



Letters to the editor

OPINION

Re: "Convoy calls for end to 'driving while Black' cases".



(Montreal Gazette, July 6 2020)

Time to challenge the highway code

The "driving while Black" injustice could be virtually eliminated with one simple legal reform: Revoke the police officer's fishing license by amending section 636 of the Highway Safety Code.

Section 636 is the police gateway to Charter right violations and they routinely happen to visible minorities. As the law is now written, a police officer can virtually stop any driver any time with no measure of credible judicial oversight of the officer's actions.

Jurisprudence, notably, R.V. Ladouceur (1990 Supreme Court of Canada) affirms the constitutional validity of S. 636. But this jurisprudence could change.

Ladouceur was a 5-4 split decision. Even in 1990 this law barely mustered charter compliance.

A lot has happened over the past 30 years. Today's groundswell of protest should put wind in the sails of a fresh charter attack on a law that is the root of much injustice- most notably racial profiling.

- Ralph Mastromonaco, Montreal.

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