

**2021-30 Rahman v National Post**

*May 4, 2021*

The National NewsMedia Council has dismissed with reservation a complaint that a March 10, 2021, opinion column, "Should one company really be able to dictate which Dr. Seuss books can read?" in the National Post was inaccurate and promoted racist and harmful viewpoints.

The opinion article dealt with the decision to cease publication of certain Dr. Seuss books that contain racial caricatures. The article also addressed copyright law and the freedom for readers to access contentious pieces of literature.

Sharmin Rahman, the complainant, objected to statements in the article that suggested 'what is considered racist now was not necessarily racist in the past', and arguments that Dr. Seuss's drawings did not indicate racist intent. In particular, she pointed to the column's statement that "If it were drawn today, it probably would be racist because we don't depict Asian people that way anymore. Anyone doing so is likely trying to make a statement, and not a nice one. But that was not necessarily the case in 1937, and it does not appear as though Dr. Seuss had any malicious intent."

The complainant argued that the column minimizes racism because it failed to acknowledge historical context. She stated that the column "ignores that if something's racist in 2021 it should have also been racist in 1937. It wasn't because it was moral back then, but because the prevalent white supremacy of that era meant that minority voices were ridiculed, silenced, or outlawed."

The complainant further argued that the column's assessment of Dr. Seuss's work according to 'the standards of the time' perpetuates stereotypes. Such statements, she said, normalize racism that can have severe consequences, as seen in the recent murder of six Asian Americans in Georgia.

The news organization responded by stating that one sentence in question was edited to qualify speculation about the intentions of the book author. It was changed to read: "But that was not **necessarily** the case in 1937, **and it does not appear as though Dr. Seuss had any malicious intent.**"

The news organization disagreed with the view that the columnist was judging the author "only" on the standard of the time. They pointed to a 1961 book showing the author as 'progressive'. The news organization pointed out that Dr. Seuss's style used cartoonish exaggeration. It said the malicious use of cartoons by others does not mean Dr. Seuss was racist in using the same images.

Additionally, the news organization said that the larger point of the opinion article spoke in support of preserving literature regardless of current standards. It argued there is nothing racist in that position and said the news organization can play an important role in promoting nuanced discussion about how to address historical wrongs. The news organization emphasized that the writer is a columnist making an argument and not a reporter presenting facts.

In further comments, the complainant refuted the columnists' statements about 'racist intent,' and said that the columnist "knows no more about Dr. Seuss's intent than I do."

The complainant said that using caricatures of historically marginalized groups has an unequal social impact. She noted that employing these caricatures causes harm to Asian or Black populations already subject to racism, while no harm is directed to white populations. She noted that potential for harm is part of the reason the Seuss estate withdrew the publications.

In its review of the article and materials submitted, the NNC noted that columnists have wide latitude to take unpopular and provocative points of view. They can use strong language and make uncomfortable arguments as part of their role to encourage societal debate. The NNC supports this widely-accepted latitude for opinion writers. At the same time, the NNC has repeatedly indicated that the information used to support such arguments must be factually correct. Standard journalistic practice avoids using stereotypes or exposing vulnerable groups to harm.

The NNC's role is not to settle differences of opinion, which are a natural aspect of both freedom of expression and opinion writing. Instead, the NNC's role is to ensure that widely-accepted journalistic standards, including accuracy and context, are upheld.

The NNC recognizes that the news organization has amended the sentence attributed to Seuss's intent.

Overall, the opinion article is largely focused on the decision to cease publication of certain books, and the resulting question about who makes that decision, copyright, and access to reading material. In making those arguments, the writer described the children's author as a product of his time and thus not "necessarily" a racist.

It is an easily-discoverable historical fact that racism was deeply entrenched, and actively employed, against Asian and Black Canadians and Americans at that time. In assessing this complaint, the NNC considered whether the statements in question indicate a breach of the journalistic standard of accuracy and are promoting harm by perpetuating racism.

In light of the above and the fact that systemic racism does not require intent, the NNC is concerned with the statements indicating that what is racist now was not racist in the past, and the statements around 'racist intent.'

Had these statements been presented as fact, they would be demonstrably false. After careful deliberation, however, Council considered that the remarks were framed as the opinion of the columnist, and thus falling within the wide-latitude afforded to opinion writers. For this reason, the NNC dismisses the complaint, albeit with a strong reservation.

In arriving at this assessment, Council emphasized the NNC's role in defending the prerogative of opinion writers to express views that can be offensive to some for the sake of facilitating open, public dialogue. Council recognizes the role of journalism in upholding freedom of expression and shaping public debate. At the same time, journalism has a responsibility to the public good, and must not promote harm to identifiable groups. The complainant's argument that the column normalizes racism—by claiming that racism requires intent or that past behaviours were not racist—is persuasive in light of current high levels of anti-Asian racism and racist attacks. In that regard, Council urges all members to carefully consider how it chooses to publish similar statements, or materials, and to consult best practices.