



# Justice Centre

for Constitutional Freedoms

# 2021

## Year in Review



**Standing On Guard**  
For Canadians' Rights and Freedoms  
[www.jccf.ca](http://www.jccf.ca)



# Table Of Contents

3	Introduction
4	The year 2021, by the numbers
5	Federal “prison hotels” for returning travellers
6	BC Supreme Court upholds free expression in city facility
7	Judge rules Canada Summer Jobs Grants unjustly denied
8	What’s in a name? Not enough for a Nova Scotia license plate
9	Saskatchewan lockdown challenged
10	Challenging the government’s Covid narrative
11	Opposing Bill C-15 to submit Canada to UNDRIP
13	Defending free speech for doctors and nurses
15	Medical doctors challenge mandatory vaccination policy
17	Trust what science, specifically?
18	Defending students from mandatory vaccination on campus
19	Challenged vaccine discrimination in New Brunswick
20	Standing up for the vaccine-free and for religious freedom in Ontario
21	Manitoba lockdowns challenged
22	Defending religious freedom for pastors and congregations
23	Pastor Stephens sues for wrongful arrest
24	Alberta Health Services abuses court orders
25	Alberta’s Chief Medical Officer skips court to take a vacation
26	Opposing vaccine passports, mandatory vaccinations in Alberta
27	Cree woman unjustly banned from running in Band election
28	Lung transplant patient put back on donor list, for now
29	Yes to protests, no to worship in British Columbia
30	Maxime Bernier arrested in Manitoba for speaking at rally
31	Ontario vaccine passport challenged
32	Thanks to our donors

# Introduction

The work of the Justice Centre for Constitutional Freedoms was never more important and urgent than in 2021. Never before in the history of Canada has such concentrated power rested in the hands of a small number of unelected government officials to make laws for millions without any democratic accountability. Never before have Parliament and the provincial Legislatures been so incapacitated and ineffective, failing to scrutinize, consider, debate or amend the unilateral laws imposed on citizens by unelected health officials.

The free speech of doctors, the medical choices of individuals, freedom of mobility to enter and leave Canada and travel within Canada, and the ability to work and study while maintaining medical privacy was never more threatened than in the 21<sup>st</sup> year of the 21<sup>st</sup> Century. Twice-tested and asymptomatic returning Canadians have been forcibly confined in “quarantine hotels” without due process, their right to liberty violated along with their right to legal counsel. The Federal Government has admitted to actively tracking the location data from 33 million Canadian cell phones, and it promises to do so indefinitely. The politicians’ promise that a high rate of Covid vaccination would result in the return of civil liberties and our fundamental freedoms has proven to be a lie.

To say Canada has mounting constitutional problems is an understatement.

With these disturbing developments federally and in all provinces, the Justice Centre was often the only coordinated legal voice of dissent raised to protect and preserve the liberties the Fathers of Confederation envisioned, and which our Constitution enshrines. Canadians lost their jobs and businesses, their right to worship and gather, and other civil liberties such as their right to enter and leave the country to the ever-shifting, oppressive and often contradictory rules imposed by health officials without any scrutiny by Parliament or provincial Legislatures. The vast majority of politicians, lawyers and media failed to stand in defense of the *Charter* and the civil liberties of Canadians.

The year 2021 was the busiest that the Justice Centre has ever had, and we expanded our legal team to 13 lawyers and 8 paralegals. Our legal team in December of 2021 was twice the size of what it had been in December of 2020. We will continue to defend the free society in 2022 with a dedicated team of litigation, communications, research, and administrative staff. The generosity of donors has been such that we will hire additional lawyers, paralegals and other staff in 2022. While our staff expanded rapidly to meet new challenges, we were also deeply saddened by the loss of staff lawyer Brandon Langhjem, who died of cancer on October 25th, 2021.

It is regrettable that the Justice Centre is so sorely needed, but that only makes our work more important. Every generation and every nation has had its time of crisis, and ours is here now. Rarely if ever has a legal



effort—or a donation towards it—been so crucial.

The Canada we have known is in grave jeopardy. History has taught us that the overthrow of civil liberties, once completed, may take many decades to recover, if they can be recovered at all.

If you're reading this *Year in Review*, you probably know this already. Some of you are legal peers. Others may be donors and supporters. Maybe you're a member of the media wanting to cover both sides of the story. Maybe you are someone who has been affected severely by Covid measures and lockdowns. Whoever you are, it's not too late to add your efforts to our own.

We are a public interest law firm and registered charity which relies entirely on the voluntary donations of Canadians to carry out its work of defending the free society. Since our founding in 2010, we have not asked for or received any government funding. The Justice Centre handled more than two dozen significant legal cases in 2021 and secured five new victories for fundamental rights and freedoms. In January of 2021, we were representing over 270 individuals issued tickets (fines) for peacefully exercising their *Charter* Freedoms. By December this number had dropped to 230 because prosecutors withdrew charges upon learning that the Justice Centre would force governments to justify their health orders and present scientific evidence in court at trial.

In April we commenced an action against the federal government's "prison hotels" requirement for returning Canadian travellers. This case is now before the Federal Court of Appeal. We also provided legal advice and representation to university students threatened with expulsion over their refusal to get injected with a substance that has not undergone any long-term safety testing.

## The year 2021, by the numbers

- 54 columns
- 44 podcasts
- 70 speaking events
- 650+ media interviews
- 13 Justice Centre Lawyers
- 8 Paralegals
- 120+ years Combined legal experience

### Justice with John Carpay Podcast

- 44 Episodes published
- 2,729 Minutes of content
- 85,218 downloads



## Federal “prison hotels” for returning travellers

Early in 2021 the Federal Government began requiring travelling Canadians, upon their return home from abroad, to pay for and spend three nights in a “quarantine hotel” rather than being required to quarantine at home, as had been the case previously. Upon her return to Canada on January 28, 2021, Pastor Nicole Mathis was forced into a waiting van at the Calgary Airport, transported to a secret location, and told that she could not inform her worried husband about her whereabouts. She was detained in a hotel for three nights in spite of having a negative Covid test result.

Thousands of Canadians reached out to the Justice Centre raising concerns about the *Charter* implications of being detained in “quarantine hotels” against their will. The Justice Centre filed a court application in the Federal Court of Canada challenging these government violations of our *Charter* freedom of mobility, the *Charter* rights to liberty and security, and the right to be free from arbitrary detention, the right to counsel, and the right to be presumed innocent until proved guilty.

On April 26, the Federal Court denied our application for an interim injunction to suspend this quarantine hotel policy temporarily until a full trial. The Court also ruled that this federal quarantine policy presented serious issues for *Charter* rights to life, liberty and security of person, and the right not to be arbitrarily detained: “History demonstrates why the bulwark of the robust protection of *Charter* rights by an independent judiciary is so important in times of crisis.”

We were disappointed on June 18, 2021, when the Federal Court upheld this federal “prison hotels” policy as a justified violation of *Charter* rights and freedoms. On a positive note, the court did rule that Canadians who are detained in this context should be given the opportunity to speak to legal counsel.

The Justice Centre has appealed this adverse ruling to the Federal Court of Appeal, which at the request of the Justice Centre will be heard on an expedited basis.



“The forced isolation of returning Canadian air travellers is arbitrary, unnecessary, and totalitarian.”

Sayeh Hassan, Justice Centre Staff Lawyer



## BC Supreme Court upholds free expression in city facility

The Justice Centre represented Grace Chapel, a diverse multi-ethnic parish of the Redeemed Christian Church of God, in its successful court action against the City of New Westminster, BC. The City had cancelled the Church's youth conference booking in a city-owned facility based on a complaint from a member of the public who disliked or disagreed with one of the speakers at the forthcoming conference.

On July 19, 2021, Justice Maria Morellato ruled that Grace Chapel was entitled to a declaration that the City's cancellation of the Church's youth conference unjustifiably violated freedom of expression as protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*.

In response to the City's argument that Grace Chapel's alleged expression at the conference was of "low value," Justice Morellato stated: "In a free and democratic society, the exchange and expression of diverse and often controversial or unpopular ideas may cause discomfort. It is, in a sense, the price we pay for our freedom. Once governments begin to argue that the expression of some ideas are less valuable than others, we find ourselves on dangerous ground."

This case was argued by staff lawyer Brandon Langhjelm, some months prior to his passing.



"The City's knee-jerk reaction to cancel the booking of a religious community made up primarily of new Canadians based on unfounded accusations was reprehensible. Once governments begin to argue that the expression of some ideas are less valuable than others, we find ourselves on dangerous ground."

Marty Moore, Justice Centre Lawyer





## Judge rules Canada Summer Jobs Grants unjustly denied

The Justice Centre successfully defended religious freedom for BCM (Canada) International, which operates the Mill Stream Bible Camp and Retreat Centre near Peterborough, Ontario. Each year, BCM hires students to help provide recreational and religious programs at a summer camp for youth aged 5 to 15. BCM was denied Canada Summer Jobs grants to employ high school and college students, based on the federal government's dislike of, or disagreement with, BCM's religious beliefs.

Beginning in 2018, applicants for a Canada Summer Jobs grant had to attest that "Both the job and the organization's core mandate respect...reproductive rights, and the right to be free from discrimination on the basis of sex, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression."

BCM had received Canada Summer Jobs grants for many years, but did not in 2018 due to not attesting to the values statement. Thanks to efforts by the Justice Centre and other individuals and organizations, the attestation requirement was dropped for 2019.

However, in 2019 BCM was again refused a Canada Summer Jobs grant. Service Canada rejected the application on May 2, claiming BCM would "restrict access to programs, services, or employment, or otherwise discriminate..."

The Justice Centre helped BCM file an application for judicial review. Documents obtained by the Justice Centre showed that government employees were claiming that the camps had "controversial church doctrine along with discriminating hiring practices based on church beliefs," yet they did not provide BCM with an opportunity to respond to these accusations.

The Justice Centre also acquired a November 2018 federal government memo which stated that "employers governed by or linked to faith-based organizations would disproportionately be deemed ineligible for grants given potential links made by program staff to broader doctrine adhered to by faith-based organizations" and specifically mentioned the heightened risk to "a faith-based employer that runs a summer camp." This policy

was created under the specific direction of the Prime Minister and Employment Minister Patty Hajdu.

On June 29, 2021, the Federal Court struck down the discriminatory federal government decision against the camp. Justice Richard Mosley ruled BCM was denied procedural fairness and had suffered from the government's unreasonable decision to withhold \$45,600 to fund six camp counsellors. Justice Mosley ordered the federal government to pay legal costs to BCM.



## What's in a name? Not enough for a Nova Scotia license plate

The Justice Centre filed a court application against the Nova Scotia Registrar of Motor Vehicles after it refused to reinstate the personalized license plate of Dartmouth pensioner Lorne Grabher that carried his name.

Grabher is a retired prison guard in his 70's, who wore his name on his prison guard uniform his entire career without anyone saying it was offensive. He first purchased the personalized license plate as a gift for his late father in 1991. It has since become a source of family pride, spanning three generations – Grabher's son has the family name on his own plate in Alberta.

The Nova Scotia government cancelled Grabher's plate following a sole anonymous complaint in 2016. The



government said in a letter the plate could be “misinterpreted” as a “socially unacceptable slogan.” After a demand letter went unheeded, the Justice Centre went to the Nova Scotia Supreme Court on Grabher’s behalf, to uphold his freedom of expression and equality rights.

In her January 31, 2020 ruling, Justice Darlene Jamieson legitimized governments’ use of words like “Dildo”, “Crotch”, “Swastika” and “Sh\*t”, and phrases such as “Negro Lake” and “Blow Me Down” on public property, yet ruled that Mr. Grabher could not use his family name on a license plate because it might be “offensive.”

The Nova Scotia Court of appeal upheld her decision on August 24, 2021. Mr. Grabher has applied for leave to appeal to the Supreme Court of Canada.



“Freedom of expression is under assault across the nation, and Mr. Grabher’s case is a microcosm of the oppressive and irrational censorship in our society today.”

Jay Cameron, Justice Centre Litigation Director



## Saskatchewan lockdown challenged

On April 20, the Justice Centre filed a constitutional challenge in the Saskatchewan Court of Queen’s Bench against lockdown measures. The challenge was made on behalf of two anti-lockdown protesters who were fined \$2,800 each for attending a peaceful outdoor protest that exceeded Saskatchewan’s 10-person outdoor gathering limit.

By June, the Justice Centre had one ticket dropped against Saskatchewan anti-lockdown protester Mr. R.B. Wintringham.

“This unconstitutional limitation was being enforced in a discriminatory and arbitrary manner targeting those expressing their opposition to the government’s lockdown measures. Such unjustified infringements of constitutional freedoms must be challenged,” said Justice Centre Lawyer Marty Moore.



“Prohibiting outdoor protests in excess of 10 persons strikes at the heart of activities central to the functioning of a free and democratic society, with little if any corresponding public health benefit.”

Marty Moore, Justice Centre Lawyer



## Challenging the government's Covid narrative

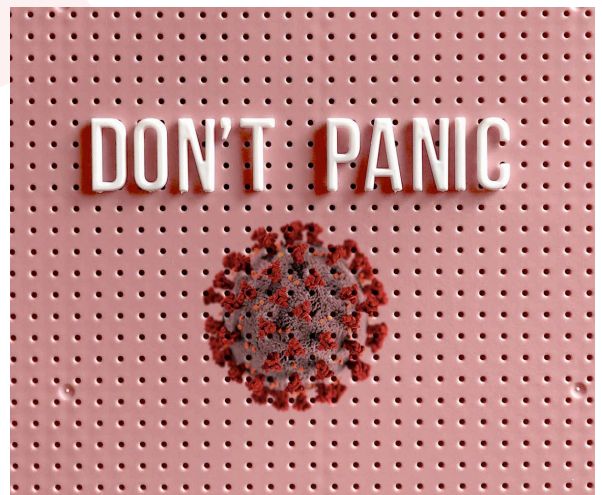
In 2021, the Justice Centre repeatedly made the case in Canadian courts and in the court of public opinion that the government had not demonstrably justified its curtailment of *Charter* rights and freedoms, as is required by the *Charter*. We released a number of legal research reports on these issues.

April 28, 2021: “Covid in Canada: Nothing much to fear” presents evidence as to why government lockdown restrictions were unreasonable:

1. Covid simply isn't the unusually deadly killer that it's made it out to be.
2. Covid has little impact on overall life expectancy.
3. The Covid survival rate is 99.77 percent.
4. If you are young and healthy, you are more likely to die in a car accident than with Covid.
5. 'Cases' do not necessarily equate with sick people.
6. Severely symptomatic cases are very few.
7. Asymptomatic spread isn't significant.
8. Infection Fatality Rates confirm little danger.
9. Casual contact can't transmit Covid.
10. The “science” isn't that settled.

May 5, 2021: Alberta hospitals less full with Covid in 2020 and 2021. The Justice Centre disclosed and publicized responses to our Freedom of Information requests, showing that regular hospital beds and Intensive Care Units were in significantly less demand and usage in Alberta during 2020 and 2021 than for any year as far back as 2015.

June 24, 2021: “Lockdowns and the Science of COVID” was researched and written by Dr. Jay Bhattacharya, based on his expert report prepared for the Manitoba Court of Queen's Bench court challenge to lockdown measures.



This tenured Stanford University professor of medicine and epidemiologist co-authored the Great Barrington Declaration, signed by over 50,000 doctors and disease specialists to call for an end to lockdowns and instead provide ‘focused protection’ to the elderly and infirm. This approach would allow for herd immunity to develop safely amongst healthy people.

“Lockdowns and the Science of COVID” presents the hard data supporting the following:

- Covid isn’t a serious threat to public health.
- Spread by asymptomatic people is rare.
- Lockdowns violate principles of good health policy and public health practice, are unnecessary to maintain and enhance health and well-being, and are harmful to public health.
- Lockdown harms are unevenly distributed and are especially harmful to young adults.
- Contact tracing is ineffective.
- Martial arts and fitness venues, churches, restaurants, and bars can open safely.
- Focused protection is a better way to protect public health without impairing human rights and civil liberties.
- Recovering from a Covid infection provides lasting immunity.
- A positive PCR test does not prove that an individual poses a risk of infecting others.

December 16, 2021: “Are Lockdowns Worth Their Cost?” reviews more than 60 different lockdown harms including more government debt; unemployment and poverty; small business closures; more depression, anxiety, and suicide even among youth; record levels of substance abuse; more domestic violence; more child abuse and sexual exploitation; and the cancellation of surgeries, cancer screenings, and other treatments.



“The evidence tells us that lockdowns are a poor response to Covid, and that lockdowns are not a justified violation of our *Charter* rights and freedoms.”

Allison Pejovic, Justice Centre Lawyer







## Opposing Bill C-15 to submit Canada to UNDRIP

The Justice Centre submitted a report to the House of Commons' Standing Committee on Indigenous and Northern Affairs on April 9: "Bill C-15: Useless, dangerous, and divisive."

The Report by law professor Bruce Pardy exposed problems with this legislation that would place Canada under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The report argues:

1. Aboriginal law applies different rules to different people based on race, lineage, and culture, a problem found in Bill C-15.
2. The "duty to consult" Aboriginals before proceeding on research projects is paternalistic, incomprehensible, and unpredictable. Bill C-15 would worsen this threat to Canada's resource industry.
3. Indigenous persons can't own Aboriginal property. Bill C-15 won't change that.
4. Bill C-15 will not reduce Indigenous dependency on the federal government.
5. UNDRIP gives vast and broad collective land rights for Aboriginal people but no one else. Bill C-15 threatens to divide rather than reconcile.
6. Bill C-15 effectively grants UNDRIP quasi-constitutional status. It will become a standard to which the laws of Canada are to conform.

Despite opposition from the Justice Centre, Bill C-15 passed 210-118 in the House of Commons, and was also ratified by the Senate.





## Defending free speech for doctors and nurses

The Justice Centre represents Dr. Francis Christian, Clinical Professor of General Surgery at the University of Saskatchewan and a practicing surgeon in Saskatoon, against a complaint that was made against him and the resulting investigation by the College of Physicians and Surgeons of Saskatchewan. The complaint objects to Dr. Christian having advocated for the informed consent of Covid vaccines for minors. Dr. Christian was suspended from all teaching responsibilities and fired from his position with the University of Saskatchewan as of September 2021.

On June 17, Dr. Christian released a statement to over 200 doctors with concerns on giving the Covid shots to age 12- to 18-year adolescents. He said the principle of informed consent was sacrosanct that a patient should always be “fully aware of the risks of the medical intervention, the benefits of the intervention, and if any alternatives exist to the intervention.”

At the Justice Centre’s George Jonas Freedom Award presentation on October 21, Dr. Christian drew parallels between the snitch society and media censorship of Soviet Russia with the current era. He also compared our times with the fascist era as corporate and political power merged.



The Justice Centre provided submissions to the College of Physicians in Nova Scotia on behalf of Dr. Chris Milburn who faced professional disciplinary proceedings in 2020 after a group of activists took exception to an opinion column he wrote in a local paper. In June 2021, Dr. Milburn was removed from his position as the Head of Emergency for the eastern zone with the Nova Scotia Health Authority after speaking out with concerns about public health policies. In an unusual twist, a petition was started to have Dr. Milburn replace Dr. Strang as the province’s Chief Medical Officer.

The Justice Centre also defended Dr. Charles Hoffe as he was investigated by the College of Physicians and Surgeons of British Columbia and the Interior Health Authority for allegedly promoting vaccine hesitancy. He reported to the medical authorities that many of his patients had suffered serious adverse effects: Dr. Hoffe had nine patients in his medical practice who developed disabling long-term side effects following their Covid shots. Two patients suffered anaphylactic reactions, one patient died, and numerous



others suffered lasting neurological and pulmonary injuries. Among 900 Aboriginal Canadians who received the Moderna vaccine in Lytton, BC, while under the care of Dr. Charles Hoffe, one patient died, 10 developed permanent neurological deficits, several went into anaphylactic shock, many more were plagued by chronic fatigue, and overall, 60 percent exhibited micro-clotting in their capillaries. Dr. Hoffe attempted to report these adverse events to colleagues in his local health network and public health officials. For his efforts, the government took away his ER privileges in Lytton, and the College of Physicians and Surgeons accused him of professional misconduct. The Justice Centre is representing Dr. Hoffe in a College proceeding, in an effort to vindicate his right to speak out about the dangers of Covid-19 vaccines based on his right to freedom of expression guaranteed under the *Canadian Charter of Rights and Freedoms*.

The Justice Centre also stood with Amy Hamm, a Vancouver-area nurse, in an investigation by the BC College of Nurses and Midwives after complaints were filed against her because of her “gender critical” views and her sponsorship of an advertising billboard expressing support for famed children’s author, J.K. Rowling. The Harry Potter author insists biology is involved in female identity.



“The Justice Centre has not let up in their relentless battle for truth and freedom and are repeatedly striking at the heart of the tyranny with their team of brilliant lawyers. The wheels of justice may not be spinning with speed yet, but the onslaught of righteous legal actions now before the courts cannot but be responsible for the creation of an unstoppable momentum toward freedom.”

Dr. Francis Christian, from his speech at the Justice Centre’s George Jonas Freedom Award event

Drs. Mark Trozzi and Patrick Phillips are facing similar problems with the College of Physicians in Ontario. Dr. Trozzi was a senior ER physician in Toronto, who was puzzled to find that his ER was virtually empty, while the Ontario government was claiming that hospitals were overwhelmed with Covid-19 patients. He called other ER physicians around North America and discovered that their ERs were empty too. This led him to take a sabbatical to examine the science around Covid-19. He now hosts a website that features scientific studies and interviews with experts calling into question the public narrative around Covid-19, and particularly, the claim that vaccines are safe and effective. Based on Dr. Trozzi’s *Charter* rights to freedom of expression and fair treatment, the Justice Centre is currently defending him against College allegations of professional misconduct.



Dr. Patrick Phillips has been charged by the College with professional misconduct for sharing his own criticisms of public health measures on his Twitter account. As an ER physician, Dr. Phillips spent many days and nights in an underpopulated ER; even more troubling, admitted patients were often suffering from adverse events caused by the vaccines or facing terminal conditions due to the lack of medical care caused by lockdowns. The Justice Centre is also defending his *Charter* rights to freedom of expression and fair treatment against the College allegations of professional misconduct.



“Governments and government-created Colleges across the country are overstepping their lawful authority every day. By representing the intrepid doctors who are resisting this tyrannical abuse, the Justice Centre is supporting the rule of law and the supremacy of the *Charter*. If we do not win this battle, Canadian democracy will not survive.”

Michael Alexander, Justice Centre Lawyer





## Medical doctors challenge mandatory vaccination policy

The Justice Centre filed a Statement of Claim and Injunction Application at the Court of Queen's Bench on December 8, 2021, on behalf of four Alberta physicians. The doctors are facing termination, restrictions, and disciplinary action for standing against Alberta Health Service's ("AHS") Vaccine Mandate. In addition to challenging AHS for constitutional violations, the lawsuit advocates for returning to basic medical principles including: recognition of natural immunity, doctor-patient privilege, informed consent, personal autonomy and duty to disclose.

On August 31, AHS announced that all frontline workers, physicians, midwives, nurses and contracted staff working in AHS facilities would be required to receive two Covid shots by October 31. That date was extended to November 30 to allow time to make sure "our workforce is as safe and robust as it can be," said AHS President and CEO Dr. Verna Yiu in an October 22 address to the province. On November 29, one day before mandatory vaccinations were to be implemented for all staff, the deadline was again extended to December 13, on the recommendation of the Alberta government. The last extension allowed the option for some AHS staff to undergo Covid testing to return to work, but not others.

All four doctors treated and cared for their patients without incident during the worst of the Covid-19 pandemic over the previous 20 months. Dr. Nadr Jomha, a specialized Orthopaedic Surgeon for complex foot and ankle reconstruction and trauma cases, and instrumental in the development of one of Canada's cryopreservation (cold-preservation) joint transplantation programs, states: "Given that an overwhelming majority of studies prove that individuals with naturally acquired immunity have: a) been shown to have equal or better immunity than a vaccine-induced immunity; b) are very rarely re-infected with Covid-19; and c) are unlikely to transmit Covid-19, there is no medical or scientific benefit to myself or those around me or anyone around me."

Dr. Blaine Achen, who held the position of Chief of Cardiac Anesthesia at the renowned Mazankowski Alberta Heart Institute, until he was terminated for not complying with AHS' Vaccine Mandate, says: "The medical system in Alberta is struggling. The recent treatment of health care workers in this province, in addition to the current AHS policies and management, is driving physicians out of Alberta and will further exacerbate an already dire situation. AHS' last-minute amendments and extensions to the Policy caused confusion and scheduling problems at the Hospital, which have negatively impacted AHS staff and patients. My forced departure will invariably cause additional delays in the operating room and will cause harm to patients in Alberta."

Dr. Gert Grobler, once the personal doctor to the Nelson Mandela family, and now practicing in Medicine Hat, Alberta notes: “Treating and reducing Covid-19 severity ought to be the goal of medical doctors and it ought to be part of the strategy used by AHS.”

Dr. Tyler May is one of two doctors in the under-served community of Manning, Alberta, 73km north of Peace River. He is being allowed access to his hospital (after it was deemed one of the critical sites in AHS’ 2nd revision of the Vaccine Mandate) but not his clinic, stating: “AHS’ decision is completely arbitrary and absurd, as the facilities are intimately linked, and it provides another example of AHS putting ideology and policy over patient care – much like the [Vaccine Mandate] itself.”

In support of this legal claim, Dr. Joel Kettner, former Chief Public Health Officer for Manitoba, prepared an expert report which included a review of how major public health organizations have compared protection by natural immunity from previous Covid infection with protection by vaccination. In his report he states: “I have been unable to find relevant data or clear rationale for policies pertaining to the exclusion of health care workers because of their vaccination status, especially since there has been consistent evidence for equivalent – if not superior – protection by natural immunity resulting from previous infection, as described by the major public health organizations and the Public Health Agency’s National Advisory Committee on Immunization”.



On December 14, 2021, the Justice Centre was in Court requesting a temporary order prohibiting AHS from enforcing the Vaccine Mandate against the doctors, as well as a temporary order directing AHS to follow Alberta’s Restriction Exemption Program and allow Rapid Testing in lieu of vaccination to allow the doctors to continue to practice at AHS sites in Alberta.

In his one-hour oral decision rendered on December 17, 2021, Justice Henderson acknowledged that all the doctors have taken a principled objection to taking the Covid vaccine and that all the doctors have “genuine, subjective concerns with the Covid-19 vaccines that are currently available.” Justice Henderson went on to say: “One thing is perfectly clear; the Plaintiffs have a right to refuse to take the vaccine. No one can force them to take the vaccine. That is a right that must be respected.”

Notwithstanding this statement, Justice Henderson dismissed the application for an Interim Order, stating that it was necessary to hear more comprehensively from AHS before he could fully consider the strength of the legal challenge brought by the doctors.

On December 22, 2021, AHS announced the third amendment to the Vaccine Mandate, on direction of the Alberta Government, to allow an estimated 1,400 unvaccinated full-time and part-time healthcare workers who were placed on unpaid leave, terminated and/or disciplined by AHS, to return to work with the option of rapid testing.

AHS’ amendment came days after the Justice Centre was in court, requesting a temporary order prohibiting

AHS from enforcing the Vaccine Mandate against four doctors, as well as a temporary order directing AHS to follow Alberta's Restriction Exemption Program and allow Rapid Testing in lieu of vaccination to allow the doctors to continue to practice at AHS sites in Alberta.

The December 14, 2021, application is only a first step in an anticipated long legal challenge to protect the personal physical autonomy and *Charter* rights of physicians and other health care workers who are being fired for not taking the new Covid vaccine. All parties involved have agreed to a shortened hearing schedule to expedite the case and ensure that a trial will occur within the next three months.



"AHS is prepared to push their vaccine mandate so far as to terminate competent, qualified and caring doctors with natural immunity in order to enforce a vaccine mandate that is unscientific, harmful and arbitrary."

Eva Chipiuk, Justice Centre Lawyer



## Trust what science, specifically?

On November 9, Justice Centre president John Carpay wrote the health ministers in Canada's ten provinces, three territories, and Ottawa to request "copies of the medical and scientific papers, studies and reports on which your government's mandatory vaccination policies are based... or links to these studies." Responses to this question have not been forthcoming.

On November 18, Mr. Carpay wrote to these same health ministers to ask why Ivermectin had been prohibited as a treatment for Covid. "Specifically, what scientific research supports your position that people should not have a chance to take Ivermectin as prescribed by a medical doctor to treat a Covid infection?" he asked. Responses to this question have not been forthcoming.



"Governments throughout history have used the notion of 'science' to support their policies, along with various appeals to public health, safety, security, morality, and so on. No government will violate human rights without putting forward a good-sounding justification, such as the war on terrorism, communism, online hate, drugs, or a nasty virus."

John Carpay, Justice Centre Founder and President



# Defending students from mandatory vaccination on campus

The Justice Centre released a 2021 Campus Vaccine Index on August 17 and reported 35% of Canadian universities (21 of 61) had mandatory vaccination policies. However, by September 15, that number had grown to 74%, with 45 universities instituting such policies.

All 20 of Ontario's universities instituted a mandatory vaccine policy, as did all five of Alberta's universities, both of Saskatchewan's universities, and Prince Edward Island's lone university. In Nova Scotia, three of the province's seven universities required the vaccine of some students. No university in Quebec or the Yukon required vaccination.

At some vaccine-mandated schools, students could opt for onerous and expensive twice-weekly testing regimes in lieu of the jab. In late October, Saskatchewan Polytech and the University of Saskatchewan decided to disallow this option, prompting legal warning letters from the Justice Centre.



Sask Polytech then reversed course, yet would not acknowledge natural immunity for students who recovered from Covid nor pay for the Covid tests they now required for the unvaccinated. The Justice Centre intends to pursue legal action against both schools.

The Justice Centre defended students against mandates in several cases. In September, a student at Mount Royal University received two emails that said

he "may be deregistered from his courses" if he did not declare his Covid vaccination status even though he took them online. The Justice Centre sent MRU a letter. Four days later, the student was reinstated.

Mariana Costa and Crystal Love were barred from returning for courses at the North York campus of Seneca College unless they received COVID-19 vaccinations. The Justice Centre warned the College by letter that legal action would commence if the vaccine requirement for the two students was not lifted.

A University of Winnipeg education student received a letter saying she would be disallowed from classes for the 2021-22 academic year for having attended a peaceful outdoor protest against lockdown restrictions. The university reinstated the student after receiving a legal warning letter from the Justice Centre.



"We will fiercely defend these students and their right to bodily integrity and the freedom to choose what medical treatment they undertake, without being denied their education."

Allison Pejovic, Justice Centre Lawyer



## Challenged vaccine discrimination in New Brunswick

On December 4, 2021, the New Brunswick government issued a Covid-19 Order that discriminated against people of all faiths who attend funerals, weddings, and social gatherings by requiring the owners and occupiers to ensure occupants are fully vaccinated, while non-faith gatherings had no such requirement.

The order stated in part: “In every church and other faith venue, paragraph 2 does not apply, but the owners, occupiers and managers are required to take every reasonable step to ensure at every indoor faith gathering that every person in the venue is fully vaccinated against COVID-19.”

The Order implicitly invited grocery stores to make vaccination a requirement for entry. Food is a fundamental Human Right enshrined in Article 25 of The Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic Social and Cultural Rights. In response, the Justice Centre sent the New Brunswick Minister of Justice a warning letter on December 7.

Citing public health guidelines, the City of Fredericton’s farmers market announced that as of December 11, “proof of double vaccination (or medical exemption) will be required to shop indoors, for all visitors 12 and over.” This is the first Canadian policy that excludes citizens from purchasing grocery essentials due to vaccination status, and was condemned by three federal MPs from New Brunswick.

The Justice Centre sent the City of Fredericton a demand letter on December 15 regarding its vaccinated-only policy at the Fredericton Boyce Farmer’s Market. The New Brunswick Government owns the farmer’s market and leases it to the City of Fredericton at a nominal rate. *Charter* rights apply because the property is owned and managed by government.

On December 17, the province revised its health orders to exclude grocery retailers from having the option of imposing vaccine mandates. Fredericton’s farmer’s market also walked back their policy to allow only vaccinated to shop.



“Vaccine-free citizens have a right to purchase food, including at markets and grocery stores, and the denial of such essential service is a reprehensible and unlawful act of cruelty and discrimination. Canada is better than this.”

Andre Memaui, Justice Centre Lawyer



## Standing up for the vaccine-free and for religious freedom in Ontario

The Ontario government mandated that people aged 12 and up must provide proof of two doses of the Covid mRNA vaccination as of September 22 or be denied access to a wide range of businesses and organizations. That same day, the Justice Centre issued a legal warning letter to the Ontario Government on behalf of four clients demanding the vaccine passport mandate be revoked immediately. In October, on behalf of eight citizens who refused to take either one or both doses of the Covid vaccine, the Justice Centre filed a constitutional challenge.

In earlier months, the Justice Centre defended the *Charter* freedoms of churches. Trinity Bible Chapel in Waterloo was ordered on January 22, 2022 not to hold church services, but its members followed their conscience and decided to worship God together in community, as per their understanding of scriptures. On February 22, the church and its leaders were ordered to pay fines and costs totalling \$83,000. The Justice Centre challenged this order and a separate order sought by the province to lock the church's doors. Justice Paul Sweeney dismissed the request to lock the doors, but bound Trinity to the public health orders. In response, the Justice Centre launched a constitutional challenge against the order.

Pastor René McIntyre, founder and lead pastor of Trumpet of Truth Christian Ministries in Woodstock, was ticketed for having a church service, then a second time for an evening prayer service. The Justice Centre carried out extensive negotiations with the Crown which led to the tickets being dropped.

The Church of God in Aylmer faced enforcement proceedings in regard to one indoor service and for having invited some parishioners inside following a drive-in service. The church held legal drive-in services during lockdown periods, which it won the right to do after launching a *Charter* challenge.



The Attorney General (AG) obtained a court order on February 12 to mandate compliance with all restrictions. The Justice Centre filed a Notice of Motion to set aside the enforcement order against the church. The AG demanded over \$200,000 from the church and its leaders in contempt sanctions, fines, and court costs stemming from three outdoor services. Instead, the Court imposed \$90,000.



"It's troubling to see Canada persecuting pastors exercising their *Charter* rights and freedoms to practice their religion."

Sayeh Hassan, Justice Centre Lawyer



## Manitoba lockdowns challenged

The Justice Centre commenced a constitutional challenge to lockdown measures in Manitoba imposed by Chief Public Health Officer Dr. Brent Roussin. His Orders were not considered, debated, amended, or studied by the legislature. He was never obligated to provide the legislature with reports on the Orders, or with any data or science to justify his Orders.

In court, the Justice Centre argued that Dr. Roussin and his Acting Deputy Dr. Jazz Atwal failed to consider the collateral social and health costs of locking down society. The onus was on the Manitoba Government to justify its restrictions on *Charter* rights and freedoms as being reasonable, necessary, and beneficial.

The Applicants filed expert reports authored by world-renowned Stanford Professor and epidemiologist Dr. Jay Bhattacharya, former Manitoba Chief Public Health Officer Dr. Joel Kettner, and infectious disease specialist and microbiologist Dr. Thomas Warren. The Court was presented with more than 2,000 pages of evidence, including peer-reviewed science as well as government data.

Cross-examined by Justice Centre lawyers, Manitoba's expert microbiologist, Dr. Jared Bullard, admitted that the Polymerase Chain Reaction (PCR) test used to measure cases does not diagnose whether someone has Covid-19, but verifies whether a patient has remnants of SARS-CoV-2 in their nose, that could be as much as 100 days old. Dr. Bullard said that someone who has not been contagious for three months could test positive. He also admitted that the test could find SARS-CoV-2 in the nose of someone who was never actually infected with Covid-19 at all.

Regardless, in October Chief Justice Joyal of the Manitoba Court of Queen's Bench upheld lockdown policies, stating: "In the context of this deadly and unprecedented pandemic, I have determined that this is most certainly a case where a margin of appreciation can be afforded to those making decisions quickly and in real time for the benefit of the public good and safety."

He upheld the Chief Public Health Officer's exercise of legislative power without democratic oversight or accountability, and upheld Manitoba's lockdown restrictions as reasonable and justified violations of *Charter* freedoms. He reasoned that courts lack specialized expertise and should therefore simply defer to the decisions of public health officials.



## Defending religious freedom for pastors and congregations



Pastor James Coates of GraceLife Church in Stony Plain, Alberta, allegedly did not limit attendance to 15 percent of capacity or require masks or social distancing at church services despite public health orders to do so. Pastor Coates was arrested February 15 by the RCMP and was not released from prison until March 23 because he would not sign a bail agreement to stop pastoring his church according to the congregation's belief that it must gather for worship services.

Crown prosecutors agreed to drop all charges against Pastor Coates, except for one, so that the Justice Centre could challenge this remaining ticket on constitutional grounds. However, when the charges against Pastor Coates came before the Alberta Provincial Court in May, the Court granted the Crown an adjournment because government lawyers, after 14 months of lockdowns, were unable to present any medical or scientific evidence to justify the lockdown measures under which Pastor Coates was being prosecuted.

The physical barrier erected around Gracelife church by government authorities was removed July 1, when lockdown restrictions in Alberta ended temporarily.

Pastor Tim Stephens of Fairview Baptist Church in Calgary was arrested May 16 for similar reasons. He was initially jailed for three days. Justice Centre lawyers secured his freedom. AHS conceded his arrest had been illegal, and the Justice Centre sought damages.

The pastor was arrested a second time on June 14 for an outdoor church service held on June 6 with about 200 congregants. A police helicopter was deployed to find this peaceful gathering and to collect evidence of non-compliance with public health restrictions. He was charged with failure or refusal to comply with a Court Order. A widely-publicized video of the arrest showed Stephens being hauled away by Calgary police as his wife and eight children wept in the driveway of their home.

Stephens was released from jail on July 1, when health orders were temporarily rescinded and cancelled.



## Pastor Stephens sues for wrongful arrest

Pastor Tim Stephens of Fairview Baptist Church in Calgary was arrested on May 16, 2021 pursuant to a Court Order that applied only to Whistle Stop Cafe in Mirror, Alberta. The Justice Centre filed a Statement of Claim for wrongful arrest on July 13, 2021, asking the Court to grant monetary damages against the Crown, Alberta Health Services and the Calgary Chief of Police, for wrongfully arresting and imprisoning Pastor Stephens.



"In some countries, members of minority religions are segregated, ostracized, or even murdered because their religion does not conform.

The *Charter* recognizes the significance of certain freedoms, such as the freedom to allow people to practice their sincerely held beliefs. A true democracy is one where people are free to express their sincerely held beliefs and opinions without fear of threat or punishment, even if those beliefs do not conform with the majority.

It is unfortunate that Pastor Stephens, along with many other pastors, have been arrested and jailed for holding Church services and for exercising their *Charter* rights."

Henna Parmar, Justice Centre Lawyer





## Alberta Health Services abuses court orders

The Whistle Stop Café in Mirror, Alberta, represented by lawyers from Rebel News, kept their business open despite public health orders. In response, Alberta Health Services (AHS) applied ex parte (in secret, without notice to the other side) for an injunction that would empower police to arrest and jail immediately anyone who violated a health order, in contrast to ordinary enforcement by way of tickets to which a citizen can plead “not guilty.” AHS boasted in a May 6 news release that it “sought and received a court order against all other organizers of advertised illegal gatherings and rallies breaching COVID-19 public health orders.” Suddenly, Albertans gathering outdoors in numbers larger than five could be locked up in jail immediately, without any ability to defend themselves against unconstitutional health orders.

The Justice Centre went to court on May 13, 2021, seeking to amend the injunction so it would no longer apply to every Albertan, but only to the named respondents in connection with the Whistle Stop Cafe. The judge agreed and altered the Order, effective immediately. Despite this, AHS used the former May 6 injunction that was no longer in force as a tool to illegally arrest and jail Calgary pastor Tim Stephens.

AHS also attempted to use the injunction to get a Contempt of Court Application against rodeo legend Ty Northcott and his wife Gail. On May 1-2, Northcott hosted the “No More Lockdowns Rodeo Rally” outdoors on his private property near Bowden, Alberta. About 2,000 people attended each day in exercise of their constitutional freedoms of expression, assembly, and association. The Justice Centre appeared in the Court of Queen’s Bench to argue that the Application against the Northcotts is an abuse of process and should be thrown out.





## Alberta's Chief Medical Officer skips court to take a vacation

The Justice Centre challenged the constitutionality of the Orders of Alberta Chief Medical Officer of Health Dr. Deena Hinshaw with a court action filed in December 2020. Expert reports were filed in support of this court challenge, including one from esteemed virologist, immunologist, and pathologist Dr. Byram Bridle.

In spite of lockdowns having violated *Charter* rights and freedoms for well over a year, the Court granted the government until July of 2021 to produce evidence in support of its *Charter* violations.

Dr. Hinshaw was scheduled to be cross-examined at trial on September 27 and 28, but one week prior, the Crown asked for and received an indefinite adjournment due to the “escalating crisis” of Covid.

Essentially, the government’s lawyers claimed that Dr. Hinshaw was not available to answer questions under oath in court about her Orders because she was working around the clock saving lives. But on September 28, the Crown announced Dr. Hinshaw was taking three days’ vacation and acknowledged that “Dr. Hinshaw’s decision to take time off may appear to conflict with the representations” made to Court that resulted in the adjournment of the trial of this action. The Justice Centre made this public in a press release.

The case is scheduled to be heard in 2022.



“The Alberta Crown has failed entirely to produce evidence to justify its tyrannical lockdowns, a prerequisite under the *Charter* to justify lockdowns measures that have inflicted much harm on Albertans.”

Jay Cameron, Justice Centre Litigation Director



## Opposing vaccine passports, mandatory vaccinations in Alberta

Premier Jason Kenney stated repeatedly that Alberta would not institute vaccine passports. He enticed the public to receive the shots by promising a permanent end to lockdowns once 70% of Albertans received the new Covid vaccines. Yet on September 15, 2021, Kenney reversed his stance and imposed vaccine passports, which turned Albertans who had not received two mRNA Covid shots into second-class citizens, unable to participate fully or equally in society.

City of Calgary employees received a letter September 3 which demanded they get two injections by September 13 or face discipline and even dismissal. The Justice Centre provided legal advice to many city employees, and warned City Manager David Duckworth that his demand violated the *Charter*.

On August 31, 2021, AHS President and CEO Dr. Verna Yiu issued a vaccine mandate requiring all staff, physicians and volunteers to be fully vaccinated for Covid, by September 13, “or face discipline and even dismissal.”

On October 7, the Justice Centre sent a legal warning letter to Dr. Yiu on behalf of more than 20 AHS employees who were threatened with the loss of their jobs if they did not receive mRNA Covid shots. This was followed by a court action filed against AHS on December 8, 2021.



“It is shocking that these doctors have had to turn to the Courts to continue to be allowed to do what they are professionally trained to do – treat patients, including themselves. Especially at a time where AHS has declared the provinces’ hospitals and health care system at risk of collapse, and cancelled surgeries due to lack of resources.”

Eva Chipiuk, Justice Centre Lawyer





## Cree woman unjustly banned from running in Band election

Lorna Jackson-Littlewolfe was barred as an election candidate in the 2021 Whitefish Lake First Nation #128 Elections for Chief. The Cree mother and grandmother was prohibited from being a candidate for election on the basis of her marital status, because she is in a common law relationship.

The exclusion was based on a provision in old Election Regulations, which states that “[n]o person living in a Common Law marriage shall be eligible for nomination.” However, the Federal Court had struck down this regulation in 2017, noting that “preventing nomination for election based on marital status alone would seem to be a discriminatory practice and unconstitutional.”

Despite this, Whitefish Lake First Nation is continuing to use the old Election Regulations, and in so doing, is discriminating against potential candidates such as Ms. Jackson-Littlewolfe based on their marital status.

With the help of the Justice Centre, Ms. Jackson-Littlewolfe sought a Federal Court order striking down the prohibition of those in common law relationships from running in elections on the Whitefish Lake First Nation #128 as unconstitutional and order that new and fair elections be held.





## Organ transplant patient put back on donor list, for now

An Alberta Hospital threatened (both in person and in writing) to take terminally ill Annette Lewis off a donor list for an organ transplant because she had refused the mRNA Covid-19 vaccine. On September 2, 2021, the Justice Centre wrote a demand letter that the Transplant Program team at the hospital confirm she was exempt from receiving a Covid-19 vaccine to remain on the transplant waitlist.

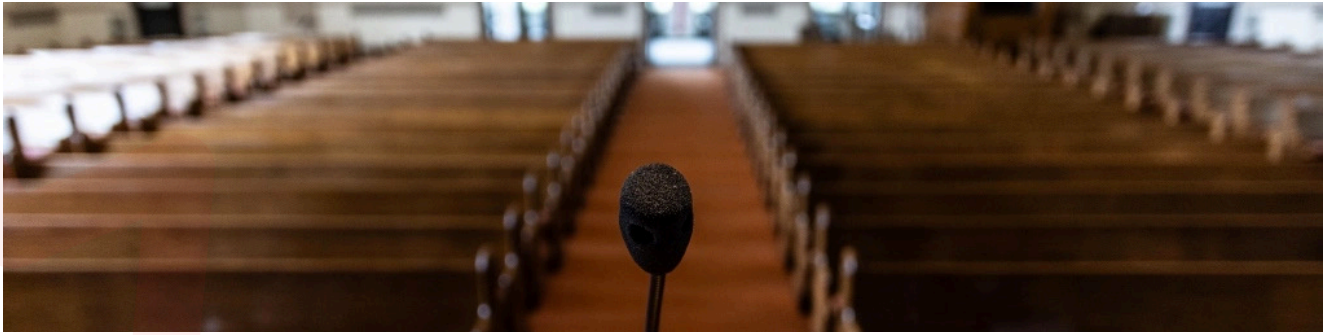
Next, the Justice Centre sought a court injunction to prevent Alberta Health Services, the hospital, and six physicians from the program from removing her from the waitlist. A court date was set for December 7 for the 57-year-old patient.

Prior to the court date, health authorities agreed to a Consent Order stating that Ms. Lewis can stay on the transplant waiting list until the court hears the Justice Centre's application and the judge renders a decision.



"The hospital's conduct in making an ultimatum of this nature to a terminally ill patient is coercive and unethical. This is a profound violation of Ms. Lewis' human dignity, personal autonomy, and her constitutionally protected right to life, liberty and security of the person."

Allison Pejovic, Justice Centre Lawyer



## Yes to protests, no to worship in BC

On January 8, 2021, the Justice Centre launched a constitutional challenge in the Supreme Court of BC on behalf of three churches and four individuals against Dr. Bonnie Henry's Orders that prohibited public protests and the prohibition of in-person worship services. In response, the BC government filed an injunction application targeting the three churches participating in the court challenge.

The Justice Centre's clients, including the churches and individuals involved in this case, received dozens of tickets, \$2,300 per ticket, for exercising their constitutional freedoms to gather, protest and worship.

The BC churches that challenged the Orders said they went to extraordinary lengths to comply with health guidelines, including limiting attendance, pre-registering attendees, maintaining detailed contact tracing systems, rearranging seating to ensure physical distancing, providing hand sanitizer and masks, and enhanced cleaning and sanitizing.

On February 17, BC Chief Justice Christopher Hinkson denied the government's request for an injunction against the churches, which would have enabled police to arrest citizens rather than issue tickets. He also struck down the prohibition on protests that began on November 19, 2020, but dismissed the challenge to the ban on in-person worship services.

Chief Justice Hinkson ruled that Dr. Henry did not have to be correct in her orders, but only needed to have acted in a reasonable range of alternatives, despite her infringements on the fundamental freedoms of religion, speech, assembly, and association.

The Justice Centre is defending individuals against dozens of \$2,800 tickets given for in-person religious services in the Fraser Valley. In Fort St. John, the Crown is proceeding against a church ticketed for recording a Zoom service in its building with its necessary staff, pastor and worship leaders present.



"A declared public health crisis does not permit courts to neglect their constitutional obligation to ensure that government actions respect the *Charter* rights of citizens."

Marty Moore, Justice Centre Lawyer





## Maxime Bernier arrested in Manitoba for speaking at rally

Justice Centre lawyers secured the release of Maxime Bernier, leader of the People's Party of Canada (PPC), who was arrested and jailed by Manitoba police on June 11, 2021. Bernier was granted a bail hearing before Justice of the Peace Madam Becker, and was released after 8 hours in police custody.

Bernier was arrested after speaking at a freedom rally in St. Pierre-Jolys, a small village 57 kilometres south of Winnipeg. RCMP officers stopped the vehicle Mr. Bernier was a passenger in, handcuffed him and detained him. The next day, Manitoba showed slight relief after 15 months of restrictions and "allowed" groups of five people to be on public property or outdoors on their own private property.

PPC spokesperson Martin Masse said: "This isn't about Covid anymore. It's political repression. This is the kind of stuff countries like China and Russia do."

The Crown Prosecutor demanded \$1,000 cash bail and said Mr. Bernier, a former cabinet minister under Stephen Harper, was a "flight risk." The Crown sought additional conditions that would have violated Mr. Bernier's freedom of speech, association, and assembly including prohibiting him from communicating online or via social media for the purpose of organizing any protest rallies, posting anything about rallies, or attending any such rallies. The court denied the Crown's request.

Bernier was forced to cut short his Manitoba tour, with plans to speak against lockdowns, due to an automatic bail condition stating he must not break any laws or orders in Manitoba.

"It's crazy to see this happen in Canada," said Mr. Bernier.

"It's a shock when it happens, when the police treat you like a criminal and handcuff you because you dared talking to a dozen people outdoors in a small village."

The Justice Centre appeared in court at the end of July to address the two Manitoba Covid tickets issued. The case is ongoing.



## Ontario vaccine passport challenged

On September 22, 2021 the Ontario Government introduced vaccine passports preventing vaccine-free Ontarians from accessing gyms, restaurants, movie theatres and community centers. For choosing to exercise bodily autonomy and make their own private medical decisions, many Ontarians were instantly barred from normal everyday activities, and could no longer participate fully or equally in society.

On October 15, 2021 the Justice Centre served and filed a court application challenged the constitutionality of Ontario's mandatory vaccination policies for violating the *Charter* freedoms of religion and conscience; the right to liberty and security of the person; the right to be free from unreasonable searches; and the right to be treated equally before the law.

The hearing of this application is currently scheduled for July 26 and 27, 2022.

The Justice Centre represents numerous applicants including Sarah Lamb who developed neurological health issues after receiving the first dose of the Pfizer vaccine. Justice Centre lawyers are completing their Application Record which will include three expert reports on issues of safety and efficacy of vaccines as well as effectiveness of vaccine passport mandates.



"It is unfortunate that millions of Ontarians are being forced to choose between being injected with the Covid-19 vaccines that lack long term safety data, simply to be permitted to fully participate in society and everyday activities or choose to exercise bodily autonomy and make their own medical decisions and face being segregated from society."

Sayeh Hassan, Justice Centre Lawyer



# Justice Centre

for Constitutional Freedoms

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The Justice Centre achieves a high value-for-donations ratio by relying primarily on our own experienced in-house counsel, rather than paying the high rates for outside counsel that are charged by regular law firms. Justice Centre lawyers are devoted to defending the free society, and tirelessly carry out this work even while earning considerably less than lawyers at regular commercial law firms. For every dollar donated to the Justice Centre, we provide the equivalent of two or three dollars worth of legal services to Canadians, in defence of their *Charter* freedoms. For example, when you donate \$1,000 to the Justice Centre, your donation makes it possible for us to provide legal representation that would otherwise cost from \$2,000 to \$3,000 if purchased from a regular law firm.

## On behalf of all of us at the Justice Centre

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