The Charter of Rights and Freedoms clearly outlines the fundamental freedoms afforded to Canadians and guarantees that everyone has the right to freedom of expression. In order for any democracy to function properly, a constitutional commitment to freedom of expression is vital. Without it, those in power could promote their viewpoints while all others would be subject to censorship and suppression. Section 2(b) of the Charter states that:

Everybody has the following fundamental freedoms: freedom of thought, belief, opinion and expression, including freedom of the press and the other media of communication.

The manner in which the law is set out gives it the potential to cover a broad range of areas including the media, the internet, hate crimes and pornography. In recent years, numerous cases have come before the courts for clarification on the issue of freedom of expression.

This assignment requires you to examine two controversial Charter cases involving hate crimes, R.v. Keegstra (1990) and R. v. Zundel (1992). Using all available resources, research these two cases and answer the following questions.

In court cases, R stands for Rex or Regina which means “Crown” attorney represents the state on behalf of the people of Canada.

Websites to get you started:

Keegstra
http://www.antisemitism.org.il/eng/James%20Keegstra  

Zundel
R. v. Keegstra

1. Who is James Keegstra, and what actions led him to break the law?

2. With what Criminal Code offence was Keegstra charged?

3. How did Keegstra try to defend his actions?

4. What was the final decision of the court? In your opinion, was this a just decision? Explain

5. What was the sentencing?
R. v. Zundel

1. What actions led Ernst Zundel to break the law?

2. With what Criminal Code offence was Zundel charged?

3. How did Zundel try to defend his actions?

4. What was the final decision of the court? In your opinion, was this a just decision? Explain

5. In what way are the two cases similar?

6. How did the two cases differ?