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October 7, 2019

Avi Asher-Schapiro  
North America Researcher, Committee to Protect Journalists  
831 334 5688  
330 7th Ave #11, New York, NY 10001

Dear Mr. Asher-Schapiro,

I was a newspaper and magazine journalist from 1978 until 2014, including as a 24-year member of the Canadian Parliamentary Press Gallery in Ottawa. I have written for every major news publication in Canada, including Maclean's, the Globe and Mail and the Toronto Star. I have taught journalism and media studies at Concordia and Carleton universities, and I am a published author of multiple best-selling books, including *Kill the Messengers: Stephen Harper's Assault on Your Right to Know* (a book about our former Prime Minister's Stephen Harper's media control).

I studied law from 2014 until 2017 and am now a solicitor in the Province of Ontario and member of the Bar of the Ontario Court of Appeal. My legal work is concentrated on media and expression law, and I have successfully argued defamation/SLAPP cases in Ontario. I also continue to write on media and political law (privacy, freedom of information) for both legal and general audiences.

I have also written academic articles on law and communications for several Canadian and international publications.

The WE Charity forwarded your enquiry to my attention. The charity is aware that I have been researching Canadaland's conduct regarding WE for my media analysis and law site, FairPress.ca. As a journalist and a lawyer with a passionate belief in freedom of expression, I am very familiar and greatly admire the Committee to Protect Journalists. I asked WE Charity if I could respond directly to you, as I am concerned that the CPJ's statements indicate that you may not have been provided with the full information about Canadaland's reportage on the various WE entities.

I can confidently state that Canadaland's coverage of the WE organization has lacked the most basic journalistic standards and integrity. It is an extremely concerning example to be cited in your report of individuals and/or organizations using legal pressures to discourage reporting, and, I believe, would be wrong for you to do so. Canadaland's reporting had major failures that I feel you should know about, and that I brought to the public's attention while it was happening.

Please allow me to provide some background on Canadaland and its coverage of WE:

1. Jesse Brown, as the owner/publisher, started the Canadaland website after being released from the CBC for fabricating content. He has been the subject of articles in well-respected papers including the Globe and Mail citing how Mr. Brown is "[fast and loose on the facts](#)". I have personally written a detailed analysis about their serious short-comings and [journalistic misconduct](#).

2. I have noted extensively in [my analysis of Canadaland](#) and its coverage of WE Charity, Canadaland's egregious breaches of the basic tenets of journalism. Canadaland published several digitally-altered images on its website as part of the claims it made about WE. For example, Canadaland published a digitally-created image of a Kellogg's cereal box with the logo of ME to WE superimposed on the box. It was later proven that no such product existed.
3. Retired Ontario Court of Appeal judge Stephen Goudge analyzed Canadaland's coverage of WE. In his report, he dismissed each of Canadaland's eight core claims, concluding the "*allegations by Canadaland are without merit.*" I reviewed Mr. Goudge's evidence and conclusions and I believe them to be accurate.
4. My examination of the record showed Canadaland tried to torque meagre bits of information into full-blown stories. It ignored statements refuting its own conclusions, including many from former WE staffers. One article was based almost entirely on statements from one intern who had been fired many years ago. Canadaland also plied WE with a large number of irrelevant questions, demanding answers in a very short period of time. One set of questions was sent on the Friday night of a long weekend, and was to be answered the next business day.
5. When WE did send a statement denying Canadaland's accusations, Jesse Brown read it on his podcast with maudlin, mocking music playing in the background. It was the only time during the podcast that music was used.

Please allow me to further comment on the allegation that WE Charity and/or the Kielburger family sought to impede journalism:

6. As part of my study on the matter, I have reviewed all the correspondence between WE Charity and Canadaland (it is all available online, posted on the Canadaland site). WE Charity and/or the Kielburger family did not impede Canadaland's investigation. As I noted above, Canadaland posed a remarkable 220+ questions to the charity. WE Charity answered every single question over nine months, with the charity providing clear, brief statements and source documentation.
7. I believe WE Charity and/or the Kielburger family did not use legal letters to impede Canadaland's reporting, but rather to ensure accuracy and to correct the record. Frankly, since Canadaland simply seems to have refused to listen to WE's side of the story, I don't think WE and the Kielburger family had much choice. I also would like to remind you that WE did not actually sue Canadaland. In Canada, libel notices are a way of protecting a client's right to sue even after a statutory deadline has passed. For example, in Ontario a plaintiff must send a libel notice to a publication within 30 days of an article being published. A writ must be issued within three months. However, if the plaintiff does not sue within three months, the libel notice protects the plaintiff's right to bring this original article into a lawsuit if another defamatory article is published within the same year. A libel notice is not, in itself, a lawsuit, it is a means of protecting a plaintiff's rights.
8. As both a journalist and lawyer, I believe that WE Charity showed tremendous restraint in not seeking a legal remedy to Canadaland's improper journalism. Had they taken a legal route

through a formal court case, I have no doubt a judge and/or jury would have awarded record damages in their favor.

9. Canadaland has published the letters sent by WE Charity's lawyers, and any reasonable journalist or media lawyer would conclude the letters were clearly drafted for the purposes of clarification, ensuring accuracy, and/or correcting the public record.

I respect the ideals espoused by the Committee to Protect Journalists and the work you do. Given the current climate in the US, and the ongoing dangers journalists face around the world, your work is more important than ever. It is with great deference to your organization and the important work you do that I urge you to reconsider Canadaland and/or Jesse Brown as an example for your research. It would be a shame for your own credibility to be tainted by hailing Mr. Brown and Canadaland as beacons of journalistic integrity in need of protection.

Should you still decide to proceed with the Canadaland/ WE example in your report, please find the following statement which I ask you to use below.

Should you have any questions regarding my analysis, please don't hesitate to reach out.

Sincerely,

Mark Bourrie

Lawyer, Ottawa

*As a 36-year veteran journalist, a practicing defamation lawyer and former journalism professor, it is my opinion that Canadaland should not be held up as an example of journalistic integrity, especially in its engagement with WE. Throughout its coverage of WE, Jaren Kerr and Jesse Brown relied on, among other things, manufactured evidence, digitally alerted images, cherry-picked facts and bogus evidence. It ignored any material that contradicted its pre-planned conclusions. This was proven by retired Ontario Court of Appeal Justice Stephen Goudge who dismissed each of Canadaland's eight core claims, rightly concluding the "allegations by Canadaland are without merit." In contrast, my own research shows WE was nothing but transparent with Canadaland, answering over 220+ questions, in a year-long campaign of harassment. It is clear to me that this campaign was motivated by Canadaland's desire to increase its Patreon support. The WE material ran during Canadaland's fundraising campaign. It is clear to me that WE did not use legal letters to impede Canadaland's reporting, but rather to ensure accuracy and to correct the record. In fact, WE showed tremendous restraint in not suing Canadaland. Had the WE organization sued, it would have been awarded substantial, perhaps record damages. In the end (the last Canadaland podcast on WE), Jesse Brown admitted there was "no smoking gun" and that WE is a legitimate organization.*

Mark Bourrie

