

August 19, 2021

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VIA EMAIL

Jesse Brown
Canadaland
396–401 Richmond St. West
Toronto, ON M5V 3A8

Dear Mr. Brown:

**RE: WE Charity
Our File No.: 52709**

We are counsel to WE Charity, its founders and related entities (together, “WE Charity”).

We write to you concerning your forthcoming podcast, “The White Saviors” (“the Podcast”), the trailers you have published in advance of the Podcast, as well as a related press release.

Please find enclosed a Libel Notice which is served upon you pursuant to s. 5 of the *Libel and Slander Act*. Please advise whether you will accept service of the Notice of Libel.

We are aware that WE Charity’s public relations team wrote to you directly on August 18, 2021 at 9:00 p.m. about the Podcast.

We are extremely concerned about the expected content of the Podcast.

We are concerned not only that you seem intent upon making baseless allegations of fraud and criminality, but also that none of the serious assertions which you intend to make have been presented to our clients for comment. To take several examples from our client’s August 18th letter,

- (1) You intend to publish that our clients engaged in a fraudulent vaccination scheme in Africa;
- (2) You intend to publish that Craig and Marc Kielburger created “a web of 32 different charitable and corporate entities, tax shelters and shell companies”;
- (3) You intend to publish details that establish, “after entering the non-profit sector, the Kielburger family amassed a personal fortune worth over \$30M ... the Kielburgers did very well, when they were supposed to be doing good”; this

carries the innuendo that the Kielburger family has made its fortune on the back of the charity, which is false;

- (4) You intend to imply that WE Charity has not disclosed where the more than 1,500 school rooms it has built and maintained overseas are, and that somehow our client has acted in a deceptive manner;
- (5) You say that you will rely on the allegations of “never before heard from top level whistleblowers”.

No summary of any one of these allegations has been provided to our clients to obtain their side of the story and, frankly, to provide information which would dispel your concerns. To take the most blatant example, what are the whistleblowers going to say?

As our client has pointed out to you, you intend to publish a pastiche of falsehoods in large part because you have not sought accurate information from WE Charity, which might be expected to be your best source for information on these points.

Rather than providing our client with an opportunity to respond, you have replied to their August 18th letter by:

- (a) falsely claiming that WE Charity has had the opportunity to address these points. Were this the case, you should be able to direct us to those communications, but have not done so;
- (b) observing that “Craig and Marc Kielburger have made clear that certain entities exist to limit liability – we consider this the very definition of a shell company”. This is of course nonsensical; corporations were created in the 19th century precisely because they limited the liability of individual owners: see *Salomon v. A. Salomon & Co.*, [1897] AC 22. As you would have it, every commercial corporation in Canada is a shell company;
- (c) demanding that the Kielburger family “provide documentation refuting” your claims about its net worth;
- (d) demanding that WE Charity “provide documentation” refuting the outlandish claims you have made concerning its African vaccination program.

Each of your responses, taken on its own, is troubling. But think about (c) and (d). Your demands turn Canadian law on its head. You are not entitled to request that our clients disprove points that you have never asked them to address. You are acting in a demonstrably unfair way, and one which risks causing great damage to WE Charity, its founders and, most importantly, to the children served by our client’s ongoing efforts in Africa and elsewhere.

Of course, this breaches the foundational principle of the responsible communications defence. As the Supreme Court of Canada said in *Grant v. Torstar*, 2009 SCC 61 at para.

116: “it is inherently unfair to publish defamatory allegations of fact without giving the target an opportunity to respond”.

As a separate matter, the Kielburger parents are entitled to a large measure of privacy concerning their income, assets and net worth. These are by no stretch of the imagination matters of public interest. As a matter of fairness, we would that you remove any reference to the affairs of the Kielburger parents from the Podcast.

We would ask that you withhold publication of the podcast until you have taken the time to place the specific allegations you intend to make before our clients for their comments.

Yours very truly,



William C. McDowell

WCM/esc/encl.

- c. Joseph Kroetsch (*Boies Schiller Flexner LLP*)
Doug Richardson (*ORP Law*)