



Justice Centre for Constitutional Freedoms

June 1, 2020

VIA EMAIL AND REGULAR MAIL

Right Hon. Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON, K1A 0A2

Dear Prime Minister Trudeau,

Re: *Charter* violations of freedom of the press and other media of communication

We write to express our objection to a recent and very serious infringement of press freedom committed by your government. On May 27, 2020, a well-known Canadian journalist was denied access to your “open coverage” daily press briefing at Rideau Cottage. Despite conducting himself peacefully, Kean Bexte of Rebel News was then manhandled by security and physically removed from the grounds, after other journalists were permitted an opportunity to ask you questions about your government and its policies.

The Rebel News Network is not known for its sympathy to you or to your government, both in its choice of what topics it covers, and how it covers those topics. This is exactly why denying Mr. Bexte access to your daily press briefing at Rideau Cottage leaves the impression that you grant entry only to journalists who will ask favourable questions and provide you with media coverage that is favourable, or at least not critical, towards you and your government.

The removal of Mr. Bexte from your premises, after denying him the opportunity to ask questions, is the kind of behaviour that has been – and is currently – engaged in by dictators of the Right and of the Left around the world. This tactic serves to immunize dictators from criticism, in order to consolidate their hold on power by suppressing healthy democratic debate, transparency, and accountability.

The *Canadian Charter of Rights and Freedoms*, a document about which you have often spoken highly, expressly protects “freedom of the press and other media of communication” in section 2(b). The *Charter* protects the press and other media of communication because they are essential to facilitating healthy democratic debate, not to mention fostering transparency in government, and holding governments to account between elections.

On November 13, 2019, the Federal Court of Canada rejected your government’s exclusion of Rebel News reporters from the leaders’ election debate: see *True North Centre of Public Policy v. Canada (Leaders Debates Commission)*, 2019 FC 1424. The Court dismissed the argument that Rebel News ought to be excluded because they are advocates and not “real” journalists, noting that some of the news agencies which your government had already allowed to cover the debate are admittedly engaged in advocacy. We note that CBC and other news networks are receiving hundreds of millions of dollars in subsidies from your government each year. Your government’s interference in the freedom of the

press by paying media outlets which you favour, in combination with barring media you dislike from a Prime Ministerial press conference, calls into question the objectivity and level of fairness and balance of the journalists who are permitted access to your press briefings at Rideau Cottage. We note that The Rebel New is not on the government's list of media payees.

The *Charter*'s protection for the citizen's freedom to express ideas and opinions becomes worthless when governments possess the power to determine – and enforce by law – what is true or false, or right or wrong. The *Charter* protects the fundamental freedom of citizens to hear, listen, consider, discuss, debate and promote ideas, and arrive at their own conclusions about what is true or false, without direct or indirect government coercion. In similar fashion, the *Charter*'s protection of "freedom of the press and other media of communication" becomes worthless when government uses coercive power to determine who does or does not qualify as a "real" journalist.

More significantly, the *Charter* protects not only freedom of "the press" but also the freedom of "other media of communication." This means that even if the government could legitimately exercise power to determine who does and does not qualify as "the press" or as a "real" journalist, the *Charter* expressly protects "other media of communication" which are different from "the press."

The *Charter* protects the freedom of Vox, the Huffington Post, Vice, Rebel News, the Tyee, rabble.ca, Press Progress, True North, Ricochet, Lifesite News, North 99, whether as "the press" or as "other media of communication," to participate actively in acquiring and disseminating information, regardless of what bias these organizations might possess, or whether they engage in advocacy or not.

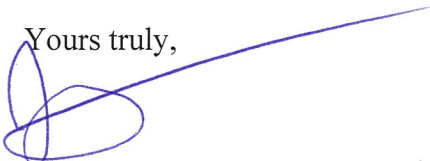
Freedom of the press and other media of communication is particularly important in the current context, where the full operation of Parliament has been suspended until September. We remind you that your government remains accountable to the people of Canada, who are represented by Members of Parliament.

Denying Mr. Bexte access to your May 27 cottage briefing was therefore a violation of his *Charter* freedom, regardless of whether Mr. Bexte and Rebel News fall under "the press" or "other media of communication." Further, the actions taken against Mr. Bexte also violate the *Charter* freedom of all Canadians to hear and consider a diverse range of views and perspectives.

I request that you issue a public apology to Mr. Bexte in respect of the shameful and illegal conduct that he was subjected to on May 27, 2020.

Further, and more importantly, your government needs to amend its policies and practices such that it upholds and respects the *Charter* freedom of the press and other media of communications, and allows a real diversity of media organizations to access your morning briefings, not only the ones you personally favour.

Yours truly,

A handwritten signature in blue ink, appearing to read 'John Carpay', with a long horizontal line extending to the right.

John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

cc. Kean Bexte