

WEB OF HATE: INSIDE CANADA'S FAR RIGHT NETWORK, by Warren Kinsella (Toronto: HarperCollins Publishers, 1994)

[The antisemite] is a man who is afraid ... of himself, of his conscience, his freedom, of his instincts, of his responsibilities, of solitude, of change, of society and the world ... Antisemitism, in a word, is fear of man's fate. The antisemite is the man who wants to be pitiless stone, furious torrent, devastating lightning: in short, everything but a man.¹

Warren Kinsella's message in *Web of Hate*² is that racism is alive, well, and growing in Canada. Kinsella focuses on white men who hate. It is difficult to define those whom they hate: they hate all who are not like them; they hate people of colour and people who do not share their language or traditions; but, most of all, they hate the Jewish community. Anti-semitism seems to be the symbol of their racism, the banner under which they march.

While *Web of Hate* should interest the general reader, it is, in many ways, a book for lawyers. Lawyers both historical³ and contemporary⁴ populate its pages. The book relates technical evidential issues that arose in hate crime trials, including a "present memory refreshed" issue in the trial of a Manitoba Klan leader; the qualification of an "expert" in the *Keegstra* trial; and a false distinction Doug Christie sought to draw in the *Finta* trial respecting the weight of testimony taken on oath and on affirmation.⁵ Kinsella also poses the problem of adapting existing hate legislation and its enforcement to new computer technology, particularly to the transmission of hate literature by electronic mail from the United States to Canada.⁶

Despite its legal appeal, *Web of Hate* is primarily a work of journalism. Its journalistic nature is the source of its weaknesses. The book takes the form of a collection of anecdotes, a series of newspaper articles bound between hard covers. It follows no analytical progression.⁷ *Web of Hate* is not a work of empirical analysis. It does not investigate the actual numbers of racists in Canada or their demographics.

¹ J.-P. Sartre, "Portrait of the Antisemite" in W. Kaufmann, ed., *Existentialism from Dostoevsky to Sartre* (Scarborough, Ontario: New American Library, 1975) 329 at 345.

² *Web of Hate: Inside Canada's Far Right Network* (Toronto: HarperCollins, 1994).

³ Such as Thomas M. Jones, a founder of the Ku Klux Klan, and Bernard Comparet, a pro-Nazi lawyer prominent in the 1950s and 1960s in the United States.

⁴ Such as Dean Tim Christian of the Faculty of Law, University of Alberta, chair of the Alberta Human Rights Commission Board of Inquiry into the Aryan Nations rally at Provost, Alberta, on September 8, 1990, *supra* note 2 at 188f; and Tom Engel of the firm Molstad Gilbert, who acted as counsel for Keith Rutherford in his civil suit against the skinheads who beat and blinded him, *supra* note 2 at 271f.

⁵ *Ibid.* at 46, 82, 85.

⁶ *Ibid.* at 42, 56, 130.

⁷ The style of the book is frequently distracting. Kinsella displays an irritating elitism with his slighting references to various figures' "polyester" clothing, *ibid.* at 62, 137, 190; cf. 89. He offers unflattering descriptions of personal appearances, see e.g., *ibid.* at 51, 62, 257. Kinsella is, I think, attempting to avoid fawning accounts of racists; he wants to show them for the small-souled people they are, so he ridicules them. While ridicule may be an appropriate rhetorical technique in advocacy journalism, it has little place in serious work.

It does not examine the relation of racism to social, cultural, or economic conditions. It does not attempt to provide a psychological portrait of the racist, or to provide some insight into why racists think as they do. The book is not a work of conceptual analysis. It does not sharpen our analytical tools for understanding racism; it does not provide new perspectives on racism; it does not explore issues of what racism means in Canada — whether it is an aberration or deviation or vile symptom of some deeper social structure; it does not explore the significance of racism as a peculiar — and revolting — form of human existence. Although Kinsella is a lawyer, the book contains only legal reportage, not legal analysis.

Nevertheless, although *Web of Hate* fails to live up to what it might have been, the book is valuable for what it is: a set of reminders of the presence and the nature of the racists among us. The two issues for lawyers posed most starkly by the book are the contextualization of hate crime legislation, and the relationship between client and counsel.

I

Contextualizing racism in Canada is important. The facts of racism should make a difference to legislative and judicial approaches to hate crime. If it could be shown that racism in Canada is the preserve of impotent, isolated misfits, the shape of our law concerning racial hate might well be different than if it could be shown that racism in Canada is a virulent, spreading danger. From another perspective, contextualization may show the actual relations and activities protected and fostered by a law that speaks of individual flourishing, but does not protect from racist violence.

Kinsella attempts to alert us to the "evidence of a growing violent far right movement."⁸ He names and draws connections. *Web of Hate* is a useful "Who's Who" of Canadian racism. Kinsella's efforts, however, are somewhat blunted by his exposition. He gives much attention to what one might call "traditional" racist organizations — groups of, generally, middle-aged and elderly white men, structured as ordinary organizations (with elected executives and more-or-less regular meetings), engaging in the production and dissemination of anti-Semitic and other racist literatures, with aspirations to legitimate political status. Despite his rhetoric, Kinsella does not succeed in showing that traditional racist organizations, by themselves, form a potent political force in Canada. A reader could easily come away thinking that these people and groups do not so much form a "web of hate", as a sad small tangle of people consumed by hatred of others, locked in mutual admiration.

One group of nodes in the web of hate described by Kinsella is the Ku Klux Klan. The Klan was distressingly powerful in pre-World War II Western Canada.⁹ By Kinsella's own account, the modern Klan lacks its predecessor's profile. Kinsella tells us of the Alberta branch of the Klan, which was formed in 1972 with five members,

⁸ *Ibid.* at 360.

⁹ *Ibid.* at 11-19.

grew to about twenty-five members in the 1980s, but was disbanded in 1989.¹⁰ The Manitoba branch had about thirty members in the early 1990s.¹¹ The Klan has not, Kinsella tells us, "been successful, lately, in attracting new recruits in Canada's western provinces."¹² The Klan is active in Quebec but is riven along nationalist/federalist lines. Kinsella gives us no indication of the numbers of persons involved with the Quebec Klan.

Other nodes in the web of hate seem to be numerically small. Kinsella suggests that the Aryan Nations organization, headquartered in Alberta, has nearly 200 members.¹³ Only thirty to forty members, however, attended the infamous rally at Provost, Alberta, on September 8, 1990.¹⁴ Kinsella refers to racist organizations in British Columbia, such as the "Freedom Coalition", which has seven members,¹⁵ and the "Council of Public Affairs", which appears to be a husband and wife team.¹⁶ More significant is the Heritage Front, headquartered in Ontario, which has about 2,000 members across Canada.¹⁷

One might conclude from a review of Kinsella's account of traditional racist organizations that individuals, rather than groups or institutions, are the most significant elements of the web of hate. Kinsella provides good descriptions of the activities of Jim Keegstra, Terry Long, Carney Nerland, Malcom Ross, Wolfgang Droege (leader of the Heritage Front), and, to a lesser degree, Ernst Zundel. Kinsella shows that these figures do form a cross-Canada network. They cover the country: Keegstra and Long operate out of Alberta; Nerland out of Saskatchewan; Zundel and Droege out of Ontario; and Ross out of New Brunswick. They have contacts and have made appearances outside of their home provinces. Long, Keegstra, and Ross appear to have had some overt personal contact. They have personally, and through their organizations, rendered one another financial and moral support. A one-man network between various racist figures has been constituted by Doug Christie, who has acted as counsel for, most notably, Keegstra, Zundel, Ross, Bill Harcus of the Manitoba Klan, and Imre Finta (whose acquittal on war crimes charges was recently affirmed by the Supreme Court of Canada).¹⁸

An over-emphasis on these individuals, however, would minimize both the depth and complexity of the web of hate, and the concrete danger posed by racists in Canada. One might even say that for all their visibility, individuals like Keegstra, Ross, and Zundel are not the most important elements in Canadian racism. The more important elements are more faceless, more inarticulate, and more deadly. The more important elements

¹⁰ *Ibid.* at 20, 25, 31.

¹¹ *Ibid.* at 38.

¹² *Ibid.* at 48.

¹³ *Ibid.* at 149.

¹⁴ *Ibid.* at 168.

¹⁵ *Ibid.* at 50.

¹⁶ *Ibid.* at 59.

¹⁷ *Ibid.* at 238.

¹⁸ *R. v. Finta* (1994), 88 C.C.C. (3d) 417 (S.C.C.).

manifest with greater clarity the essence of racism — its murderous criminality. Sartre says this of the anti-Semite:

With destruction his function, the antisemite — a sadist pure of heart — is in the depths of his soul a criminal. What he desires and prepares is the *death* of the Jew ... it is to anger, hate, pillage, murder and all forms of violence that the antisemite accords respect and enthusiasm; and at the very moment he is drunk with evil, he feels the lightness of heart and the peace afforded by a clear conscience and the satisfaction of duty well done.¹⁹

The function of the anti-Semite is accurately reflected in two groups described by Kinsella, the skinheads and the underground white supremacist terrorists.

The skinheads represent the racism of the mob, their individuality erased by shaven heads, similar clothing, similar tattoos. They represent hate and anger, without articulation by either words or sophisticated tactics. They represent violence pure and simple. Kinsella reminds us of the blinding of Keith Rutherford by skinheads connected with the Aryan Nations.²⁰ He reminds us of skinheads desecrating synagogues, firing weapons into homes, beating helpless victims, and rioting.²¹ He refers to the B'nai Brith League for Human Rights estimate that there are over 1,000 skinheads active in Canada, and to the United States Anti-Defamation League of the B'nai Brith report that skinheads were responsible for twenty-two murders in the United States between 1990 and 1993, and that the skinheads are "the most violent of all white supremacy groups."²²

More dangerous than the skinheads are the members of underground white supremacist terrorist organizations. Members of these organizations are older and more skilled than the skinheads. They are tactically more astute. Their violence is more thoughtful, and all the more dangerous for that. Kinsella describes the activities of the Silent Brotherhood, or "the Order", which operated in the United States in the early 1980s and was associated with a United States branch of the Aryan Nations. Members of the Order were involved in two murders (including the murder of talk-radio host Alan Berg), at least four armed robberies, counterfeiting, the manufacture of bombs, and the bombing of a synagogue.²³ Kinsella claims that in the opinion of the F.B.I. and prosecutors, the Order was "the most effective domestic terrorist threat the United States had ever seen."²⁴ Two Canadians were members of the Order, although they appear not to have been involved in its serious criminal activity. Another Canadian, Wolfgang Droege, was involved in a white supremacist conspiracy to take over the island of Dominica and establish a neo-Nazi haven. The conspirators were captured in the United States with some thirty-three guns and rifles, twenty sticks of dynamite, thirty blasting caps, and 5,000 rounds of ammunition.²⁵ Droege was convicted and

¹⁹ *Supra* note 1 at 343.

²⁰ *Supra* note 2 at 150f.

²¹ *Ibid.* at 168, 250, 262.

²² *Ibid.* at 281.

²³ *Ibid.* at 106f.

²⁴ *Ibid.* at 117.

²⁵ *Ibid.* at 204, 220.

served his time for his role in this conspiracy. Fortunately, Canada seems not to have produced a domestic white supremacist terrorist threat on the scale of the Order. Nevertheless, the potential exists for Canadian racists, perhaps those with links to violent organizations in the United States, to emulate the deeds of their comrades. We should bear in mind that neither skinheads nor domestic terrorists need be present in large numbers to pose a significant threat to the Jewish community and to other targets of racist violence. A resolute few have the capacity to do fearful damage.

Kinsella's key observation is that the skinheads and the domestic terrorists do not operate alone. They have become joined to traditional racist organizations.²⁶ For example, Kinsella points out that the Aryan Nations organization in Alberta embraces Edmonton's Final Solution skinheads, and former Order member Edgar Foth.²⁷ The real web of hate is constituted by the union of traditional racists, skinheads, and domestic terrorists.

The point of drawing attention to this linkage is to show that the hate crime debate is not lodged only on the level of freedom of speech. Racism is not only words. On a concrete, institutional level, racism in Canada extrudes the ignorant violence that lies at its heart. The chief virtue of *Web of Hate* is that it puts the context of racism in Canada before us. Kinsella does not offer legislative reforms; he leaves reform up to us, in our heightened awareness of the realities of racial hatred in Canada.

II

Douglas Hewson Christie, Jr., "counsel for the damned",²⁸ is a troubling figure. His choice of clients should not, by itself, cause concern. Other counsel represent anti-Semites and various unsavoury malefactors. Lawyers have a duty, after all, to represent the unpopular.²⁹ Christie is an aggressive advocate. Kinsella describes Christie's rough handling of witnesses in cross-examination in the Keegstra and Ross cases.³⁰ Mere aggressive advocacy should not, by itself, cause concern: having taken on his clients, Christie owed to them the duty "fearlessly to raise every issue, advance every argument, and ask every question, however distasteful," which he thought would promote his clients' cases, and to endeavour "to obtain for his [clients] the benefit of any and every remedy and defence which is authorized by law."³¹ Nonetheless, the advocate's duty "must always be discharged by fair and honourable means ... and in a manner consistent with the lawyer's duty to treat the court with candour, fairness, courtesy and respect."³² Christie has, on occasion, exceeded the ethical limits of advocacy. In the

²⁶ *Ibid.* at 260.

²⁷ *Ibid.* at 152, 200.

²⁸ P. Kulig, "Doug Christie: Counsel for the Damned" (1990) 14:8 Can. Law. 14.

²⁹ Properly speaking, a lawyer has the right to decline any employment, but he or she "should not exercise the right merely because a person seeking his [or her] services or that person's cause is unpopular or notorious...." The Canadian Bar Association Code of Professional Conduct, c. XIII, commentary 9.

³⁰ *Supra* note 2 at 78, 329.

³¹ *Supra* note 29, c. VIII, commentary 1 [footnotes omitted].

³² *Ibid.*

Finta case, for example, Cory J. referred to certain statements made by Christie in his address to the jury as "inappropriate", "unfortunate", and "unprofessional and prejudicial."³³ Christie's crossing the line of permissible advocacy, however, is not a source of excessive lawyerly unease. Cory J., we notice, mitigated his criticism of Christie by attributing Christie's conduct to the heat of battle: "The trial of this matter was long and complex. It raised issues of a highly emotional and deeply troubling nature. In this context it is perhaps understandable that both defence and Crown counsel made inappropriate remarks to the jury."³⁴ Perhaps what is truly troubling about Christie is the evidence that he has, in the words of the Discipline Committee of the Law Society of Upper Canada, made "common cause" with anti-Semites.³⁵

The issue of whether Christie has, in fact, made common cause with his clients is troubling enough in itself; Christie also raises the issue of the relation of lawyers to clients generally. Part of the model of the practising barrister, more-or-less shared and more-or-less conscious, is a notion of independence from the client. This independence is cultivated in various practical ways: for example, young counsel are recommended to meet their clients on the court house steps and to minimize social contact with clients; at the court house, barristers may maintain a lounge without public access, away from clients. Independence from the client allows the barrister to be objective, to tell the client not what he or she wants to hear, but what the law and experience make feasible. Independence from the client keeps the barrister from being the mere mouthpiece of or hired gun for the client. Legal independence is founded on the lawyer's status as an officer of the court. The lawyer is conceived to owe duties not merely to the client, but to the system of rules and procedures that constitutes the administration of justice. The presupposition of legal independence, then, is that there is some "system of rules and procedures," not equivalent to clients' interests, which attracts the lawyer's allegiance. If there is no such system, if the "rules" are only temporary State-enforced dominations, if all that exists is struggle between the State, complainants, and accuseds, there seems to be no basis for legal independence. Litigation is only politics by other means. In this politics, a lawyer would be either for his or her client, or not; and if the latter, he or she should not act. A lawyer's making common cause with his or her clients may be an individual act, but it is an act that seems to recognize a deep and thorough politicization of the law. The implications of Christie's personal beliefs, I suggest, are what make him a troubling figure.

A lawyer can find much for reflection between the covers of *Web of Hate*.

Wayne N. Renke
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³³ *Supra* note 18 at 525.

³⁴ *Ibid.* at 523.

³⁵ Quoted in *supra* note 2 at 86.