



Justice Centre
for Constitutional Freedoms

November 29, 2021

David M. Cherry
1312 Hammond St
Burlington ON L7S 2C2

Dear David M. Cherry

Imagine getting turned away from your favourite restaurant, or denied permission to board a flight to visit your children over the holidays, because your vaccine papers are not in order. This is what Canada has become.

Thanks to the Trudeau government, and the governments of Ontario, Alberta, BC, Quebec, Manitoba and other provinces, vaccine passports are now needed to go out for dinner, travel by train or plane, see a show, work out at a gym, attend a sporting event, assist your young child or grandchild in a change-room, or do anything else that politicians deem to be “non-essential.”

You get what you tolerate.

So long as Canadians continue to tolerate our federal, provincial and municipal governments trampling on our *Charter* freedoms, governments will continue to run roughshod over them with their knee-jerk policies.

Canadians have already tolerated enough violations against their basic freedoms including curfews, mask mandates, the banning of family gatherings, the closing of businesses and churches, and so on.

Vaccine passports effectively force people to get vaccinated.

Vaccine passports create an official two-tier society where the unpopular minority of unvaccinated Canadians are stigmatized, ostracized, vilified, and prevented from participating in society as equal citizens with equal dignity.

Your body belongs to you, not to the government.

Vaccine passports violate bodily autonomy, protected by the *Charter*. In a free country, citizens should be able to choose whether to receive a particular medical intervention or not, without the risk of losing their jobs, or their rights and freedoms.

Israel is one of the most vaccinated countries on earth, yet has large numbers of Covid cases, in spite of 80% of its adults being vaccinated. Most Israelis have already received three shots, without which their vaccine passports are not valid. Israel's coronavirus czar, Salman Zarka, has actually called for the country to prepare for a *fourth* (yes, fourth!) vaccine dose.

In future, how many shots will it take to be "fully" vaccinated in Canada?

One thing that seems clear now, from Canada and from countries around the globe, is that Covid and its variants spread amongst all people, regardless of whether the population is vaccinated or not.

The Covid vaccines themselves do not purport to prevent transmission, but rather to reduce the incidence of severe illness. The Food and Drug Administration (FDA) admits that "the scientific community does not yet know if the Pfizer-BioNTech COVID-19 Vaccine will reduce such transmission."

The vaccine manufacturers themselves have not promised that the Covid shot will stop the spread of Covid, or that the shot will prevent people from getting Covid. The manufacturers promise only that vaccine recipients will get less sick if they catch Covid.

The Covid shots are new, and clinical trials will not be complete until 2023. The new vaccines have not been subjected to any long-term safety testing in people. As such, the Covid shots are experimental. Nobody can say for sure at this point what their long-term effects on people will be.

Some people have experienced serious adverse reactions to the Covid shots, including death. As it stands, each of the vaccines contain warnings from Health Canada about pericarditis, myocarditis, and thrombosis, all of them serious conditions, as well as Bell's Palsy.

It is reasonable and understandable if someone chooses not to get vaccinated. The individual should ultimately decide what's best for their own health, not the government.

Further, since this new vaccine does not prevent the spread of Covid, no Canadian should suffer a loss of rights or freedoms on account of a personal medical decision. It is unthinkable that any government would actually require these experimental injections as a condition of full participation in society.

Norway and Singapore have recently decided to learn to live with Covid. They have rejected vaccine passports and various lockdown measures in favour of beefing up their health care systems to handle the spread.

There is no justification for the government's heavy-handed coercion.

The vast majority of Canadians have voluntarily chosen to get vaccinated. At last count, just over 73% of all Canadians have had two shots, and 84% of Canadians ages 12-and-over have had two shots. It's not at all clear that coercing the remainder of the population to get vaccinated will do much good.

The recent Centre for Disease Control (CDC) study on an outbreak in Provincetown, Massachusetts, where 95% of the residents had been fully vaccinated, is illuminating. Of the more than 900 Covid cases, three quarters were among fully vaccinated people. Four fifths of those hospitalized were fully vaccinated.

If herd immunity has not been reached in places where 70% or 80% or 95% of the eligible population has been vaccinated, it likely won't be reached at 100% either.

Further, governments are also overlooking the natural protection by individuals who previously had Covid. Again, Israeli data shows that previously infected, unvaccinated individuals have six to 13 times more protection than fully vaccinated people who did not have Covid previously.

Canadians who have already had Covid (and have natural immunity) should be exempted from requiring a vaccine passport. Yet governments in Canada refuse to "follow the science" and allow even this reasonable exemption.

Coercion by government will make people more mistrustful of the vaccines and the government, not less so. Before he flip-flopped on the issue, Ontario Premier Doug Ford was right when he said that a vaccine passport would "split society." It has. And needlessly so.

The *Canadian Charter of Rights and Freedoms* is a tool to hold government accountable. But it only works if we use it.

The Justice Centre has taken Ontario to court over vaccine passports. We will sue Alberta Health Services over its threat to fire employees who refuse to take the vaccines. We are actively preparing additional court actions against the governments of Saskatchewan, BC and other provinces for imposing vaccine mandates. We will continue our existing court action against the Trudeau government over its unscientific travel restrictions.

We will force the politicians to produce in court the scientific evidence that supposedly justifies these violations of our *Charter* rights and freedoms.

But here's the thing. Governments have unlimited funds to fight in court. A non-profit charitable organization like the Justice Centre does not.

To defend Canadians' freedoms from being violated by governments, we rely entirely on the voluntary generosity of Canadians. The more funding we receive, the more staff lawyers we can hire, the more we can fight for your freedoms. It's that simple.

Would you consider supporting our legal challenges to vaccine passports with a contribution of \$200.00, \$400.00, or even \$600.00, that will be eligible for a tax receipt?

You can donate by cheque, credit card, online at www.jccf.ca, or e-transfer sent to admin@jccf.ca.

Our team of experienced constitutional lawyers, and all of the Justice Centre's staff, are deeply committed to fighting for the basic human rights and constitutional freedoms of Canadians. We are not influenced by politicians. We do not receive government funding. And we have not applied for or accepted any pandemic-related government subsidies.

Our court actions draw on world-class medical experts to put scientific evidence before the courts, to challenge the government's violations of our *Charter* rights and freedoms. Your support makes it possible for us to defend the free society, at a time when our rights and freedoms are more threatened than ever before.

With an 11-year history of fighting for the constitutional freedoms of Canadians, we have achieved many successes against oppressive governments and against governmental entities like universities. Check out www.JCCF.ca.

Together, we can show our governments that we are not willing to tolerate these violations of our freedom.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Carpay', with a long horizontal stroke extending to the right.

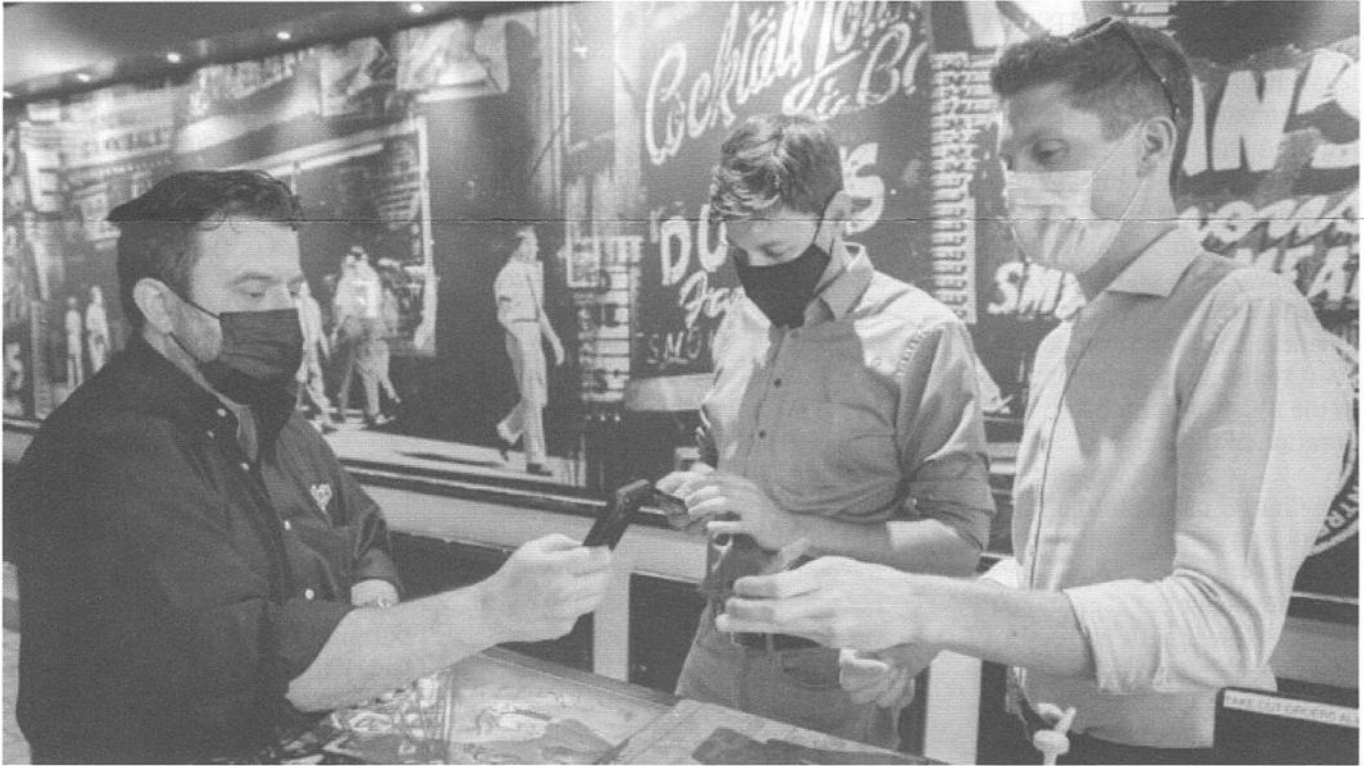
John Carpay, B.A., LL.B.
President

PS: Defending Canadians' fundamental freedoms from divisive and harmful vaccine passports is a fight we must win. Please show your support today.

THE EPOCH TIMES

Mandatory Vaccination Policies Disregard Canadians' Constitutional Rights

Marty Moore | September 6, 2021



A customer's COVID-19 QR code is scanned at a restaurant in Montreal on Sept. 1, 2021, as the Quebec government's COVID-19 vaccine passport comes into effect. (The Canadian Press/Graham Hughes)

Provinces across Canada have now announced that only the vaccinated can participate in basic aspects of society, like dining at a restaurant, going to a gym, playing a team sport, or attending a wedding. Governments in Quebec, Ontario, Manitoba, and British Columbia have set aside decades of legal protections for personal and bodily autonomy and are now imposing discriminatory, scientifically dubious, and morally problematic mandates.

Mandatory vaccination policies are abrupt departures from recent

promises to protect Charter rights and freedoms.

We were assured by B.C. Chief Medical Officer Dr. Bonnie Henry in May that "it would not be my advice that we have any sort of vaccine passport within British Columbia." Just three months later, Dr. Henry ordered vaccine passports for basic activities, and is also not permitting any exemptions. This is contrary to B.C. human rights laws that individuals with medical conditions and religious beliefs be accommodated.

It was only in July that Ontario Premier Doug Ford acknowledged the discriminatory effects a vaccine passport would have on society, promising: "We're not going to do it. We're not going to have a split society." Ford had also stated he would not make vaccinations mandatory for health-care workers and that such a mandate would be a violation of the Constitution.

Most opposition politicians are no different when it comes to standing up for basic constitutional rights. Regarding

mandatory vaccination, Ontario's NDP opposition leader Andrea Horwath stated on Aug. 4 that she didn't "take lightly people's Charter rights," but completely backtracked the very next day.

B.C. Premier John Horgan can add his name to the long list of politicians who disregard human rights and constitutional freedoms in order to pander to the perceived majority view. When asked about legal challenges to his government's vaccination requirement, Horgan's response was that "British Columbians in the majority are very much supportive of this." The same could have been said in 1942 about the forcible eviction of Japanese Canadians from the B.C. coast to live in internment camps in the B.C. Interior for the duration of the war.

The Charter of Rights and Freedoms protects Canadians' personal autonomy and bodily integrity under the Section 7 rights to life, liberty, and security of the person. In Canada's free and democratic society, it's up to the government to justify any infringement of your right to control to your own body, and the government must provide compelling evidence in court.

To justify B.C.'s mandatory vaccine requirement, Horgan broadly claims that "[v]accines are our ticket to putting this pandemic behind us." Likewise, Ford claims: "Based on the latest evidence and best advice, COVID-19 vaccine certificates give us the best chance to slow the spread of this virus while helping us to avoid further lockdowns." These simplistic statements ignore the realities of COVID as documented in recent studies.

For example, Israel is one of the

most vaccinated countries on earth, yet it currently has more COVID cases now than ever, in spite of 80 percent of the country's adults being vaccinated. Further, half of the serious COVID cases in hospital are among vaccinated people. Israel is imposing lockdown restrictions again, along with providing a third dose of the vaccine.

A recent study by the U.S. Centers for Disease Control and Prevention on an outbreak in Provincetown, Massachusetts, where 95 percent of the residents had been fully vaccinated, is illuminating. Of the more than 900 COVID cases, three-quarters were among fully vaccinated people. Four of the five people hospitalized were fully vaccinated. Perhaps most significantly, as reported by The Associated Press, "vaccinated people who got so-called breakthrough infections carried about the same amount of the coronavirus as those who did not get the shots," indicating that vaccinated and unvaccinated individuals are equally likely to transmit COVID to others.

Despite this, B.C.'s Dr. Henry attempts to justify vaccination requirement by claiming a higher risk of transmission from unvaccinated individuals. But the COVID vaccines themselves do not purport to prevent transmission, but rather to reduce the incidence of severe illness. It appears that Henry's statements are based on speculation and the hope that experimental mRNA "vaccines" will prevent transmission. Presently the U.S. Food and Drug Administration admits that "the scientific community does not yet know if the Pfizer-BioNTech COVID-19 Vaccine will reduce such transmission."

Governments are also overlooking

the superior protection enjoyed by individuals who previously had COVID. Again, Israeli data shows that previously infected unvaccinated individuals have 6 to 13 times more protection, with less risk of hospitalization, than those fully vaccinated who had not been previously infected.

Since it is indisputable that mandatory vaccination requirements infringe on Canadians' constitutional rights, our Charter will only permit it to be upheld if it is "demonstrably justified" by the evidence. Neither the broad and simplistic claims of government or the media-fuelled fear of a majority are evidence. Current scientific data undermines, rather than justifies, the imposition of mandatory vaccination.

Requiring COVID vaccination as a condition for participating in basic aspects of society is a profound violation of Canadians' human dignity and personal autonomy protected by our Charter. This is not the "free and democratic society" that the Charter envisions for Canada. In a free society, individuals can choose whether to receive a particular medical intervention or not.

As Canadians, we will need to fight to get our free society back.

Marty Moore is a staff lawyer with the Justice Centre for Constitutional Freedoms (www.jccf.ca). He has practiced law in the United States and across Canada.