

the democratic *Commitment*

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**BC Civil Liberties
Association**

*Protecting the freedoms of
British Columbians since 1963*

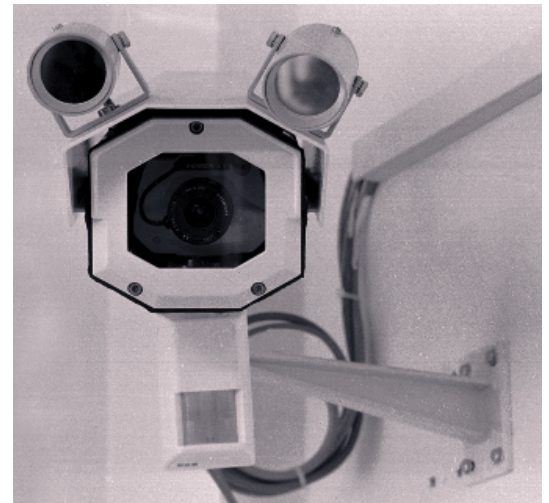
VIDEO SURVEILLANCE

Taking a Stand Against Spy Cameras in Schools

PROMPTED BY MULTIPLE school boards' decisions to adopt video surveillance policies, the Association quickly responded by formulating and issuing a formal policy. In addition, BCCLA Executive Director Murray Mollard, accompanied by new BCCLA board member and teacher John Kibblewhite, presented the Association's concerns to the Richmond School Board on May 5.

A week later new Policy Director Kirk Tousaw spoke with the West Vancouver School Board. The Boards were receptive to the concerns expressed by the Association.

Regular readers of these pages will remember that the Association took a strong position against the use of video cameras in Vancouver's downtown eastside. The Vancouver Police Department has again floated this idea recently. With opposition from the public, school boards across B.C. might think twice about subjecting their students to these invasions of their privacy. Take a moment and send a letter, an e-mail, or make a telephone call to your local board and urge them to consider alternatives other than using spy cameras – the result might just be that "Big Brother" won't be watching you, or your children!



MARK YOUR CALENDAR!

**An Evening with Beverley McLachlin,
Chief Justice of the Supreme Court
of Canada**

NOVEMBER 18, 2003 | The Chief Justice will speak about democracy, the rule of law and judicial activism. Tickets are free but seating is limited. Contact the BCCLA office to order yours today (604) 687-2919.

Highlights of the Policy— Reformatory or Academy?

We would like to urge school boards to recall the central mission of our public schools. As any school board well understands, aside from providing basic skills and knowledge to students, public schools have a central role in teaching the values of our free and democratic society and preparing students to become fully

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THE DEVILISH ADVOCATE / A message from our president



SFU Honours BCCLA President John Dixon

BCCLA President John Dixon was honoured in June at Simon Fraser University's annual convocation. Conferring the honorary degree of Doctor of Laws, SFU Chancellor Milton Wong recognized Mr. Dixon for his tireless efforts over the last 30 years in promoting freedom and democracy throughout B.C. and Canada. Congratulations John!

From the Convocation address by Dr. John Dixon to SFU graduates on June 4, 2003

THIS GREAT HONOUR is not, of course, meant for me. It is meant for the B.C. Civil Liberties Association, and I see myself as receiving the honorary degree in their name, and speaking for them.

Speaking for others makes me bolder than I could possibly be if I were standing before you as a mere individual. And I'm going to use my borrowed courage to retell a story that apparently embarrassed even the original teller, Socrates.

It is recounted in Plato's *Republic*, and is, I believe, the greatest of all convocation addresses in our tradition, rivaled only by Shakespeare's great poetic stream of advice to the young Laertes. Everyone will remember all of the Hamlet stuff about "neither a borrower nor a lender be", running up to the lofty "this above all – to thine own self be true."

Socrates' convocation address is a mythic tale – a yarn about a double birth. Socrates said that young adults should be told that their childhood and youth were really but a partial or dream existence, and when they thought they were being schooled, they were really being formed deep within the earth as they slept. Their educational preparation concluded, they

were finally called forth to the surface – prepared, graduated, awakened – as "brothers and sisters of the self-same earth."

The word *educate* comes from the Latin for *leading out*, and Socrates' notion of education was that our community leads us out of mere creatureliness into the self-possession of our truly human nature. Calling us together – invoking us – for our shared civil life.

Now, of course, like all myths, this is obviously false. But again, like all great myths, it is revelatory of an indispensable, hidden truth. We really do have a double birth, because we have a double nature. Humanity comes, not first, but second nature: a social gift.

On the other hand: when I was Laertes' age, a graduate living in Berkeley, California in the Sixties, we were much preoccupied with finding our own selves and being true to them. And we were certainly not inclined to find selves that had been spit out by

the educational system as good little knock-off Americans, or Californians, or, for that matter, British Columbians. We were a generation of individuals, all – as the song went – "beautiful in our own way."

And, I continue to think, we were mainly right. Nobody – priest, politician, or teacher – can do our thinking and living for us. And when we let them, we are false to our selves.

It takes incredible chutzpah to presume to tell you how to live lives that would be true to your selves. But as I admitted at the beginning, I have a large store of borrowed courage. And so I'll offer some closing advice about style and tone from Socrates.

Socrates said that we should tend to the faults and injustices and imperfections of our community as we would "bind up the wounds of a parent." That is, I think, a beautifully wise image of the critical, affectionate intelligence of a citizen: seeing it all for what it really is, no rose-coloured glasses, yet never forgetting that we are dealing with the very root of our selves. It is Socrates' recipe for civic virtue, or doing the right thing.

Doing the right thing isn't always easy, or even safe. Socrates was, it is necessary to remember, executed by the Athenians for his troubles. Or, perhaps I should say, he fell victim, in the last days of a corrupt democratic regime, to an unholy alliance of the rich with some religious fundamentalists. But I'm sure nothing like that could ever happen again.

Congratulations on your graduation! This is a great day for you when, as Laertes' father said to him, "the wind sits in the shoulder of your sail." How I envy you that! I wish you the very best luck in the enjoyment of it.

A handwritten signature in blue ink that reads "John Dixon". The signature is fluid and cursive, with a large initial "J" and "D".

JOHN DIXON, PRESIDENT

continued from page 1

engaged democratic citizens. Privacy is an important value in our society, as is the presumption of innocence (the vast majority of students will not engage in the behaviour that gives rise to the call for video surveillance). Public schools must not only teach these values to students but strive to reflect all democratic values in their own practices that impact students. Indeed, public schools are arguably one of the only heterogeneous, liberal-democratic institutions left in society where young people can develop and debate concepts about personal identity, friendship and community. School boards and society at large must be on guard against taking away the open society of the academy and replacing it with the closed society of the reformatory. Video surveillance tends in the latter direction rather than the former.

Privacy, Psychological Impact and Decision-Making

It is unquestionable that the cameras will view and record behaviour that is perfectly acceptable. Moreover, the cameras will view and record student behaviour that is, while not perfect, also not violent or destructive. Students will be recorded while talking to friends, holding hands with their romantic interests, and engaging in a wide variety of acceptable (but personal) behaviour. Some students will also not engage in acceptable, and normal, behaviour because they are being watched and recorded. These students lose something, and the BCCLA believes that they lose something important to their growth as individuals, and as citizens.

Without being melodramatic, there is something eerie about being watched by anonymous people, or cameras. There is something disconcerting about knowing that your activity is being monitored at all times. Being treated as a potential criminal, when you have done nothing to merit that treatment, impacts the psyche of any person. It is undisputed that the vast majority of students will not engage in the type of behaviour that gives rise to the

perceived need for video surveillance. Students, who are at important (and often turbulent) points in their development are particularly susceptible. Moreover, acclimatizing students to a system that devalues privacy and free choice – getting them used to being watched by authorities – negatively impacts their view of Canada as a free society. Schools should not be in the business of teaching students that the proverbial “Big Brother” is watching them.

One key element of responsible citizens is their capacity to make uncoerced decisions. Students are presented with many choices during their school lives. Some choose to act inappropriately (and, hopefully, learn from their mistakes). The majority make the right choices. But it is not

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simply making the right choice that is important. It is also morally relevant that people make the right choices for the right reasons – fear of being caught on tape is not a good reason to act correctly; the desire to act properly is. When cameras are watching, student decision-making will be affected by their presence. Some part of students’ decisions (however small or large) will be motivated by a desire to avoid being caught rather than doing the right thing for the right reasons. The impact of cameras, thus, is to reduce students’ capacity for maturation through responsible decision-making.

i To obtain a copy of the full text of our school video position, visit our web site at www.bccla.org/positions/privacy/O3schoolvideo.html.



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The Democratic Commitment is a publication of the British Columbia Civil Liberties Association. The Association was established in 1962, and is the oldest continuously active civil liberties association in Canada. Its mandate is to preserve, defend, maintain, and extend civil liberties and human rights in British Columbia and across Canada.

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Surrey School Board Finally Lifts Book Ban

AFTER MORE THAN SIX LONG YEARS and millions of dollars spent on legal fees, the Surrey School Board has finally approved two books that positively portray families with gay and lesbian parents. The first book, *Who's in a Family* by R. Skutch, is a general book about the diverse makeup of families and includes a couple of families with gay and lesbian parents. The second book, *ABC: A Family Alphabet Book* by B. Combs, was described in the *Globe & Mail* as a book showing children and adults taking part in usual family activities. All the families are headed by gay or lesbian parents.

This latest decision comes after the board had rejected the original three books that were submitted for approval six years ago. The Supreme Court of Canada had decided that these original books promoted tolerance in their December 2002 decision and made it clear to the Surrey board that books depicting same-sex parented families were

Needless to say, we at the BCCLA were skeptical of the school board's motives. In our press release after their June rejection of the original books, we called upon the Minister of Education, the Honourable Christie Clark, to simply approve the books as learning resources suitable for teaching the provincial curriculum on family diversity,

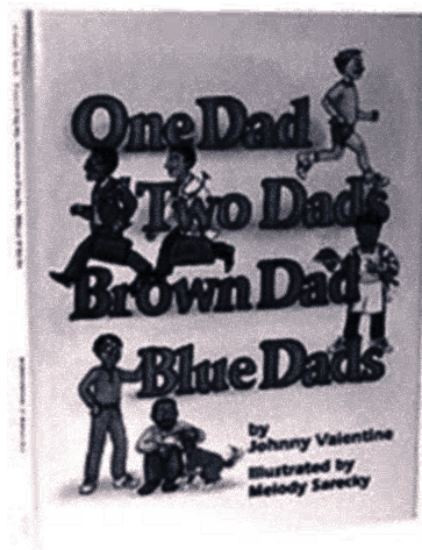
thus leaving it up to teachers to decide when and how to use any book in their classroom teaching. Given the fiscal irresponsibility the school board has demonstrated in fighting this losing cause, we had hoped that this might strike a chord with the Education Minister. Regrettably, the Minister declined our request out of hand leaving the BCCLA with no choice but to consider further legal action.

With this latest decision, we hope that this ends a long and sorry chapter about intoler-

ance in our public schools. However, the BCCLA may still need to grapple with the school board if it permits parents to excuse their children from classes on religious grounds when the approved books are used as learning resources. Stay tuned.

“One board member was quoted as saying that the book – *One Dad, Two Dads, Brown Dad, Blue Dads* – sent the wrong message to students since it discriminated against white dads.”

required in Surrey schools. In rejecting these original books in 2003, rather than relying on religious viewpoints of parents to sway their decision as they had back in 1996, the Board found that the storylines, style, grammar, punctuation and spelling were not up to snuff. One board member was quoted as saying that the book – *One Dad, Two Dads, Brown Dad, Blue Dads* – sent the wrong message to students since it discriminated against white dads.



PRIVACY

Province Introduces New Private Sector Privacy Legislation

EVER WORRY ABOUT GIVING OUT your bank account number, sensitive health information or being subject to an intrusive collection of your personal information? Bill 38, B.C.'s new privacy legislation for the private sector, the *Personal Information Protection Act*, is set to be passed in the fall of 2003. Despite criticisms by the now dethroned Privacy Commissioner of Canada, the BCCLA is supporting the legislation as a good effort to protect consumer and employee privacy.

The BCCLA played a major role in crafting the provisions of the legislation. The law is a made in B.C. response to the federal government's *Personal Information Protection and Electronic Documents Act*.

i To see BCCLA Executive Director Murray Mollard's rebuttal to former Commissioner Radwanski's criticisms of the law, visit the BCCLA web site at: www.bccla.org/othercontent/03vansunprivacy.html. To see Bill 38, visit: www.legis.gov.bc.ca/37th4th/1st_read/gov381.htm

SEXUAL FREEDOM

BCCLA Votes to Amend Criminal Code Sexual Morality Laws

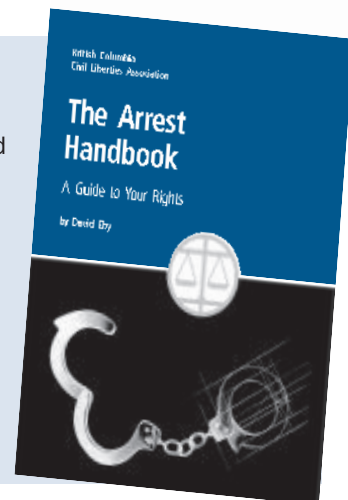
THE BCCLA BOARD OF DIRECTORS has joined calls to eliminate or substantially amend a variety of outdated *Criminal Code* laws that prohibit certain sexual practices on the basis of immorality. They include anal intercourse (s. 159), offences tending to corrupt morals (s. 163), immoral theatrical performance (s. 167), indecent act/exposure (s. 173), indecent exhibition (s. 175), and prohibitions against bawdy houses (s. 210). The BCCLA Board passed the following resolution at its June board meeting: "The BCCLA supports the

repeal or reformulation of sexual morality offences in the *Criminal Code* to enhance the individual autonomy of adults to engage in consensual sexual activity subject to the overriding public interest in not being exposed to such acts without consent."

While there may still be some circumstances in which sexual acts must be regulated by the law, the BCCLA believes that acts performed by consenting adults in private, even when viewed by other consenting adults, should not be subject to the criminal law.

The Arrest Handbook: Updated for 2003

As part of the BCCLA's ongoing public education mandate, the Association is proud to announce that the Arrest Handbook – last published in 1988 – has been extensively revised and updated for 2003. Written by David Eby, the handbook covers a range of essential topics like police powers of arrest, search and questioning and includes new material such as civil disobedience and anti-terrorism legislation. Funded by a grant from the Law Foundation of B.C., the new handbook will be published in English, Vietnamese, Arabic, and Spanish and will include a smaller pocketbook version. It will be available in early fall 2003. Both the Handbook and Pocketbook are free and can be obtained by contacting the BCCLA office.



BCCLA Celebrates 40 Years While Honouring Founders

MANY THANKS TO ALL THOSE who attended our gala 40th Anniversary bash on June 3 to honour the founding members of the B.C. Civil Liberties Association. Founders Bob Rowan, Bill Deverell and Michael Audain all reminisced about the early days of the Association, our struggles and successes. Tom Berger, Q.C. delivered a thought provoking talk about the landscape for civil liberties in our modern time. The Honourable Geoff Plant, Attorney General graciously thanked Tom for his insights. Finally, Judith Marcuse stood in for Susan Musgrave to recite her poem written for the event.

All in all, the evening was a big success in paying homage to those who had the vision to create the BCCLA so many years ago. We also managed to raise further funds to support the core programs of the Association.

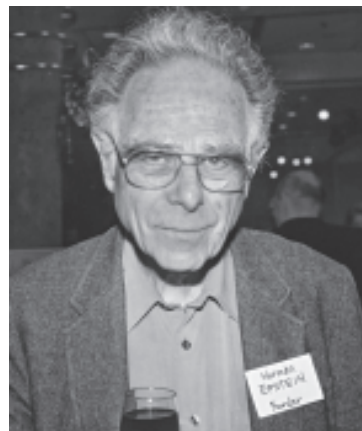
Our sincere appreciation to the many law firms and organizations who supported the event and to the volunteers who made it a reality. We can't wait for our 50th birthday party!"



FROM TOP LEFT: Keynote Speaker, Tom Berger, O.C., Q.C., BCCLA Founder William Deverell, Attorney General of B.C., The Honourable Geoff Plant, Dr. John Dixon, President of the BCCLA and in the centre, BCCLA Founder Robert Rowan.



Founder Gordon Dowding, Honourary Director Dave Barrett, and guest.



Founder Norman Epstein



Founders Monica Robson and Don Brown



Founder Elspeth Munro

OUR VERY BEST TO ALL OF THE FOUNDERS
Gordon H. Dowding, Norman Epstein, Philip Hewett, Terrence Ison, Norman Audain, Robert Rowan, and Sidney B. Simon



Founder Margaret Morgan



Founder Alex MacDonald



Honourary Director Gordon Gibson and founder Michael Audain

Thanks to the following supporters for making this event possible

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ATTENDEES WHO CAME OUT TO THE EVENT: Michael Audain, G. Donald Brown, Bill Deverell, Elspeth Munro Gardner, William Giesbrecht, Audrey E. Graham, Gowan T. Guest, Ian Levi, Alex MacDonald, Rosemary Manley, Margaret Morgan, Monica Robson, ...ns.

BCCLA TO INTERVENE IN THE CHRIS KEMPLING AFFAIR

Why is this Teacher's Speech Not Free?

FOR ANYONE FAMILIAR WITH FREE SPEECH AND SCHOOL KIDS, Jim Keegstra and Malcolm Ross are precedent setting names. Mr. Keegstra of course was the high school teacher in Alberta who decided to include anti-Semitic and Holocaust denial teachings as part of his high school curriculum. At the time, the BCCLA denounced the use of the *Criminal Code* against Mr. Keegstra but supported stripping him of his teaching duties. Mr. Ross was a New Brunswick teacher who, though not teaching his anti-Semitic views directly in the schools, was so notorious for his extracurricular utterances that the Supreme Court of Canada found that he had created a poisoned environment and thus was justifiably reprimanded.

Now comes Chris Kempling, a high school psychology teacher and student counselor in Quesnel, B.C. In 2002, a disciplinary panel of the B.C. College of Teachers decided that he is guilty of conduct unbecoming for public comments regarding gay people.

From 1997 to 2000, Mr. Kempling wrote many letters to the editor, published in the *Quesnel Cariboo*

Observer, which could be fairly characterized as anti-gay. In one letter to the editor, Mr. Kempling wrote: "The majority of religions consider this behaviour to be

The BCCLA Board has considered Mr. Kempling's case and determined that such statements, though not made in the school itself, raise serious doubt about Mr. Kempling's ability to treat gay, lesbian or questioning students without discrimination. Nor do they create the kind of safe environment for gay and lesbian students that schools are obligated to foster. School counselors, unlike math or biology teachers, should play a central role in ensuring a tolerant environment in schools. The need for a safe environment for gay youth is especially important given the continued homophobia in our schools and society in general and evidence of an elevated suicide rate among gay youth.

Mr. Kempling may claim that there is no evidence that he has actually discriminated against any student. But the more pertinent question is why would any gay, lesbian or questioning student seek the refuge of Mr. Kempling's office or his guidance when faced with a crisis or in need of help given his past comments?

While the BCCLA recognizes that it is important for citizens not to relinquish their free speech rights just because they are employees, such speech should not fundamentally undermine their capacity to fulfil their job duties. Moreover, as in Mr. Kempling's case, the very public expression of personal beliefs sincerely held, should not interfere with public educators' central duties to promote tolerance as underlined by the Supreme Court of Canada in the Surrey School Board

“Why would any gay, lesbian or questioning student seek the refuge of Mr. Kempling’s office or his guidance when faced with a crisis or in need of help given his past comments?”

immoral and many mental health professionals, including myself, believe homosexuality to be the result of abnormal psychosocial influences. Homosexuality is not something to be applauded.” In another letter, Mr. Kempling urges “My hope is that students who are confused over their sexual orientation will come to see me. It could save their lives.” And in yet another letter: “I refuse to be a false teacher, saying that promiscuity is acceptable, perversion is normal, and immorality is simply ‘cultural diversity’ of which we should be proud.... Teachers must inculcate the highest moral standards. To all my critics I say, 2 Peter 24-19. Read it and weep.”

same-sex parenting book case. Unlike private schools that may promote religious dogma, public school educators must be scrupulous in respecting the human rights of others including acceptance of students' sexual orientation. In addition, they must be scrupulous about not importing their personal religious views regarding homosexuality to influence their conduct and obligations as public educators – something explicitly prohibited under the *School Act* – especially if one is a student counselor. Regrettably,

Mr. Kempling, via his public comments, has effectively violated both these duties.

The College of Teachers has now publicly sanctioned Mr. Kempling for his conduct, suspending him for one month. As a result, Mr. Kempling is appealing the College's decision to the B.C. Supreme Court arguing that the College's decision violates his free speech and freedom of religion. The BCCLA is seeking intervenor status and is represented by Elliott Myers, Q.C. and Past President Craig Jones of Bull Housser & Tupper.

Free Speech on Trial at UBC

CYNTHIA MAUGHAN, A FORMER GRAD STUDENT at UBC, is suing the University, Professor Lorraine Weir, and other academics at the university for purposefully interfering with her civil rights by promoting hatred or contempt against her on the basis of her Christian faith. Her legal claim is based on an obscure statute called the *Civil Rights Protection Act*, created in 1981 in response to organizing by the Ku Klux Klan in B.C. The BCCLA has opposed this little used law since its inception as an unreasonable restriction on freedom of expression.

Ms. Maughan's claim is based on a series of incidents that she says is evidence of the university's and Professor Weir's wilful promotion of contempt of her and other Christians. For example, Maughan alleges that Weir had precluded her from attending a class colloquium scheduled for a Sunday at the home of a fellow student who had been written an e-mail on a chat room ridiculing Stockwell Day and Christians. The e-mail by the fellow student had criticized Stockwell Day for intolerance towards homosexuals and women's reproductive freedom and ended: "How is it that I owe respect to an individual who so obviously so [sic] no respect for huge elements of our society? Screw respect. He makes me fondly recall a time period when Christians were stoned :)." In their statement of defence, the defendants detail how Professor Weir sought to accommodate Ms. Maughan after she failed to express her concern about a Sunday class interfering with her religious beliefs early in the semester.

Curiously, the plaintiff Maughan chose not to pursue her claim for discrimination under the *Human Rights Code* which is the standard means for processing claims of discrimination. The Code in fact has a lower test for hate speech since it requires only evidence that a public expression is likely to promote hatred or contempt whereas the *Civil Rights Protection Act* requires an element of intent.

Whatever the real motivations of the plaintiff for proceeding under this obsolete legislation, there can be no doubt that she has little regard for freedom of expression. The defendants have applied to the Court to try to strike Ms. Maughan's claim on the basis that it makes out no cause in law and is bound to fail. Just before the hearing of that motion, the plaintiff amended her claim with a further allegation of a "contempt" directed at her based on an article written in the *Discorder*, the magazine of CiTR, the local student FM radio station, which was critical of Ms. Maughan's lawyer, Gerald Chipeur. In the article, the author describes Mr. Chipeur as a prominent figure of the "Christian Right," and concludes: "Yes, indeed, Chipeur is out to teach us a lesson, just like back in the good ol' days when they burned witches." According to Ms. Maughan and her lawyer, such statements are unlawful in British Columbia.

The BCCLA held a press conference to denounce the legal action as an attack on free speech and reiterate our opposition to the *Civil Rights Protection Act*. "This is the problem with speech codes," claimed BCCLA Past President Craig Jones. "Many use them to shut down any speech they find offensive. The plaintiff's case is a perfect example of that." The BCCLA will continue to monitor the case and may seek to intervene if the defendants are unsuccessful in preventing this case going ahead.

Up In Smoke

Will the Promised Marijuana Decriminalization Law Actually be Enacted and, if so, is it a Good Law?

As this issue goes to print, marijuana decriminalization legislation has been tabled.

Possession

Possession of up to 15 grams is punishable by a fine of \$150, or \$100 if the possessor is a young person. 15 to 30 grams results in a fine of \$300 (\$200 for young people) or, potentially, a summary conviction punishable by \$1000 and/or six months incarceration. Over 30 grams retains the current penalties. The fines can be slightly higher (\$400/\$250) if you possess while operating a motor vehicle, while committing an indictable offense or in or near a school.



Decriminalization is not the best option. Instead, Canada should do what the Senate Special Committee on Illegal Drugs recommended: simply legalize it and regulate its distribution like alcohol.

Growing

The law on growing has been changed significantly. A sliding scale of penalties has been suggested, based on the number of plants. Up to three plants is an offense punishable on summary conviction by a fine of up to \$5,000 and/or one year incarceration. Three to 25 plants is either indictable (with up to five years incarceration) or punishable on summary conviction by a fine of \$25,000 and/or 18 months incarceration. 25 to 50 plants is indictable and punishable by not more than 10 years incarceration. Over 50 plants has a maximum punishment of 14 years behind bars.

Criticism From Both Sides

The law, however, has drawn criticism from both sides of the issue. Prohibition supporters claim that the legislation will increase use, particularly among youth, lead to increased grow-ops and encourages driving while using. Cannabis activists, on the other hand, complain that “decriminalization” means that law enforcement will begin to enforce the law again, leading to fines being handed out in droves. Moreover, the law does not go far enough because it does not allow people to grow cannabis for their own use.

Where does the Association stand?

Decriminalization (more properly deemed de-penalization, because marijuana possession will still retain its criminal status with reduced penalties for small quantities) is not the best option. Instead, Canada should do what the Senate Special Committee on Illegal Drugs recommended: simply legalize it and regulate its distribution like alcohol. De-penalization

retains all the ills of prohibition; black markets and the resultant involvement of organized crime, exposure of marijuana users to the other drugs sold by black market dealers and wasted law enforcement resources. That said, de-penalization is, at least, a step in the right direction. Saddling users with criminal records must cease and the new law achieves that goal. Perhaps, when the sky doesn't fall after the law passes (if it does) and assuming that the Supreme Court does not rule against freedom (see below), Canada will see that cannabis use is not the evil that it is made out to be.


Canada's High Court Considers Marijuana and the Charter

On May 6, 2003, the Association's counsel, Joe Arvay of Arvay Finlay in Vancouver, appeared before Canada's highest court to argue that the Charter is offended by the criminal prohibition of the personal use of cannabis. Three cases (Clay, Caine and Malm-Levine) consolidated for the purpose of argument, were heard by the Justices.

The Association argued that section 7 of the Charter, which guarantees Canadians the rights to

“life, liberty and security of the person,” was violated by criminalizing use. The Association urged the Court to adopt a harm principle as a principle of fundamental justice. In essence, the harm principle would require the government to be able to demonstrate that an activity causes serious, substantial or significant harm to society before making it criminal. The lower courts of appeal, in Ontario and BC, adopted a harm principle but decided that the level of harm need only be “not insignificant” before Parliament may criminally prohibit conduct. We believe that this very low threshold vests too much discretion in the legislature. In essence, almost any activity may be found to pose “not insignificant” levels of harm. Drinking coffee, going snowboarding, eating an unhealthy diet and a host of other things, which we all agree should not carry jail terms, fall within this definition.

We are cautiously optimistic that the Court will decide in favour of freedom and will declare that the criminal prohibition on simple possession of cannabis infringes the Charter.

 To view the BCCLA factum visit: www.bccla.org/othercontent/02marijuanafactum.html

POLICE OVERSIGHT

BCCLA to Intervene in Challenge to RCMP Refusal to Hand Over Documents to Public Complaints Commission

THE BCCLA IS JOINING FORCES with the Canadian Civil Liberties Association to challenge the RCMP's refusal to provide evidence to the Commission for Complaints Against the RCMP (formerly the RCMP Public Complaints Commission). The Commission is the civilian oversight authority for reviewing complaints against RCMP officers. In this case, a complainant was subject to a raid for a marijuana grow operation. After the police found no evidence of a grow-op, the complainant laid a complaint against the RCMP seeking to discover the basis for the warrant that was granted to the RCMP to search his premises. The RCMP refused to provide this information to the Commission in direct contradiction of the *RCMP Act* which requires the RCMP to give to the Commission “such other materials under the control of the Force as are relevant to the complaint.” The RCMP appear to be refusing to provide the relevant materials in this complaint out of a concern about informant confidentiality. However, the BCCLA and CCLA will argue that the Commission and its staff are able to review information in a warrant and protect informant identities. Failing to provide this information to the Commission will effectively nullify the Commission's role as an effective civilian check on conduct by the RCMP.

The BCCLA and CCLA will be jointly represented by Blair Crew, a lawyer with Karam Greenspon and faculty member at the University of Ottawa's Faculty of Law.

WHAT'S NEW AT THE ASSOCIATION

NEW OFFICE ADDITIONS

Kirk Tousaw – Policy Director

We are pleased to announce that Kirk Tousaw has joined the Association as its new Policy Director. Kirk brings a wealth of experience that includes an undergraduate degree in political philosophy, a law degree and four years of litigation experience with a Detroit, Michigan law firm. He is currently pursuing a Masters in Law (LL.M.) degree at UBC. We look forward to a long and exciting relationship.

J. Andres Hannah-Suarez – Student Intern

Andres is a law student at the University of Toronto. He will spend the summer months with the BCCLA as part of the Pro Bono Students Canada program, funded by the Kahanoff Foundation and the Law Society of Ontario. Andres has written in the area of moral luck and socioeconomic disadvantage in Canadian law and has been an excellent addition to our staff.

Tom Sandborn – Development Coordinator

Tom has joined the Association to assist with event and volunteer coordination and funding. He brings a wealth of experience to this task and has already been instrumental to the success of our 40th Anniversary Celebration (see pages 6-7). Thanks to a generous grant from the Law Foundation of BC for making the position possible.

WANTED: NEW AUDITOR

The Association is looking for a new Chartered Accountant to act as BCCLA auditor. If you know of anyone who would be willing to work with the Association to continue our sound fiscal management, please contact Executive Director Murray Mollard.

SPEAKERS' BUREAU

Would you like someone from the BCCLA to talk to your group or class about drug law reform, police powers and accountability, privacy and video surveillance, free speech vs. hate speech? The BCCLA provides free, expert speakers on these and many other topics that concern us. Contact the BCCLA office to request a speaker.

GIVE US A LITTLE CREDIT!

Shop with your VanCity Visa and donate to the BCCLA

THE BC CIVIL LIBERTIES ASSOCIATION is pleased to inform members and supporters that, thanks to the cooperation of VanCity Credit Union, a painless new way to contribute to the Association has been recently created.

You can now donate your VanCity Rewards Plus points to the BCCLA, which you accumulate every time you make a purchase with your VanCity Silver or Gold VISA* card. The VanCity Community Foundation will automatically issue you a tax receipt for your generous gift. If you already have a VanCity Gold or Silver VISA, you may already be familiar with the Rewards Plus Program points that build up in your account with every purchase made (except cash advances, balance transfers, ATM fees, annual fees, etc.) to your VanCity Gold or Silver VISA card. (Your points total is updated on a monthly basis and appears at the bottom of your monthly VanCity VISA account statement). BCCLA has just been approved as a qualified charity to which you can assign the cash value of your points. It's simple to do, it helps support the BCCLA's ongoing work for democracy and free speech, and you will receive a tax deductible receipt for your donation, which you can apply to your income tax return next year. There are two easy ways you can make your donation.

1. Go into your VanCity branch with your VISA statement and make the arrangement in person;
2. Call VanCity's Member Service Line at 604-877-7000 or the VanCity VISA Customer Service Line at 604- 877-4999 or toll free at 1-800-611-8472.

United Way donations

Don't forget that you can designate the BCCLA as a specific recipient of your United Way donation!



UNITED WAY

The B.C. Civil Liberties Association wishes to thank the Law Foundation of B.C. for its generous, ongoing support for our core programs.

