

CANADIAN
CIVIL LIBERTIES
ASSOCIATION



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CANADIENNE DES
LIBERTES CIVILES

Learning Unit on Civil Liberties in pre-Charter

Canada: Student Worksheet

Discussion Questions

1. During the Gouzenko Affair, the Royal Commission on Espionage disregarded due process, denying suspected Soviet spies the right to counsel, the right to a fair trial, the right to be free from arbitrary and prolonged detention, the right to habeas corpus, and the right to the presumption of innocence. These rights form the basis of Canada's criminal justice system and are guaranteed to anyone accused of a crime. Do you think when there is a potential threat to national security that it is reasonable to deny these rights to accused persons? Or do you think these rights should be given to anyone who is accused, regardless of the nature of the crime? Provide arguments for your opinion.
2. Why do you think the government placed such significant restrictions on freedom of expression and freedom of the press during the October Crisis?
 - a. What are the potential harms of governments placing restrictions on what can be reported in the press or taught in schools and universities?
 - b. What other historical examples can you identify of governments suppressing unpopular points of view or criticism of government policies? What were the benefits or harms of this censorship?
 - c. Do you think limits on freedom of the press and expression were justified during the October Crisis? Conduct CCLA's [Acorn Test](#) to provide arguments in support of your opinion.

3. The Toronto Bathhouse raids represent a tipping point in the history of gay rights in Canada, awakening the Canadian public to the targeted policing and harassment faced by the LGBTQ2S+ community and uniting thousands in protest against discriminatory police practices. Identify one other critical point in Canadian history which sparked mass protests and increased public awareness about injustice faced by a minority group in Canada.

4. With the entrenchment of the Canadian Charter of Rights and Freedoms, Canada moved from a system of Parliamentary Supremacy to one of Constitutional Supremacy. This change created opportunities for laws -- which are passed by our elected representatives -- to be challenged in court and overturned by judges if they are deemed to be unconstitutional. Do you think judges, who are appointed and not elected, should have the power to overturn laws passed by our elected representatives? Why or why not?

