Claim. Indeed, the plaintiff has given interviews and responses to questions to all media outlets in Toronto (save for the Toronto Sun for whom the plaintiff has a policy of boycotting) and as such has succeeded in having his views published in various other publications and in other media. Full particulars of such publications are within the knowledge of the plaintiff.

36. The defendants plead and rely upon their fundamental freedom of expression and freedom of the press as set forth in the *Canadian Charter of Rights and Freedoms*.

37. The defendants have not conducted or allowed any campaign against the plaintiff. Rather the defendants have reported and published news and commentary based upon such news all as a result of the plaintiff's conduct as referred to herein. The plaintiff is a public figure sitting on a public board and as such his conduct is open to scrutiny by the media. Furthermore, as a person entrusted by the public representatives of the Province of Ontario to conduct anti-racism seminars to crown attorney the plaintiff's conduct is also open to

scrutiny to the media. But for the plaintiff's conduct there would have been no news items and no commentary concerning the plaintiff.

38. All of the words complained of were published as part of a discussion of matters of public interest or political subject matters of and concerning the plaintiff, a member of a public body and a person entrusted by representatives of the public to conduct seminars on anti-racism for crown attorneys in the Province of Ontario in relation to the suitability of the plaintiff to sit on the public body and to conduct the said seminars.

39. All of the words complained of that constitute statements of fact were made with an honest belief in the truth of such statements and without malice.

40. The items complained of by the plaintiff in the Amended Statement of Claim have not damaged the reputation of the plaintiff or caused any of the damage or harm as alleged in the Amended Statement of Claim. If the plaintiff's reputation has been damaged or harmed then it is not the result of the actions of the defendants but rather the result of:

- a) The plaintiff's actions and statements referred to in the items complained of in the Amended Statement of Claim;
- b) The facts particularized herein and contained in the items complained of in the Amended Statement of Claim;
- c) Publications in other newspapers and media concerning the conduct and statements of the plaintiff;
- d) The plaintiff's own publication of the items he complains of by the plaintiff providing copies of his Statement of Claim herein to the media;
- e) The plaintiff issuing a press release on December 7, 1994 holding a press conference on December 9, 1994 and issuing statement at such press conference all of which collectively served to further draw attention to the plaintiff and his conduct and

statements;

- f) The plaintiff's policy of not responding to questions from Toronto Sun employees;
- g) The publication of the Report Of An Investigation Into Remarks of Mr. Arnold Minors by the Ontario Civilian Commission On Police Services;
- h) Such further facts not now known to the defendants.

41. The plaintiff failed to serve a notice specifying the matter complained of on Eric, Andy Donato, Tracy Nesdoly (as to some of the items complained of), Robert Benzie, Jeff Harder, Christie Blatchford (as to some of the items complained of), John Downing and Hartley Steward (as to some of the items complained of). The defendants plead and rely on section 5 (1) of the *Libel and Slander Act*, R.S.O. chapter L.12.

42 The defendants further plead and rely upon sections 23, 24 and 25 of the *Libel and Slander Act*.

43. The plaintiff has commenced this action with a view to gagging the defendants so as to prevent or lessen the news coverage of the defendants concerning the plaintiff and commentary thereon.

44. The defendants therefore submit that this action ought to be dismissed with costs.

January 24 1994

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