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Why Alberta's Law Society should drop Levant's Case

The Law Society of Alberta has commenced disciplinary proceedings against Ezra Levant over his comments in a newspaper column about the Alberta Human Rights Commission and about another lawyer, Arman Chak.

In a 2014 column titled “Next stop, crazy town,” Mr. Levant wrote that Mr. Chak, a prosecutor with the Alberta Human Rights Commission, supports “a global, international Muslim super-state” known as the “ummah.” Mr. Levant quoted Mr. Chak as having allegedly diminished the gravity of the genocide and rape perpetrated in 1971 by the West Pakistan military, which killed between 300,000 and 3,000,000 people, and raped between 200,000 to 400,000 Bangladeshi women. Mr. Levant stated that Mr. Chak wrote in Pakistani Link magazine: “I look at the events in the context of the fundamentals of an Islamic State and its Muslim identity. Regardless of what West Pakistan did to East Pakistan, the latter’s alliance with India makes the creation of Bangladesh one of the worst examples of the dis-unification of the Muslim Ummah in contemporary history.”

If this quote was not accurate, Mr. Chak could have sued Mr. Levant for defamation. Instead, Mr. Chak filed a complaint with the law society, claiming that Mr. Levant’s comments were in violation of the lawyers’ Code of Conduct, as “inappropriate and unbecoming” for a lawyer.

Mr. Levant has criticized Canada’s “human rights” laws for obvious faults that many others – including

lawyers – have pointed out: the denial of basic fairness to those who stand accused of racism, sexism or other “isms”; the rejection of the rules of evidence (which are upheld by real courts, but not kangaroo courts); taxpayer-funding for complainants’ cases; and a serious lack of respect for our basic Charter freedoms of expression, association, religion and conscience.

Mr. Chak claims that Mr. Levant failed to encourage public respect for the administration of justice, and violated the lawyers’ Code of Conduct by making “petty, intemperate” criticisms.

The code requires lawyers to “encourage public respect for the administration of justice,” but also states that lawyers must “try to improve the administration of justice.” It goes on to state that “a lawyer should not hesitate to speak out against an injustice,” and expressly upholds the right of lawyers to criticize “laws, legal institutions, and public authorities.”

Injustices are never defeated without vigorous criticism. For example, slavery, totalitarian socialism (in both its Nazi and communist manifestations) and the legal oppression of women were subjected to decades of scathing denunciation before they were substantially defeated in the West. The U.S. Supreme Court in *Dred Scott v. Sanford* ruled in 1857 that African Americans could never be U.S. citizens, and that the federal government had no power to regulate slavery in federal territories. Fierce

and scornful condemnation of this decision – by lawyers and non-lawyers alike – was part of the anti-slavery effort that ultimately succeeded. In 1928, the Supreme Court of Canada unanimously decided that women were not “persons” who could hold public office as Canadian senators. This, too, has been subjected to savage and withering criticism on the part of lawyers and all citizens.

The Canadian Bar Association has publicly advocated for left-wing positions on a long list of public-policy issues, including same-sex marriage, gun control and climate change, to name only a few. While the CBA does not represent the opinions of all lawyers on these or other issues, it’s clear that lawyers have as much a right to criticize laws, policies, and court decisions as anyone else. In light of the manifest unfairness of Human Rights Tribunal procedures, and rulings that undermine our basic Charter freedoms, it is neither fair nor realistic to expect all criticisms to be “temperate.”

For a lawyer to file a complaint with the law society about the contents of another lawyer’s newspaper column, and for the law society to commence disciplinary proceedings against the column’s author, does nothing to encourage public respect for the administration of justice. If anything, this undermines respect for the legal profession, and creates a climate of fear.

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