

# The Docket

Summer 2020



Justice Centre  
for Constitutional Freedoms

## Justice Centre takes Alberta Government to court

The Justice Centre has filed a legal challenge to Bill 10, which amended Alberta's Public Health Act to give cabinet ministers new powers to write new laws and create new offences, without any input from, or review by, the elected Members of the Legislative Assembly. Alberta's Health Minister Tyler Shandro has already used these new powers unilaterally to give police access to confidential patient medical information. Bill 10 also raised maximum individual penalties for violating the Public Health Act to a whopping \$500,000.



## Justice Centre pushes Ontario and Saskatchewan to lift irrational and discriminatory restrictions on Charter freedoms



In April, the Justice Centre issued a legal warning letter to the Saskatchewan government explaining that drive-in church services, where people sit in their own cars on the church parking lot and listen to the church service on their radios, are not “mass gatherings” that violate Public Health Orders. The government relented within five days and stopped threatening churches and churchgoers with huge fines. In Ontario, it took the filing of a court action in May, on behalf of the Aylmer Church of God, to achieve a similar result, with Premier Ford amending a Public Health Order to bring an end to repeated threats of fines just for exercising a fundamental *Charter* freedom. The Justice Centre also issued a warning to Saskatchewan's Chief Medical Health Officer, for violating the *Charter* rights of northern residents by prohibiting them from leaving their communities. Residents of northern communities were prevented from enjoying local forests, trails, lakes and waterways for recreation, relaxation and solitude, unless doing so for the purpose of exercising Aboriginal rights.

The Justice Centre played an instrumental role in pushing Ontario to finally permit churches, synagogues, mosques and temples to open their doors for religious services, albeit at 30% capacity. This decision to open houses of worship after three months of government denying citizens their right to use their houses of worship at all, even while liquor stores, Walmarts and marijuana dispensaries were conducting business as usual. This happened after the Justice Centre notified the Ontario Government of its intention to file a *Charter* challenge, and coordinated meetings with government lawyers and public health officials.

---

## Trudeau and Premiers questioned about harms of lockdowns

---



In April the Justice Centre sent letters to Prime Minister Trudeau, and to each of Canada's ten Premiers, and to all of the Chief Medical Officers of Health, publicly asking questions about the cost – in human life and human health – of government measures which violate the fundamental *Charter* freedoms of Canadians to move, travel, associate, assemble, and worship. Although lockdown measures were initially implemented with good intentions, it is imperative to analyze and weigh out both their benefits and their harms. The *Charter* places the onus on politicians – not the citizens who elected them – to show that lockdown measures actually caused more good than harm. Yet it appears that politicians have not conducted any serious analysis of the lockdown's harms and benefits, or weighed them against each other.

---

### Have the lockdowns caused more harm than good?

---

Sadly, politicians imposed lockdown measures based on inaccurate predictions, especially those of Dr. Neil Ferguson of Imperial College, who projected in March that 510,000 people could die of COVID in the United Kingdom, along with 2,200,000 Americans. Governments feared that there would not be enough ventilators and intensive care beds for all the sick. Lockdown measures were supposed to “flatten the curve” to keep the medical system from being overwhelmed. Even after it became clear that hospitals had an abundance of available capacity, governments continued to maintain the lockdowns. In doing so, governments failed to consider the terrible increases in anxiety, depression, alcoholism, drug overdoses, suicides, spousal abuse, child abuse, unemployment, poverty, and bankruptcies. Canadians have died due to cancelled heart surgery and have not received timely cancer diagnosis and cancer treatment. A crippled economy will mean less money available to pay for health care. Vulnerable seniors in nursing homes have been neglected and even abused because lockdown Orders made it illegal for their sons, daughters and grandchildren to provide much-needed support and care to their loved ones. The Justice Centre has called on the Ontario Government to permit family members to visit and care for their loved ones.



---

### Are these times truly “unprecedented”?

---

The 1957-58 “Asian flu” and the 1968-69 “Hong Kong flu” each claimed one million lives around the world. In more average years, the flu sadly takes between 290,000 and 640,000 lives, most of them vulnerable elderly people who are already sick with one or more serious health conditions. In March of 2020, politicians and Chief Medical Officers claimed that COVID-19 threatens children, youth and healthy adults, but these claims have proven to be false. As of mid-June, COVID-19 had apparently killed 437,000 people around the world, although this number includes people who died of other causes while also having this virus. While very tragic, the number deaths from COVID-19 is not different from what has happened in many other years.

---

## \$1200 COVID tickets headed for court

---



The Justice Centre is representing a number of individuals who received steep \$1,200 COVID tickets for having peacefully exercised their *Charter* freedoms. Two Edmonton residents, Pat Tipper and Cory Teichroew, were separately detained, and one of them handcuffed by Alberta Sheriffs, and ticketed while attending a peaceful rally at the Alberta Legislature grounds.

Dale Malayko, another Edmonton resident, was ticketed for peacefully distributing literature on a public sidewalk. A fourth Edmonton man, Patrick Lefebvre, was physically detained and ticketed \$1,200 while peacefully protesting government lockdowns at the Alberta Legislature grounds in early May. And in Ontario, a 17-year-old boy playing basketball by himself at a park received an \$880 fine. All of these individuals are fighting their tickets, with the help of the Justice Centre. The *Charter* protects the rights of people to assemble peacefully, to gather together for worship, and to express their opinions in public places, especially in locations with symbolic democratic importance such as the Legislature grounds. The *Charter* does not cease to protect these rights, even during a declared public health emergency. If social distancing does not need to be practiced at anti-racism rallies, what is the scientific basis for enforcing it elsewhere?

---

## Bans on “conversion therapy” violate religious freedom and the personal choices of adults

---



The Justice Centre appeared before Calgary City Council in May, warning that a proposed city bylaw violates *Charter* rights and freedoms by banning a broad range of supports and therapies under the term “conversion therapy.” Municipal bylaws being pushed across Canada ban individuals even from voluntarily obtaining counselling support to treat a sexual addiction (if the addiction involves non-heterosexual sexual behaviour). Federally, Bill C-8 (if passed) would jail caring parents who seek to assist their gender-confused son or daughter to regain comfort with the gender that he or she was born with. Canada’s federal, provincial and municipal laws are rapidly

approaching a point where the only legal treatment for gender distress, including gender dysphoria, will be to encourage children, teens and adults experiencing gender distress to use opposite-sex hormones, and ultimately undergo gender-reassignment surgery to transition to the opposite sex. The implications for individual liberty, parental rights and religious freedom are frightening, as explained in legal position papers posted at [www.jccf.ca](http://www.jccf.ca).

# YES, I SUPPORT THE FUNDAMENTAL FREEDOMS OF ALL CANADIANS

Single gift:  \$50  \$100  \$200  \$500  \$1,000 or  \$ \_\_\_\_\_  
Monthly gift:  \$10  \$25  \$50  \$100  \$200 or  \$ \_\_\_\_\_



## Donor information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Send me JCCF's newsletter!  Email  Mail

## Payment options:

❖ Cheque payable to: Justice Centre for Constitutional Freedoms

❖ Credit Card: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Exp Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ CVV Security Code: \_\_\_\_-\_\_\_\_-\_\_\_\_

Signature: \_\_\_\_\_

Mail donation form to: 253-7620 Elbow Dr SW, Calgary, AB T2V 1K2

❖ Secure credit card donation on [JCCF.ca](http://JCCF.ca) website

❖ E-transfer donation to email [admin@jccf.ca](mailto:admin@jccf.ca)



Tomas Manasek (left) with his FREE AB plate, with Justice Centre lawyer James Kitchen (right). Mr. Manasek is pleased the Alberta government reversed an earlier decision to deny the personalized license plate.



The Society for Academic Freedom and Scholarship (SAFS) is the 2020 recipient of this prestigious award. Since 1992, SAFS has fought to protect academic freedom in teaching, research and scholarship at Canadian universities. The keynote speaker will be Rex Murphy, National Post columnist, commentator, journalist, and former host of CBC's Cross-Country Checkup.

**Toronto, October 1 | Calgary, October 15 | Vancouver, November 5**

Seating is limited. Tickets available at [www.jccf.ca](http://www.jccf.ca) on a "first come, first served" basis.