

# Canadian Constitution Foundation



**2010 Annual Report**

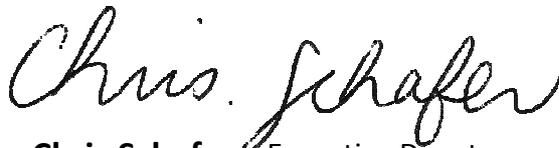
# a message from our directors

2010 was an important year for the Canadian Constitution Foundation. After five energetic years, John Carpay left to pursue other endeavours and we wish him well. John joined the CCF in 2005 to build on the direction and vision established in 1999 by our founding directors.

While organizational change, especially at the top, is always challenging, we were most fortunate to welcome Chris Schafer as Executive Director in September. Chris was formerly a lawyer at the national law firm Gowling Lafleur Henderson LLP and has been a familiar face on our board of directors for the past five years. Chris did not delay in introducing several fresh ideas which are already bringing benefits to the issues we champion.

We learned a lot in 2010 and now 2011 has brought new and urgent work for Freedom's Defence Team as Canadians afflicted by damaging laws and overreaching government turn to us for help. We plan to be there for them.

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**Chris Schafer** Executive Director



**Mark Mitchell** Chairman



**We respect the Canadian Constitution Foundation a great deal, they have wonderful lawyers...**

Peter Jaworski, CCF supporter and client

**I believe the CCF represents the best of what Canada stands for in protecting citizens in their relations with government and the law.**

Ehor Boyanowski, CCF Advisory Board Member

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**freedom's defence team**

The **Canadian Constitution Foundation** is Canada's leading charitable organization defending freedom in Canada's Courtrooms. 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 constitutional freedoms through our education and awareness programs.

# the Canadian Constitution Foundation

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## our mission

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

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## our vision

We at the Canadian Constitution envision a Canada where:

- Every Canadian is equal before the law, and is 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.

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## our litigation priorities

Through our education and litigation programs, the Canadian Constitution Foundation supports:

**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*.

**Economic Liberty**—the right to earn a living, and to own and enjoy property, as a part of the *Charter* section 7 right to “life, liberty and security of the person.”

**Equality before the law**—*Charter* section 15 should mean equal freedom and equal opportunities for all Canadians, special privileges for none.

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## our guiding principals

**Frugality:** we always strive to expend our resources in the most effective manner possible.

**Political neutrality:** The Canadian Constitution Foundation is a non-partisan organization with no ties to any political organization.

**Honesty:** We subscribe to the highest level of probity and sincerity in our words and actions.

**Competence:** We strive to carry out our work at the highest professional standard.

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## our board of directors

**Christopher Schafer**, executive director, Canadian Constitution Foundation

**Dr. Glenn Fox**, professor, Department of Food, Agricultural and Resource Economics, University of Guelph

**Claus Jensen**, retired businessman, West Vancouver

**Will Johnston**, MD, family physician, Vancouver

**Lisa La Horey**, partner, McCague Peacock Borlack McInnis & Lloyd LLP

**Mark Mitchell** (Chair), president, Reliant Capital Limited

**Paul Einarsson**, Calgary businessman

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## our advisory board

**Avril Allen**, associate, Boghosian + Associates Professional Corporation

**Dr. Thomas Bateman**, professor of Political Science, St. Thomas University

**Dr. Ehor Boyanowsky**, professor of Criminology, Simon Fraser University

**Russel Brown**, professor of law, University of Alberta

**Andrew Coyne**, national editor, Maclean's Magazine

**Andy Crooks**, Calgary lawyer and businessman

**Michel Kelly-Gagnon**, president, Montréal Economic Institute

**Dr. Rainer Knopff**, University of Calgary Political Science professor.

**Bruce Pardy**, Queens University Law professor

# the voice of freedom in the courtroom

Litigating for freedom is the front-line work of the CCF. Our lawyers are always working hard to represent our clients and advocate on their behalf. By litigating in defence of individual freedom, economic liberty and equality before the law, we hope to influence the development of the law towards a greater respect for these fundamental freedoms. Here is a summary of the litigation work that took place in 2010.

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## **Chief Mountain v. Canada**

Challenging the unconstitutional “third order” of government created by the Nisga’a Final Agreement. Chief Mountain, Mercy Thomas and their fellow plaintiffs were finally given their chance to present their arguments with their CCF lawyer starting in October 2010. The trial continued in January of 2011 and concluded this March.

## **Whatcott v. Saskatchewan Human Rights Tribunal**

In February 2010, the Saskatchewan Court of Appeal released its verdict overturning the Tribunal decision that ordered Bill Whatcott to pay over \$17,500 to four complainants offended by flyers he had distributed. The Tribunal has been granted leave to appeal this case to the Supreme Court of Canada, and the CCF is preparing to apply to intervene in defence of freedom of speech.

## **Irin Leroux v. Canada Revenue Agency (CRA)**

Irvin Leroux was left financially ruined after the CRA audited his business and then ‘accidentally’ destroyed the documents he would have needed to absolve himself from the heavy taxes and penalties they said he owed. Irvin Leroux is suing the CRA in an attempt to recover his lost livelihood. In July 2010, the CCF helped Irvin Leroux win a motion by the CRA that would have seen his case stopped dead in its tracks. The CCF is continuing to work

with Irvin Leroux as this case proceeds to trial. A victory in this case will send a strong message to the CRA and its employees that misconduct will not be tolerated by Canadians.

### **McCreith and Holmes v. Ontario**

The CCF continues to work with these two brave clients to expand the Supreme Court of Canada “Chaoulli” decision to Ontario. We are also looking at getting involved in similar cases in other parts of the country. It is our goal to see a future where the courts and the government recognize that access to a wait-list is not access to health care, and that if the public system isn’t up to task, Canadians need access to alternatives within Canada.

### **R. v. Michael Schmidt**

Ontario dairy farmer Michael Schmidt set up a cow-share arrangement to provide raw (unpasteurized) milk to his customers. He was then charged for selling these products under Ontario’s mandatory pasteurization laws. But in January 2010, Michael Schmidt was acquitted on all charges. The Ontario government has since appealed this decision. The CCF is working to defend consumer choice in an appeal set for April 2011.

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## **The CCF continues to take on new challenges in defence of freedom**

### **Galganov/Brisson v. Township of Russell**

The CCF is challenging the constitutionality of a town bylaw that requires all new commercial signage to be bilingual (in English and French only) on the grounds it violates freedom of expression.

### **Jaworski v. Municipality of Clarington**

An Ontario family was charged with a bylaw infraction by a bylaw officer for hosting an annual not-for-profit educational seminar on their property. The CCF defended their freedom of peaceful assembly and won.

# educating Canadians about freedom

We at the Canadian Constitution Foundation know that education is the first step towards a greater respect for freedom in our country. We accomplish this goal through media publications and interviews, academic studies, and our CCF Student Chapters. The following statistics provide a snap-shot of our 2010 education work.

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**2** full length research papers published on the CCF Website

Is "Inherent Aboriginal Self-Government" Constitutional?  
By Jeffrey Rustand

Property Rights: The Right that Dares not Speak its Name  
By Karen Selick

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**48** publications in local and national media

**54** radio, print and TV interviews conducted by CCF staff

**9** events where CCF a staff member spoke as a panellist or guest speaker

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**6** active student chapters at Canadian law schools

**4** student events hosted

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**As a founding member of the Canadian Constitution Foundation, I am delighted to see its growth. Freedom can ebb away when good people do nothing – the Foundation is a vehicle to ensure that good people are equipped to enjoy our freedoms, and to protect them.**

**John Weston, Member of Parliament**

**The work of the CCF is so critical to our democracy in Canada to ensure constitutional issues are monitored and protected by someone, and that justice is not denied on constitutional issues for lack of resources.**

**Paul Einarsson, CCF Director and supporter**

# want to help protect our constitutional freedoms? roll up your sleeves

By Karen Selick

This article appeared in the Vancouver Sun on July 6, 2010

One year ago, I left my private law practice to become the litigation director for the Canadian Constitution Foundation. Apart from using the same initials – CCF – my employer bears no resemblance to the defunct Western socialist political party of the 1930s.

The mission of today's CCF is to protect various constitutional freedoms of Canadians, as well as the freedoms to earn a living and to own property. Part of my job is reviewing potential cases for CCF involvement. This makes me a lightning rod for complaints from disgruntled citizens.

Here are some trends I've observed during this first year on the job:

- There are many Canadians living with chronic pain or disability who would be happy to spend their own money on medical treatment, but who are forbidden from doing so because of the government's iron grip on health care.

Multiple sclerosis patients have propelled this issue into the headlines in recent weeks, leaving in droves for Poland, India, Italy, Kuwait and other places where hospitals are – gasp! – permitted to exchange services for money, just like any other sector of the economy.

But long waiting lists remain for many other procedures in Canada that don't make the headlines. Even routine diagnostic procedures such as MRI scans –

something people can purchase on a day's notice abroad – take months to get "for free" in Canada.

The hidden costs of medicare – the income lost by people too ill to work, the pain suffered by those who wait unnecessarily – never figure into the calculations of those who pronounce Canada's system superior and sacrosanct.

- Canada is riddled with vast armies of bureaucrats who rove through the country inspecting everyone and everything in a busybody, interventionist society reminiscent of Soviet Russia.

Hairdressers, butchers, shopkeepers, farmers, manufacturers, bed and

breakfast operators and many others bear the brunt of regulations that do little to enhance genuine health or safety but much to expand the empires of bureaucrats and unions.

Small operators often can't afford to comply with new regulations, and abandon the field to large corporations, while consumers mourn the loss of variety, artisanal quality and personalized service.

In the past 15 years, for instance, Ontario has driven out of business some 85 per cent of the 900 firms formerly processing meat and poultry.

- I've heard from several people whose homes have been invaded by police or other regulatory officers in a manner that seems wildly disproportionate to the nature of their alleged offence.

It's almost as if the authorities have spent a lot of time and resources pre-

paring SWAT teams for action, and are determined to get their money's worth from them no matter how inappropriate their deployment might be.

Once inside someone's home, officers seem to simply make up their own rules as they go along, telling householders that (for instance) they are forbidden to videotape the proceedings as their homes are torn apart, or to take photographs or audio recordings. Is this actually the law, the victims wonder?

- Despite the existing maze of laws and regulations, Parliament and the provincial legislatures pump out one new law after another, always eager to be seen doing "the nation's business."

The sheer volume of new law makes it impossible for any individual legislator to have a thorough grasp of current bills or their long-term implications.

Ontario has been so busy revamping laws that one recently got repealed by subsequent legislation before it had even been proclaimed in force.

Watchdog groups like the CCF can't keep up with this flood and can only target the worst as they go hurtling by.

- It's tough for citizens to find a lawyer willing to take on the challenge of opposing the government on anything, especially in Ottawa or provincial capitals.

Almost every large law firm already does business with the government in some capacity or other, and fears shutting off that reliable spigot of fees because of either real or perceived conflicts of interest.

One thing seems certain to me after this first year: the CCF has its work cut out for it for many years to come.

# financial statements

as of March 31	2010	2009
<b>assets</b>		
<b>current assets</b>		
cash and equivalents	\$ 486,768	\$ 604,543
accounts receivable	15,706	18,250
prepaid expenses	8,891	6,592
	511,365	629,385
<b>capital Assets</b>	18,835	10,682
	<b>\$ 530,200</b>	<b>\$ 640,067</b>
<b>liabilities and net assets</b>		
<b>current liabilities</b>		
accounts payable	\$ 25,584	\$ 8,677
deferred income	131,250	131,250
	156,834	139,927
<b>net assets</b>		
investment in capital assets	18,835	10,682
restricted net assets	133,890	132,564
unrestricted net assets	220,641	356,894
	373,366	500,140
	<b>\$ 530,200</b>	<b>\$ 640,067</b>

Excerpted from financial statements audited by Kam Laraway Professional Corporation. A complete set of audited financial statements can be made available upon request.

## statement of operations

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<b>year ended march 31</b>	<b>2010</b>	<b>2009</b>
<b>revenue</b>		
tax receipted donations	\$ 1,034,601	\$ 881,909
interest income	12,699	20,444
conference registrations	10,860	5,150
	<b>\$ 1,058,160</b>	<b>\$ 907,503</b>
<b>expenses</b>		
charitable projects	\$ 854,479	\$ 583,835
personnel costs	211,297	110,366
office and administration	119,158	51,949
	<b>\$ 1,184,934</b>	<b>\$ 746,150</b>
<b>excess (deficiency) of revenue over expenses</b>	<b>\$ (126,774)</b>	<b>\$ 161,353</b>

# thank you

**you are the most  
important part of  
freedom's defence  
team.**

We at the Canadian Constitution Foundation would like to take this opportunity to thank all of our donors for their generous contributions throughout 2010. Your support gives us the strength to litigate on behalf of Canadians and their freedoms. On behalf of the CCF, our staff, our directors and our clients, thank you very much for your generosity, motivation and support.

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The following individuals and organizations made a significant contribution to the work of the CCF in 2010 by donating \$1,000 or more. We wish to recognize their support for Freedom's Defence Team.

Lotte & John Hecht Memorial Foundation

Mark Mitchell

The W. Garfield Weston Foundation

Karen Selick

Raw Milk Legal Defence Fund in Trust  
(Glencolton cowshare members and friends)

Paul Einarsson

Dr. Will Johnston

Pirie Foundation

Dr. Gyl Midroni

**and 19 anonymous donors**

**I am grateful for the tireless contributions of our staff, volunteers, advisory board, student chapters, and donors, both big and small. They are the reason we've come as far as we have these past few years. I am proud to work with such a robust group of freedom loving Canadians.**

**Adam Revay, CCF Operations Director**

**We support the Canadian Constitution Foundation because they don't believe in sacrificing the principles of individual freedom for the sake of the politically correct.**

**Pirie Foundation**



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