

FROM:

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TO:

hon. David Lametti
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SUBJECT: Regarding my intentions to traffic cocaine
17 Jan 2022, 09:44

to: mcu@justice.gc.ca
cc: gopublic@cbc.ca, nwnews@cknw.com

Honourable Attorney General,

I am writing because I have begun acquiring supplies of a drug, that is contravened in the [Controlled Drugs and Substances Act](#), for the purposes of trafficking, with a constitutional defence that I believe is reasonably consistent with prior precedent. I am seeking the greatest possible extent of awareness as to the level of acquiescence or denial by authorities to the validity of my constitutional claims as well as reactions to be expected from authorities to my actions.

Specifically, it would most meet my satisfaction if several constitutional reference questions were addressed to the courts. Since the *Supreme Court Act* ([s. 53](#)) states that the Governor General is endowed with the capacity to instigate constitutional reference questions, and the *Department of Justice Act* ([s. 4](#)) states that the Attorney General is the official legal adviser of the Governor General, it is my understanding that the Attorney General is the right person to ask to see such questions addressed. I request that you advise me if the law or common practice might dictate a more appropriate public authority to consult when seeking judicial affirmation of previously unclarified constitutional interpretation.

Unless and until such time as I receive any indication that applicable reference questions are being prepared for submission to courts, I am preparing to begin transacting in cocaine, beginning with an auction for a bag of cocaine valued at \$100 presently in my possession, and continuing with acquisition of further quantities of this drug for transacting with eligible customers. I have provided a confession to the Vancouver Police Department and Public Prosecution Service of Canada of these intentions and I have not received any notification from either organisation of any intention to intervene in my actions, nor received any denial of the possibility that the reason for abstention from any such intervention may possibly be some extent of potential validity to my constitutional claims.

If I am detained or prosecuted for these actions, despite it having been possible to instead address constitutional reference questions to courts, then I would characterise this as a threat to enforce laws upon an individual without the willingness to discuss in advance the specific details of precisely what the law is. I would allege that this would not be consistent with “peace, order, and good government”, as the *Constitution Act, 1867* states in [s. 91](#) is the purpose of the existence of laws in Canada. I do not believe that it is good government to threaten to enforce laws upon an individual when there are alternative reasonable interpretations that can be derived from the way the laws are written, and available avenues to explicitly seek affirmation of the definitive interpretation provided by courts have not been pursued.

The specific questions that I request to see the courts consider are as follows:

- With observations now available, since December 2010, of existence of an independently conceived organization in Canada that uses an interactive electoral system — meaning each voter has one vote that can be cast for any candidate for an elected position at any time that the voter wishes and changed to any other candidate at any time after that, with no deadline or finish date — do the periods of time under the Crown’s legislative assemblies when fundamental democratic rights in s. 3 of the *Constitution Act, 1982* are not available to be exercised qualify as denials of these rights as per s. 24?
- If the first question is answered in the affirmative, then can the denials of these rights be saved under s. 1 as reasonable limits, demonstrably justified in a free and democratic society?
- If the second question is answered in the negative, and a remedy for these denials is considered — to allow an organization that uses the interactive electoral system to alter laws applicable to its members, such laws initially being held in force by legislatures of the Crown that do deny section 3 *Charter* rights for periods of time, if the interactively elected legislative assembly of the organization makes a resolution to do so in accordance with its legislative process— then can the conditions be exhaustively stated that would be necessary for this remedy to be considered appropriate and just?

The constitutional reasoning for deciding the first question in the affirmative, the second question in the negative, and the third question in the affirmative, is presented in Appendix A of the Canada Interactive Legislature *Charter* (beginning on p. 10) and the associated [supplementary arguments](#) (both documents also attached herein).

If the reference questions are answered favourably to my intentions, then in matters of controlled drugs and substances, I believe it may then be considered lawful for me to be subjected to the legislation specified by the Canada Interactive Legislature in the [Charter of Commerce for Controlled Drugs and Substances](#) (also attached herein) rather than the Crown’s *Controlled Drugs and Substances Act*, as this would remedy the denial of fundamental democratic constitutional rights that is perpetrated by the elected federal legislative body, the House of Commons, in its legislative processes. Therefore in such a case, I may expect that my plans to traffic in cocaine may be executed without concern for intervention by authorities, as

long as I adhere to the regulations specified in alternative legislation enacted by an interactively elected legislative assembly, to whose governance I shall show no dissent. Also, if the House of Commons ceases denying these rights then I would certainly not dissent to the view that I would no longer be able to use this defence for contraventions of federal Crown legislation.

Since [s. 1](#) of the *Constitution Act, 1982* states that limits may only be imposed upon liberties if those limits are "prescribed by law", I believe that it is my right to know whether the laws as relevant to the actions I am planning are of any force or effect as per [s. 52](#) of the *Constitution Act, 1982*. Therefore I believe any action taken against me for contravention of the *Controlled Drugs and Substances Act* without reference questions having first been directed to the courts would violate the requirement of limits on liberties being prescribed by law as specified in s. 1.

If the honourable Attorney General advises Her Excellency the Governor General to refer constitutional questions similarly as requested herein, then please note that [s. 53\(6\)](#) of the *Supreme Court Act* states that "[t]he Court has power to direct that any person interested or, where there is a class of persons interested, any one or more persons as representatives of that class shall be notified of the hearing on any reference under this section, and those persons are entitled to be heard thereon". It may be reasonable to expect that any citizen of Canada who has experienced the interactive electoral system may be interested in these reference questions. As the original creator of the interactive electoral system, I believe I will be able to pass on any such notification to any interested parties.

For a description of my most recent interactions with authorities regarding my intentions, please go to <http://issociety.org/letter-to-police-re-plans-to-traffic-cocaine/>. I shall continue to advise the Public Prosecution Service of Canada and appropriate enforcement authorities of my intentions on such matters as they arise until such time as I receive word that my constitutional arguments have been proactively affirmed or else I am informed that further such advisement is unnecessary for the purpose of adjudicating my constitutional claims.

Thank you very much for your time and attention. I hope to hear back from you as to whether your office is considering advising these constitutional questions to be asked of courts, and if no such questions are instigated, then I shall gratefully assume this to show tacit acquiescence to the validity of my constitutional claims. All that I am seeking is the most effective representation pragmatically possible in the democratic legislative process through optimal enfranchisement in the exercise of a constitutional right for which it is commonly said that many honourable people throughout history have been willing to die in pursuit of.

Respectfully and sincerely,

Samuel Michael Frank, aka Psam with a psilent "P"