Person’s Case Summary /54

The Canadian experience with citizenship equality and civil rights has been a long and difficult one. Although the Charter of Rights and Freedoms (1982) guarantees that "every individual is equal before and under the law... without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability," Canadian laws have often been discriminatory in the past.

Women, in particular, have suffered from unfair laws. Until 1929, they could not be appointed to the Senate or hold public office even if they were granted the right to vote in federal elections in 1918. In fact, one simple word denied women access to the Senate and public life. The word "persons" in the Canadian Constitution did not seem to include women!

Fortunately, a group of dedicated female activists from Alberta, known as the "Famous Five," and supported by various groups and associations in Canada, struggled vigorously to change the existing legal definition of a person. Using a section of the Supreme Court Act allowing constitutional change if petitioned by at least five citizens, these women requested an answer to the question about whether women could serve in the Canadian Senate. The final and decisive response came from the Privy Council in England on October 18, 1929.

**Read the three letters found on the website below. Please read them carefully and answer the questions found on the pages below.**

**There is a written assignment at the end of this document worth 30 points.**

**All must be typed and handed in October 25.**

**Sources**

<http://www.virtualhistorian.ca/persons?section=books>

**Letter 1**

**Questions: (6 points)**

1) When was the letter written? Who wrote it and who was it addressed to?

2) For what purpose was the letter written? How are the Senate of Canada and possible amendments to the British North American Act involved?

Letter 2

Questions: (9 points)

1) Based on what the letter describes, what has happened to the original petition of the Famous Five? What do you think the perspective is of the women involved in this petition? Why?

2) Why might the Supreme Court of Canada have ruled against the Famous Five's petition for women to be confirmed as 'persons' under the British North American Act? Why is legal change often resisted by those with power and influence?

3) Examine the legal arguments made by Emily Murphy. What evidence and logic does she use to make her points?

**Letter 3**

**Questions: (9 points)**

1) What type of source is this? In what ways is it similar and different to the letters you have examined? (Hint - Who produced it? Why? For what audience was it produced?

2) How are the historical context and perspective different or similar to your own? (Hint - How were the rights of women different then? Would a legal appeal today still need Britain to make the final decision?)

3) What is the main argument of the source? How is this argument similar to any of the other sources? What would account for such similarities.

**Final Writing Activity: (30 points)**

Write a news article about the Privy Council ruling and the Famous Five. Pretend you are a newspaper writer from 1929 and speculate on what this ruling could mean for women in Canada. Be sure to use the details and perspective of the sources you have examined to help you write.