

A large Canadian flag is waving in the upper left corner of the image. The background shows a city skyline across a body of water, with mountains in the distance under a clear blue sky.

Canadian Constitution Foundation

2012 Annual Report



Freedom's Defence Team **2012** Year in Review



The **Canadian Constitution Foundation** is Canada's leading charitable legal organization defending individual freedom and economic liberty. Our programs focus on providing pro-bono legal assistance to individuals whose freedoms have been violated by government—whether at the federal, provincial or municipal level. We also educate the public about their constitutional rights and freedoms through our education programs, and the media.

We are "**Freedom's Defence Team**."

Moving freedom forward in 2012

Throughout 2012 the CCF advanced its commitment to defend constitutional liberties in Canada on a number of fronts. Given the often lengthy nature of the battles in which we engage, progress can sometimes appear dilatory. While litigation does take time and our resources limited, cases are actively and prudently managed to maximize impact. At the same time we have continued energetic communication of the important constitutional principles continuously under assault. In addition to extensive national and local media coverage, the CCF launched two new websites geared towards improving the constitutional knowledge of Canadians. With this information in hand, we feel Canadians will be better equipped to know when their constitutional rights and freedoms are being violated (see pg. 12 for more details).

We appreciate your continued generous support, without which we would be unable to pursue our critical mission.



Chris Schafer, Executive Director



Mark Mitchell, Chairman

About the

Canadian Constitution Foundation

Our

Mission

The Canadian Constitution Foundation protects the constitutional freedoms of Canadians through education, communication and litigation.

Our

Vision

We at the Canadian Constitution Foundation strive work towards a Canada where:

- Every Canadian is considered equal before the law, and all are treated equally by Canada's governments;
- There is freedom from fear and oppression;
- Canadians have the knowledge and motivation to recognize, protect and preserve their constitutional rights and freedoms;
- Individuals control their own destiny as free and responsible members of society;
- Governments are held accountable to Canada's Constitution in making and applying laws, regulations and policies.

Our Priorities

The primary focus of our education and litigation programs is to support:

Individual Freedom — the “fundamental freedoms” in section 2 of the Canadian Charter of Rights and Freedoms:

- freedom of association;
- freedom of peaceful assembly;
- freedom of conscience and religion;
- freedoms of thought, belief, opinion and expression.

Liberty — Section 7 of the Charter guarantees our most basic right to live independent lives free from unnecessary restriction and regulation. This includes:

Economic Liberty — The right to earn a living, the right to own and enjoy property, and freedom of contract.

Equality before the law — Section 15 of the Charter provides equal freedom and equal opportunities for all Canadians; special advantages or privileges for none.

Our

Board of Directors

Christopher Schafer, Executive Director, Canadian Constitution Foundation

Andy Crooks, Lawyer and Businessman, Calgary

Dr. Glenn Fox, Professor, University of Guelph

Claus Jensen, Retired Businessman, West Vancouver

Will Johnston, MD, Family Physician, Vancouver

Lisa La Horey, Partner, McCague Borlack LLP

Mark Mitchell (Chairman), President, Reliant Capital Limited

Dr. Michael Walker, Senior Fellow, Fraser Institute

Our

Advisory Board

Avril Allen, Partner, Boghosian & Allen LLP

Dr. Thomas Bateman, Professor, St. Thomas University

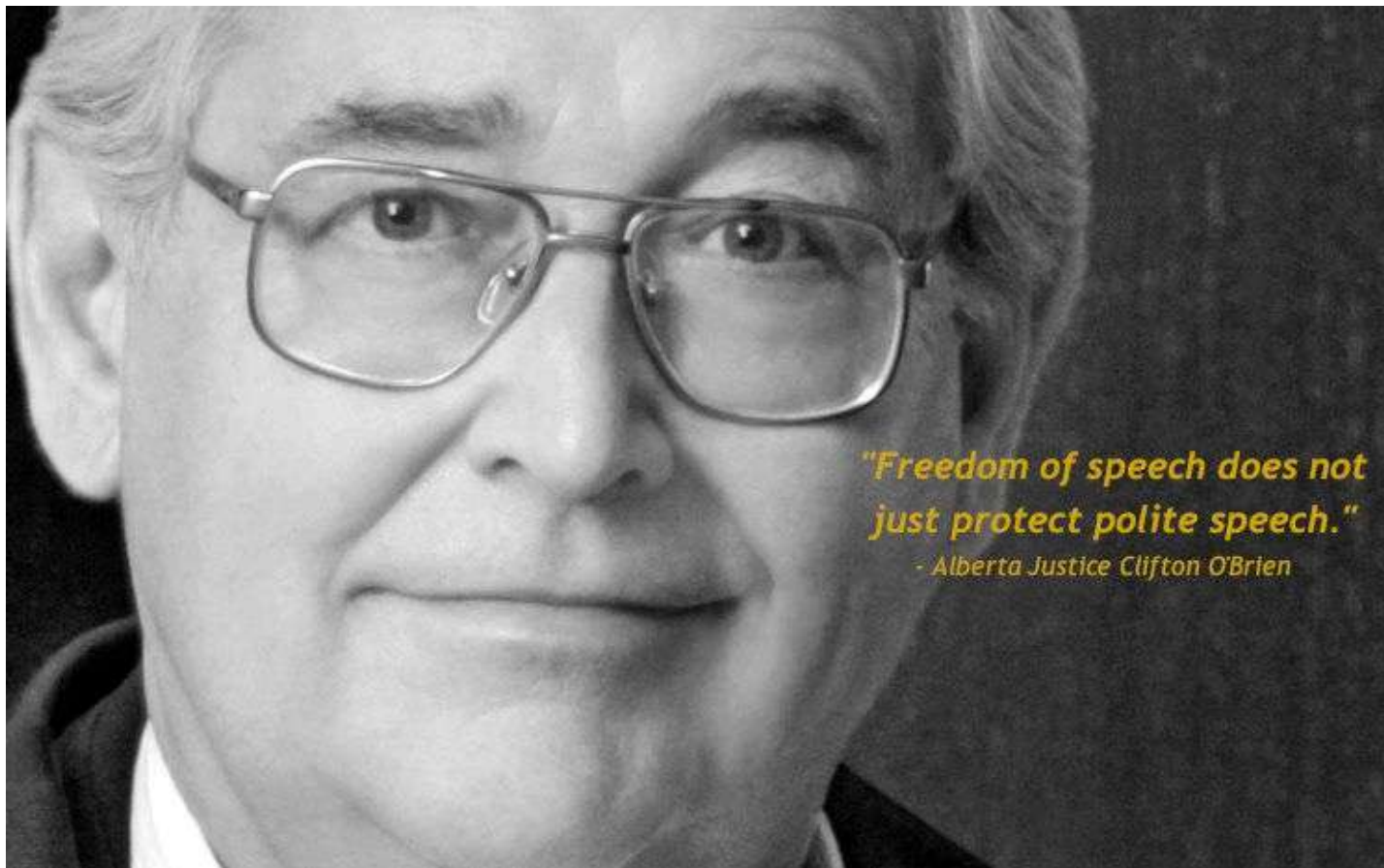
Dr. Ehor Boyanowsky, Professor, Simon Fraser University

Andrew Coyne, Columnist, National Post

Michel Kelly-Gagnon, President, Montréal Economic Institute

Dr. Rainer Knopff, Professor, University of Calgary

Bruce Pardy, Professor, Queen's University



Quote taken from the 2012 Alberta Court of Appeal Ruling in *Boisson v. Lund* (formerly Alberta Human Rights Commission). The CCF intervened in defence of freedom of expression in this case at the Court of Queen's Bench.

Freedom's Defence Team in the courtroom

Litigating for freedom is the primary focus of the CCF. Our lawyers work tirelessly to represent our clients and intervene in important constitutional cases. By litigating in defence of individual freedom, economic liberty and equality before the law, we hope to influence Canadian society towards a much greater respect for our fundamental freedoms. Here is a short summary of the litigation work that took place in 2012.

Trent Hills v. Bacher

Kelly and Shawn Bacher built a chicken coop in their backyard. They did so only after confirming with municipal employees that it was legal to have chickens on their property. But in 2011, by-law officers began demanding they remove their "illegal" chickens. The CCF stepped in to help the Bachers defend their property on the basis that they received incorrect advice from the municipality regarding the by-law. The charges against the Bachers were formally withdrawn in provincial court on June 14.

Moore v. BC Ministry of Education

In 2005, the BC Human Rights Tribunal decided BC had discriminated against Jeffrey Moore by defunding a program tailored for dyslexic children. Jeffrey had access to exactly the same services as every other BC student. Providing special individualized treatment for every student would be burdensome to BC's taxpayers. The CCF intervened at the Supreme Court in defence of equal treatment for all. Despite our efforts, the court ruled in favour of special treatment for the few; creating new obligations for taxpayers in the process.



Chief Mountain v. Canada



2012 was another big year for James Robinson, known as Chief Mountain (left). After being granted leave to appeal to the BC Court of Appeal, Chief Mountain's arguments were rejected once again. We have decided to proceed with an appeal to the Supreme Court of Canada. This will be Chief Mountain's last available opportunity for appeal.

Irvin Leroux v. CRA

Irvin Leroux was left financially ruined after the Canada Revenue Agency (CRA) audited his business and then accidentally destroyed the documents he needed to absolve himself from the taxes and penalties they said he owed. Irvin is suing the CRA in an attempt to recover at least a small part of his lost livelihood. In 2012, Irvin defeated yet another motion by the CRA to have his case thrown out. We continue to work on his case so that Irvin Leroux will get his day in court (September 2013) to fight for the rights of Canadian taxpayers.

Galganov v. Township of Russell

In this case, which pitted local business against an overly restrictive language law, the CCF intervened to defend freedom of expression, and an individual's right to do business in the language of their own choosing. CCF Executive Director Chris Schafer was in court to present our arguments. Unfortunately, the court ruled that, while it was a violation of freedom of speech, the by-law was "demonstrably justified" under Section 1 of the *Charter*. Shortly thereafter, the Supreme Court denied an appeal.

Cambie v. Medical Services Commission of BC et al.

In 2011, we announced our support for Dr. Brian Day's constitutional challenge against BC's Medicare Protection Act. Dr. Day is arguing for putting the power of choice in health care back into the hands of patients. In 2012, a BC government audit found that the Cambie facility was non-compliant with the monopoly government restrictions on health care in BC; a fact that Brian Day has publicly acknowledged previously on numerous occasions. The government brought an injunction to have Cambie shut down, but then chose not to pursue the motion in court. The CCF continues to work with Dr. Day to ensure his constitutional challenge is heard. A trial date is scheduled for January 2014.

R. v. Michael Schmidt

Ontario dairy farmer Michael Schmidt (right) faced a setback in 2011 when Justice Tetley of the Ontario Court of Justice reversed his previous acquittal from 2010. Michael was charged under the laws that ban the sale of raw (unpasteurized) milk after he set-up a "cow share" arrangement at the request of his customers. Michael was fined over \$11,000 as a result of the reversal. Michael sought leave to appeal this decision to the Ontario Court of Appeal. Leave for appeal was granted in July 2012. A court date for the appeal hearing has not yet been set, but the CCF continues to work on this case to advance the economic "freedom to contract" of Ontarians.



McCreith & Holmes v. Ontario

We continue our work on the McCreith-Holmes court challenge to Ontario's health care laws that make it illegal for Ontarians to spend their own after-tax dollars on private health insurance for essential medical services. We have finalized a number of expert witness affidavits as we gear up for trial to fight for the healthcare rights of Ontarians, and ultimately, all Canadians.

Jones v. Min. of Agriculture and Agri-Food

Shepherd Montana Jones (right), a breeder of rare Shropshire sheep, was told by the Canadian Food Inspection Agency (CFIA) that they would destroy over 40 of her apparently healthy sheep—including 20 pregnant ewes—in April, 2012. Despite the CCF's efforts, the CFIA came to destroy the sheep as promised. When the CFIA arrived, they discovered Montana's sheep had been stolen. The CFIA eventually recovered and destroyed Montana's sheep (all of which proved to be healthy animals). Now the CFIA is pursuing charges of conspiracy against Montana for allegedly helping "hide" her sheep from the government's inspectors. The CCF is still involved.



Freedom's Defence Team in the court of public opinion

The CCF seeks to foster a deeper respect and appreciation for constitutional freedom in Canadian public life. Armed with the information we provide, individual Canadians will know better when their freedoms are being encroached upon by government. We engage public opinion through the media, as well as through our other education initiatives, such as public speaking events and blogging.

19 radio interviews **22** TV appearances **70** articles published **685** media hits

62% more media hits than 2011 **1,671** reached through social media

10,592 views of CCF videos on YouTube **18,905** posts read on the CCF blog

9 public speaking events

CCF Executive Director Chris Schafer with Sun TV's Ezra Levant. CCF staff made several appearances on Sun TV, as well as other networks like CBC and CTV, to discuss important issues like freedom of expression and "conflicting" rights.



The CCF celebrates **Constitution Day**

In March, we launched "Constitution Day" to commemorate the Royal Assent of both the British North America Act of 1867 and the Constitution Act, 1982. As part of the celebration we launched www.constitutionday.ca (pictured here), a website geared towards educating Canadians about Canada's founding documents. The website features a plethora of educational materials regarding our constitution.

Then, in April, we launched www.originaldocuments.ca. A much more technical website, the Original Documents project makes available digital copies of many of the original documents from the formation of the constitution. Original Documents archives much of the material related to the Constitution (thousands of documents) and makes it readily available for legal scholars, lawyers, judges, and law students.



Financial summary for our fiscal year ending March 31, 2013*

Revenue

Charitable Donations	\$667,477
Interest Income	\$2,525
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Total	\$670,002

Expenses

Staff Salaries	\$377,897
Administration	\$124,706
Litigation/Education	\$253,191
Litigation Projects	\$135,308
Education Projects	\$67,049
Administration	\$10,574
Contingency	\$79,174
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Total	\$670,002

*This table uses unaudited financial data. Audited financials will be available later in the year.

Thank You to all the members of Freedom's Defence Team!

The Canadian Constitution Foundation would like to thank all of our donors for their generous contributions in 2012. Your support helps us defend the freedom of Canadians in the courtroom and the court of public opinion. On behalf of the CCF, our staff, our directors, our advisory board, and most importantly, our clients, thank you very much for your ongoing generosity, motivation and support.

The following individuals and organizations made a significant contribution to the work of the CCF in 2012 by donating \$1,000 or more. We wish to recognize their support for Freedom's Defence Team.

The Gwyn Morgan and Patricia Trottier Foundation • The W. Garfield Weston Foundation
Lotte & John Hecht Memorial Foundation • Pirie Foundation • Donner Canadian Foundation
Aurea Foundation • Medcan Health Management Inc. • thetubestore Inc. • Dr. Douglas Mark
Dr. Howard and Bonnie Black • Prof. Kenneth Hilborn • A. R. Deane Nesbitt • Karen Selick
Dr. Moin A. Yahya • Mark Mitchell • Claus Jensen • Lisa La Horey • Andy Crooks • Bill Gladu
and 16 anonymous donors

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