
Friends of Freedom

A private newsletter for the supporters of the Canadian Free Speech League, dealing in cases of the censorship and persecution of political, religious, and historical opinion.

"When a great lawyer dies, for years the light he leaves behind him, lies on the paths of other lawyers." -- from a comment about Doug Christie, Canadian Lawyer Magazine

**Box 101, 255 Menzies Street
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Doug Christie
1946-2013
R.I.P.

It breaks my heart that for the first time since I started this newsletter 28 years ago, I am writing to you without being able to consult and discuss the contents with Doug, but I know that he would want me to tell you about his last battle.

He passed away of metastatic liver cancer on March 11, 2013, at about 4:30 p.m. in the presence of me, his partner of 31 years, our children Cadeyrn and Kalonica, and his sister Jane. It is hard to realize that as recently as February 20th, he was hard at work defending his last client in a jury trial, struggling against increasing pain and nausea trying desperately to complete the trial, and uphold his commitment as a defence lawyer. He told the prosecutor that he wanted to complete the trial, if it was the last thing he'd do.

On February 21st, the trial was adjourned so that I could take him to emergency as the pain was too great and taking the pain killers, he feared, would impair his ability to

act for his client. Later that day, after tests, he was diagnosed with innumerable metastases that were spread throughout his liver. The doctors at that time estimated he had maybe six months to live. He was admitted to the hospital and testing to discover the source of these mets began in hopes of treating the tumour from which they originated; they were apparently not from the prostate cancer that he'd been diagnosed with in May 2011. The source was never found, and so he started the process of winding up his law practice and putting his affairs in order.

Sadly for all of us, the cancer progressed so quickly that he declined first day by day and then hourly, until he passed away within 19 days of being admitted to the hospital.

Doug's Obituary

Born, Winnipeg, April 24, 1946, died of metastatic liver cancer, Victoria, March 11, 2013.

Predeceased by his mother Norma in 2008. Survived by wife Keltie Zubko, son Cadeyrn, daughter Kalonica, sisters Jane Christie and Myna Cryderman, brother Neil, father Douglas, and the extended Zubko family.

Doug graduated with a double major in political science and phi-

losophy from the University of Winnipeg in 1967. He moved to Vancouver where he graduated in law from UBC in 1970. He has lived in Victoria, B.C. since 1970, where he has maintained a sole proprietorship law practice in an age of large legal corporations, occupying a humble office the size of two parking spaces across from the courthouse. His practice initially focused on criminal law, but he later developed a deeply passionate interest in freedom of expression and civil liberties. Throughout his life as a lawyer, he embodied the true spirit of "pro bono publico" often representing clients of little means to ensure they had a voice. He was a born defense lawyer, brilliant cross-examiner, and tenacious arguer.

As Canada's most prolific defender of free speech, he appeared in the Supreme Court of Canada for this issue more times than any other counsel in Canada, to date.

He defended the landmark cases of Keegstra, Zundel, Malcolm Ross, John Ross Taylor, Canadian Liberty Net, and Finta, all before the Supreme Court of Canada. Doug also appeared in the Old Bailey and the Court of Appeal in London, England, and throughout Canada in all levels of court, and his family spent much time seeing

him off and greeting him at airports.

His wife Keltie worked with him as his legal assistant during the years before the children were born and together they worked on the case of which Doug was proudest. As defense counsel in Canada's only war crimes trial (the Finta case), he took part in court proceedings for the defense in Hungary, Israel and Canada. After a 2 year investigation, millions of prosecution dollars and a 9 month trial, the accused was acquitted without calling evidence, in less than 2 hours on the basis of Doug's cross examination. After the crown's appeal to the Supreme Court, he was successful in having the law severely restricted and it has never been used again.

Up until the time of his death, he continued to advise clients around the world on publication and free speech issues. Two and a half weeks before he died, he was struggling to finish a jury trial, fighting pain and nausea, but true to his aim, he still wanted to finish the trial to the best of his ability. He deeply regretted to the end that he was leaving his clients unrepresented by his illness and death.

During the 1990's he built a reputation as a major inspirational speaker for freedom, travelling the world speaking about its importance.

In 1978, he created a political movement called the Western Canada Concept, for the Independence of Western Canada. As the major advocate of Western Canadian independence, he spoke in 100's of meetings in most little towns and cities of Western Canada, on talk shows, to schools and universities, and widely varied associations. For example, in July of 1981, he gave

36 speeches in 30 days, travelling throughout BC and Alberta, advocating Western Canadian separation. He ran in many provincial and federal elections, always taking the opportunity to express his political opinions.

Cadeyrn and Kalonica will greatly miss his ever-present guidance, encouragement, love and support as well as the spirited arguments he delighted in starting around the table at meals. Keltie is profoundly grateful for the great joy (amid the challenges) of life and work with him for 32 years. He was a kind and humorous man who gave freely all that he had of his wisdom, his fighting spirit, his off-the-wall solutions and his love of beauty. In memory of Doug, and in lieu of flowers, we ask simply that you do as he always tried to do: pass on any kindness shown to you, to someone else.

Prayers will be held at McCall's Downtown, Johnson and Vancouver Streets at 7:00 p.m. on Thursday, March 14th. Funeral Mass will be held at St. Andrews Cathedral, 10 a.m., Friday, March 15th, with private interment to follow. There will be a reception at the Laurel Point Inn, from 1 p.m. to 3 p.m. All those who wish to share their memories or who were moved by his life, are welcome. Condolences may be offered to the family below.

www.mccallbros.com

The Funeral Mass

Doug's funeral was held in the beautiful St. Andrews Cathedral in downtown Victoria, where he would go to early mass every Sunday he was home from his prolific travels to court proceedings

throughout Canada. He always stopped beforehand to talk to Gary, a pan-handler that he had befriended.

The pall-bearers were our children, Cadeyrn and Kalonica, two of my brothers, Daryl and Scott Zubko, Jeremy Maddock, Doug's assistant, and a family friend, Derek Lewers. Piper Rob Paton played Doug's beloved bagpipe music as the casket was carried into the cathedral and later back out.

Despite the short notice, the Cathedral was filled with people from all the circles that he traversed, from law to politics to the water polo club of which he was president for many years, to his clients, neighbours, friends from all walks of life, some coming from many parts of the country to say farewell.

It was Doug's wish that his dear friend Father Lucien Larre would officiate at his funeral and we are grateful that Father Larre was able to do so, giving a most beautiful and inspiring service, speaking of Doug's struggle for freedom of speech and his defense of his clients. "Today we are laying a saint to rest. He fought for what was right, no matter the threats to his life or the number of times his office windows were broken. He stood tall."

While the casket rested at the front of the cathedral, adorned by red roses and his black Akubra hat, the eulogy was given by Cadeyrn, our son. It is reproduced below. Readings were given by friends Ellen Lewers, Ferenc Vindisch and Gregory Rhone. The prayers for Doug, his family, his community and the world were read by our daughter Kalonica and Doug's sisters Jane and Myna. Doug's favorite movement of Beethoven's Pathetique sonata was performed by his friend Helmut Brauss. Following the cere-

mony, the family attended a private interment at Royal Oak Cemetary.

Afterwards, a reception was held at the Laurel Point Inn, in a beautiful room donated by the management in honor of Doug's many years of association with the Inn and its former owners. Pictures of Doug's life and adventures were projected while an open mic enabled people to tell their stories about him.

We appreciate the efforts of Father Lucien Larre and his assistant Ria Kaal in making possible a ceremony Doug would have loved. As well, we deeply appreciate the comfort Father Larre gave Doug in his last days. I have had many people wanting to express this appreciation directly to Father Larre, and who wish to donate to his missions, so his address is:

Father Lucien Larre, 128 – 145 King Edward St., Coquitlam, B.C. V3K 6M2 or www.fatherlarre.ca

As well, I have a request of those of you who wish to do so, and that is to contribute to a book in Doug's memory of reminiscences about him.

During the weeks of his illness, we were amazed and gratified to receive marvelous stories about how he has influenced, helped, inspired and touched people's lives. These came from all over the world, some from people who had only met him once, and some from those who had never met him. Others came from clients that he helped, people he knew from the water polo club, or from the pool where he swam in the morning, chance acquaintances, and even former adversaries. Some were simple little stories, others took place over years of friendship.

Sadly, Doug was not able to hear most of these, as he was too

ill. It did however, make me want to gather them into a book to inspire others and certainly to maintain a record of his legacy. If you have such a story, I would greatly appreciate receiving it.

Please send it to: Keltie Zubko, Box 101, 255 Menzies Street, Victoria, BC V8V 3G6, or email me at kzubko@shaw.ca.

Eulogy

by *Cadeyrn Christie*

Men like my dad weren't made to die in a hospital. Such men are really made to die on a battlefield, with a sword in one hand, and a shield in the other. Fighting for what they believe.

We don't have battlefields like that anymore, and so men like my father find other arenas, in which they can fight for what they believe. For my father, that arena was the courtroom.

Getting to that courtroom wasn't an easy thing. Growing up, my dad explained it pretty well, he said "we always had enough to eat, but there was never anything left on the table afterwards." He worked his way through school at the University of Manitoba, while living in the top floor of a boarding house, with a broken skylight. During the summers, he would either work on the railroad, or lifeguard at the Banff Hotsprings. I can't confirm this, but there is more than one story of a young woman, who was previously a strong swimmer, suddenly and for no reason, forgetting how to swim, and needing to be rescued by my dad.

Dad went to UBC for his law degree. Near the end of his studies, and with his money almost gone, he became famous as the only student

ever to make sandwiches and sell them to his classmates.

Dad was called to the bar in 1971. And even from the start, he did things a little unconventionally. Before someone can become a lawyer, they have to article under another lawyer for a year. This other lawyer is their Principal, and at the end of the articling year, the Principle has to declare that their articling student is a fit and proper person. My dad was going through his articles, and taking every chance he could to get into court. He had a friend who was an insurance adjuster. One day he was having lunch with this friend, and the friend had to cut short their meeting, in order to interview an insurance claimant. He offered to take my dad along with him so that they could continue their conversation, and dad agreed.

Dad thought nothing of it at the time, but this small decision impacted the rest of his life. It turned out that the insurance claimant who was being interviewed was actually suing a client of Dad's Principle. This inadvertent error created an impossible conflict of interest, and Dad's Principle was livid. My Dad lost his job, and what he thought was his only chance of becoming a lawyer.

He told me that at the time, it seemed like his entire life was over. It wasn't though, because another lawyer, Barney Russ, stepped in, took my Dad on as an articling student, and gave him a second chance. After six additional months working for Mr Russ, Dad realized his dream, and was called to the bar of British Columbia. My Dad went to Barney Russ, and thanked him. He asked Barney how he could ever repay him, and Barney just replied,

“pass it on”. Dad spent the rest of his life trying to do just that, and standing here today, I know that he succeeded.

I often joked to my Dad that his most violent detractors also owed him a great debt of gratitude, because without him, many of his clients would have gone unrepresented, and would have been justified in crying foul at their lack of counsel.

To this, my Dad’s answer was always the same. He would tell me that everyone, no matter who they are, or what they might have done, deserves a defence lawyer.

My Dad was not a foolish man. If he had set out to become rich, I have little doubt that he would have succeeded. Instead, he chose to defend the people who would otherwise be defenceless. He paid dearly for this. He suffered terribly, but he also persevered. To my dad, giving up was never an option.

Dad was a fighter. But with all the fights, and the friends, enemies, and adversaries that he had along the way, I think that people might miss some of his most important achievements. Dad was a fighter, but he was also a protector, a provider, and a father. It is this last achievement for which I respect him the most, and it’s also something you’re not going to read about in the paper, so it’s what I want to tell you about today.

Anyone meeting my dad would have been hard pressed to not realize that he had a wonderful sense of humor. His family however, knew just how deep that sense of humour ran. Dad loved a good practical joke, so much so in fact, that when I was 12 years old, he sat me down at the table after dinner, and informed

me that he had signed me up for the youth branch of the British Special Forces. He said, “son, you’re going to love it. You leave in a week. They’re going to teach you how to repel down buildings, and jump out of airplanes.” I sat there in shock as he went on. He said “you get to come back when you’re 14 for 2 weeks, and when you’re 16 they give you 3 weeks leave. When you turn 18 you transfer into the full special forces, and you can start working towards becoming an officer.” Now I don’t know about the average 12 year old, but I wasn’t too pleased with this development, and I made that pretty clear. So what did my dad do? Well, he thought on his feet like he always did. And what he did next was what transformed a relatively standard practical joke into a family legend. He said “Son, I’m sorry, I didn’t mean to upset you. It’s ok though, because I can bribe the recruiter, and get your name off the list.”

My dad was also a proud Scotsman. And he taught me how to be a Scotsman too. I think the most important lesson he taught me in this regard, was how to pull nails out of old 2x4s, and straighten them so that we could re-use not just the 2x4s, but also the nails.

We always laughed at this habit he had, of re-using old building materials that might have been a little past their prime. But this habit was really a result of how much he struggled and suffered early on in his life. He worked so hard to become a lawyer, and went without for so long, that by the time he became a lawyer, he had a firmly entrenched sense of frugal-

ity and humility that would be with him for the rest of his life.

With us, his family, and with his friends, my dad was one of the most generous people I’ve ever known. But when it came to himself, Dad was always happiest driving a beat up old truck, and having his boots re-soled.

I could not have asked for a braver or kinder man for a father. He was busy, and he travelled a lot, but he always had time for my sister and I. He was the man who took us out to his farm in Sooke, and spent hours building things with us and exploring. He was the man who would get up at 6 am on a Saturday to go fishing. And he was also the man, who at almost 60 years old, strapped on a mask, picked up a paintball marker, and ran around getting shot at just because his son thought it looked like fun.

Despite how fearsome he could appear in a courtroom, Dad was always profoundly kind to Kalonica and I. I think it’s fairly common for a parent to start counting when a child misbehaves. My mom would ask us to do something and she would count to 3. My dad on the other hand, he counted all the way to five, and so slowly that it might as well have been ten.

My dad and I would fight sometimes, like any good father and son will. One of the things I remember most about him, is that when we did argue, you might as well flip a coin, because it was even odds on who was going to apologize first. My apologies were usually because I realized that I was wrong. His were usually because he was willing to let me figure things out on my own, and then step in to help me out if I got myself really stuck.

It’s not easy to apologize, but it’s even harder sometimes to accept an apology. My dad always did it gra-

ciously, and he never withheld his forgiveness, even when it might not have been deserved.

When I was 14 he took me on a summer camping trip, where we drove aimlessly around the Island, checking out all the spots we'd heard about. We ended up camping on Buttle Lake. Looking out over the lake, we couldn't tell how far across it was, but there were big cliffs on the other side, and Dad wanted to canoe across and look around. Crossing the lake wasn't difficult, and we poked around, realized that the cliffs prevented us from going ashore, and we decided to come back. Dad really loved our dog Angus, and he took him everywhere, even when it wasn't really the best idea. This was one of those times, and as we headed back across this wide lake, the wind came up, the water got choppy, and the dog got anxious and started to rock the canoe. I was terrified, and I was sure that we were going to capsize and possibly drown. My dad just kept paddling, and talking to Angus to calm him down, and after a long paddle, we made it back to shore.

When my dad was in the hospital, I asked him if he remembered this, and he said "yeah. Man was I nervous." Robert Louis Stevenson once said that a Leader is someone who keeps their fears to themselves, and shares their courage.

My father was that leader. And looking back now, it boggles my mind that he went through so much that as children we couldn't understand, and throughout it all he always remained calm and collected. He never once let his children see the uncertainty, and the pain that I now realize he spent most of his life confronting.

My dad was a lot of things, to many different people. We've all lost something important. My mother has lost a steadfast partner. We have lost a loving father. His friends have lost a comrade. His clients have lost an honorable advocate. This loss is crushing, but I take comfort in a few things that I know: My father lived fully, he loved freely, and he laughed every chance he got. He provided for and raised a family. He fought for what he believed. He can rest now, and no one can hurt him any longer. Most importantly of all, I know that he is at peace. [end]

Commentary

There have been some very moving pieces written about Doug, and some absolutely horrible ones.

While he was in the hospital and still able to talk, true to his need to communicate his ideas, he did an interview with the local paper, the *National Post*, and had two last radio appearances, one on CBC's "*As It Happens*" <http://www.cbc.ca/player/AudioMobile/As+It+Happens/ID/2338818122/>

and the other on John Gormley's Saskatchewan radio show of February 26th available at: <http://ckom.com/ckom-podcasts>.

Lawyers Weekly published on March 26, 2013, the following quotes from Doug in an article entitled "*Free Speech Advocate Dead at 66*" by Jeremy Hainsworth:

He called being defence counsel the last bulwark of freedom against the resources of the state.

"Defence counsel must place their client's interest and justice above their own. It is the most demanding job

in the world, but when it is done right, the most rewarding, morally, and sometimes even materially. It is a vocation which demands the highest ethical commitment of character.

"It is only the defense counsel who has the potential to make the presumption of innocence a reality and restore the possibility of a fair fight to what would otherwise be nothing but a lynch mob."

In *Canadian Lawyer Magazine*, March 13, the following appeared:

"Christie also campaigned to remove s.13 of the Canadian Human Rights Act, which deals with hate crime. Parliament last year voted to repeal s.13, though this still needs to be passed by the senate.

Christie was strongly criticized by anti-racists, had rocks thrown at him and his office windows were smashed so many times he had to board them up. Once, someone drove a truck through his office.

When journalist Gary Bannerman labelled him a "perverted monster" in 1985, he tried to sue — unsuccessfully.

Conservative commentator Ezra Levant described Christie in warmer terms, telling *Legal Feeds*:

"For a generation, Doug Christie was Canada's leading free speech advocate. In fact, he was often Canada's only free speech advocate, which should be an embarrassment to Canada's legal establishment.

He adds: "Unlike the ACLU in the United States, Canada lacks a robust legal culture of defending free speech for

odious people. Down in the U.S., it's commonplace to see a Jewish or black ACLU lawyer defending an anti-Semite or a Klansman, just to prove the point that freedom of speech only means something if it applies to speech we dislike.

"Almost alone in Canada, Doug Christie knew that it's better to defend free speech in the first ditch — when the censors come for unlikeable people — than to defend it in the last ditch, when those emboldened censors come for the rest of us."

The local *Times-Colonist* wrote on March 11th:

In his final interview with the *Times Colonist* in February, Christie said:

"I am very grateful I had the chance to battle for thought, to choose what I thought was the right thing," Christie said. "The power of the state is an absolute power and like all absolute power, tends over time to be corrupted."

Christie expressed gratitude for the chance to earn his living the way he did, calling defence lawyers the only thing standing between citizens and state oppression.

"Without defence lawyers, you wouldn't even need the courts — you would need only a police state," he said.

What is Ahead?

Doug's Cases: Doug's 42-year-old law practice is in the process of being wound down in accordance with the strict rules of the Law Society of British Columbia, and I believe that most of the clients have been helped to find other counsel. We are very grateful to Doug's as-

sistant who has been putting in long hours to see that every detail is taken care of properly, as well as various lawyers who are helping to take on Doug's clients, and the superlative local lawyer that Doug asked to help him, and who is overseeing everything with his knowledge, skill, and great compassion for our circumstances.

It is extremely hard to watch the dissolution of his practice, but we are at least grateful that it is being done with the utmost respect for both Doug and his clients.

The Western Canada Concept and the Western Block Party:

Doug was hoping to have a convention in June to find others willing to take over the parties. The newsletter has been published by me since 1983 and I haven't yet decided what I will do about that, considering how tired I am. I would like to hear from those in Western Canada who are interested in either carrying on and building them, or helping in any other way.

The Canadian Free Speech League: Doug had planned to spend his later years writing memoirs of his cases, and had started this process. The plan is to carry on with what he started. I do not yet know what form this will take, however I am familiar with what he intended as it was a project we were working on together. I will keep you informed as I proceed. It is extremely important that his story be told.

I intend to maintain the newsletter for the short-term, at least. If you don't want to continue receiving it, please let me know. If you wish to receive it by email, and help keep the cost down, please let me know at kzubko@shaw.ca.

It is likely that we will continue to have the George Orwell Free Speech Award and Dinner, so if you are interested in attending, please keep in touch with us, through this newsletter.

Our Thanks

I am certain that Doug would want each of you to know how much your support and encouragement has meant to him over the long years of his struggles for freedom of speech, and freedom from state interference in the individual's life.

I hope that you will share your memories of him and how he made a difference in your life with the rest of us so that his legacy can be preserved and carried on. There's talk of such things as a scholarship fund for young law students with an interest in free speech, memorials and possible monuments. I don't know what will come of any of these, but I do know that the best and most fitting remembrance is what each of us will do about what his example taught us.

He truly felt that each of you was --and is-- essential to that struggle, and I remember how conscientiously he would answer letters and hold in his mind the value of every single person who would do something toward preserving freedom. I hope that you will remember that, and act upon it.

Keltie Zubko

P.S. A DVD of Doug's funeral and the following reception has very kindly been produced by my brothers and I am going to make copies available. If you would like one, please write me and I will send you one.