

## Pages 122–123, Looking Back

2. Using your knowledge of the *Charter*, indicate whether the following statements are true or false. Correct any statements you identify as false.

a) **Section 2(a) of the *Charter* gives freedom of religion to everyone. A person who belongs to a religious group that allows its members to have more than one spouse is entitled to marry more than one person.**

False: The *Charter* gives freedom of religion to everyone within reasonable limits. Polygamy, at present, is a violation of the *Criminal Code of Canada* and is, therefore, a reasonable limit.

b) **Section 2(b) of the *Charter* guarantees freedom of the press. Therefore, a newspaper in Canada can print anything it likes.**

False: Freedom of the press has limits. For example, newspapers cannot promote hatred against an identifiable group.

c) **You cannot be tried for the same crime twice.**

True

d) **If the Supreme Court of Canada determines that prohibiting inmates in a provincial jail from running for public office is a violation of the *Charter*, the government can still override that decision.**

False: The notwithstanding clause cannot be invoked for legal rights issues.

e) **Eric, who is 16, was denied the opportunity to apply for a job with the police force until he turned 18. Eric claims his right of protection from discrimination is infringed because of this age restriction.**

False: Requiring applicants to be 18 years of age when applying to the police force is a reasonable limitation.

3. Consult the *Charter* to determine whether the following situations would be considered reasonable or unreasonable search or seizure. Explain your answers.

a) **A person is strip searched coming through customs into Canada.**

The search may be allowed if customs had reasonable grounds to believe the individual was trying to smuggle an illegal substance into the country.

b) **Visitors to federal penitentiaries are searched for drugs or weapons before being allowed to visit with inmates.**

This practice would likely be reasonable because the staff must ensure that the penitentiary is safe and secure for all inmates and staff.

- c) **During a spot check, police stop a car. The police officer smells marijuana, so the police ask to search the car. They find a weapon in the car.**

If police have good reason to search the car the search may be considered reasonable. However, police are not allowed to use the RIDE program to go on "fishing expeditions" based on the driver's physical characteristics such as race or clothing.

4. **Examine the following situations, which are based on actual cases. In each situation, the defendants argue that one of their fundamental freedoms as defined in the *Canadian Charter of Rights and Freedoms* has been denied. Explain which *Charter* right each defendant feels has been violated. Using your knowledge of the *Charter*, write an opinion with reasons on whether you believe these defendants would be successful in their challenge.**

- a) **Kristin belongs to a religious group called the Utopians. Some of their religious ceremonies include dancing naked in the woods at midnight, sacrificing animals (such as goats or chickens), and smoking marijuana. Police have charged Kristin and her fellow Utopians with indecent exposure, cruelty to animals, and possession of marijuana. Kristin claims that her rights under the *Charter* have been violated.**

Section 2(a) Freedom of Conscience and Religion. The defendants would not likely succeed in their challenge because smoking marijuana, public nudity, and cruelty to animals fall under the *Criminal Code*.

- b) **Garth is a member of an organization opposed to the government of China. When the Chinese prime minister came to Canada as the guest of the Canadian government, Garth organized a protest. Garth and 20 of his supporters chained themselves to the gates of the Chinese Embassy, blocking the car that was driving the prime minister to Parliament. No one was injured, but Garth and his followers were arrested for causing a disturbance. Garth says his rights under the *Charter* have been violated.**

Section 2 (c) Freedom of Peaceful Assembly. In this case it would depend on what is a reasonable limit to this right. Lying down to block the car might be considered unreasonable as it would be considered a security risk. The fact that no one was injured might be looked at favourably, but the court may still rule against them.

- c) **The *British Columbia Herald* published a cartoon of the prime minister, depicting him as a spider plucking off the heads of members of the public. The cartoon implied that the prime minister had lured British Columbians into his web and was now taking all their money for one of his own enterprises. The prime minister sued. The newspaper is arguing a *Charter* right.**

Section 2 (b) Freedom of the Press. As a political figure, the press would have more leeway in satirizing him that they would in satirizing a private citizen. It is unlikely the prime minister would be successful—political cartoons are a regular feature in newspapers and political figures should expect to be satirized in this manner.