FROM:

Psam Frank

TO:

J. Kyle Bienvenu Hira Rowan LLP 700-570 Granville St Vancouver BC V6C 3P1	Karey Brooks JFK Law Corporation 340-1122 Mainland St Vancouver BC V6B 5L1	Graham Dean Hardy Harris & Brun 500-555 Georgia St W Vancouver BC V6B 1Z6
Baljinder Kaur Girn Public Prosecution Service of Canada 900-840 Howe St Vancouver BC V6Z 2S9	Judith Janzen Onyx Law Group 1215-650 Georgia St W PO Box 11638 Vancouver BC V6B 4N9	Lisa Jean Helps Helps Law Corporation 606-815 Hornby St Vancouver BC V6Z 2E6
Adam C. Munnings Munnings Law 200 - 100 Park Royal S West Vancouver BC V7T 1A2	Karla S. Mukai Department of Justice Canada 900-840 Howe St Vancouver BC V6Z 2S9	Zahra H. Jimale WorkSafeBC 6951 Westminster Hwy Richmond BC V7C 1C6
Heather Mathison Harris & Brun 500-555 Georgia St W Vancouver BC V6B 1Z6	Scott Morishita Rice Harbut Elliott LLP 820-980 Howe St Vancouver BC V6Z 0C8	Preston I.A.D. Parsons Overholt Law Corporation 600-889 Pender St W Vancouver BC V6C 3B2

"Any limit on the right to vote must be carefully scrutinized and
cannot be tolerated without a compelling justification"

Supreme Court of Canada
Frank v Canada

"'[T]he Canadian tradition', the majority of this Court held in *Reference re Provincial Electoral Boundaries* (Sask.), [1991] 2 S.C.R. 158, at p. 186, is 'one of evolutionary democracy moving in uneven steps toward the goal of universal suffrage and more effective representation'. Since Confederation, efforts to extend the franchise to those unjustly excluded from participation in our political system — such as women, minorities, and aboriginal peoples — have continued, with some success, to the present day."

Supreme Court of Canada
[*Reference re Secession of Quebec*]

Honourable Vancouver County Representatives of the British Columbia Branch of the Canadian Bar Association,

I am writing because I have a grievance with the Crown regarding constitutional rights, and I cannot afford legal counsel.

The *Statement of Principles on Self-represented Litigants and Accused Persons* ("the Statement" herein), by the Canadian Judicial Council, states in the preamble that "judges, court administrators, members of the Bar, legal aid organizations, and government funding agencies each have responsibility to ensure that self-represented persons are provided with fair access and equal treatment by the court". Then later in the Statement, on page 9, it states that "[m]embers of the Bar are expected to participate in designing and delivering legal aid and pro bono representation to persons who would otherwise be self-represented, as well as other programs for short-term, partial and unbundled legal advice and assistance as may be deemed useful for the self-represented persons in the courts of which they are officers."

In the *Pintea v Johns* decision of the Supreme Court of Canada, the Court stated that it "endorse[s] the *Statement of Principles on Self-represented Litigants and Accused Persons* (2006) (online) established by the Canadian Judicial Council".

My grievance arises due to my membership in a society named the Interactive Sovereign Society (ISS). The ISS uses an *interactive electoral system* (IES) to choose the members of its legislative assembly. With the IES, each voter has one vote that may be cast for any candidate at any time that the voter wishes and changed to any other candidate at any time after that, with no deadline or finish date; hence the word "interactive" in the society's name. The word "sovereign" in the society's name is motivated in part by the fact that many existing governments in the world today use the ethical justification of claiming that being democratic gives an institution the right to impose its governance upon individuals residing in a land. By that reasoning, the ISS, with what might be called a more democratic legislative process than existing governments in the world today, has more justification by which to claim to be its members' government than a less democratic institution such as the Crown. "Justification by which an organization may ethically claim to be its members' government" might be a suitable definition of *sovereignty*, as the ISS contends.

I would prefer to pay my taxes to the ISS instead of the Crown, and I believe that according to the Constitution of Canada, it is my right to do so.

Under the ISS's legislative process, the rights described in section 3 of the *Canadian Charter of Rights and Freedoms* (voting and pursuing candidacy) are available to be exercised at all times. Under the Crown's legislative process, section 3 *Charter* rights are only occasionally available to be exercised when permission is given by authorities. There might be some contention as to whether the periods of unavailability of these rights could be accurately described as denials of these rights in accordance with section 24 of the *Charter.*

In the *Sauvé v Canada* decision of the Supreme Court of Canada, the SCC states that "The *Charter* distinguishes between two separate issues: whether a right has been infringed, and whether the limitation is justified" [para 10], and then later elaborates by stating that "At the first stage, which involves defining the right, we must follow this Court's consistent view that rights shall be defined broadly and liberally" [para 11].

It is more broad and liberal to regard periods of time under Crown governance when these rights are unavailable to be exercised as denials of these rights by the Crown than it is to simply regard these rights as not existing during these periods. The ISS therefore expects the courts to agree, based on *Sauvé* as well as several other precedents, that the Crown denies section 3 *Charter* rights for periods of time while the ISS never denies these rights.

According to s.24 of the *Charter*, if these rights are denied, then an appropriate and just remedy may be constitutionally warranted. Certainly allowing ISS members to pay their taxes to the ISS instead of the Crown would result in them no longer being denied their section 3 Charter rights in the legislative process by which the allocations of expenditures of those funds are determined. I don't believe that there is any other remedy that will cease the denial of these rights unless the Crown creates a legislative assembly that uses the IES to choose its representatives. If that were to occur, I would certainly be satisfied with this remedy. However, section 1 of the *Charter* does allow the government to deny a constitutional right if the limit constituted by the denial is "reasonable" and "demonstrably justified in a free and democratic society".

R. v. Oakes, generally considered to be the most definitive basis for the interpretation of s.1, states that s.1 "states explicitly the exclusive justificatory criteria (outside of s. 33 of the *Constitution Act, 1982*) against which limitations on those rights and freedoms must be measured" [para 63]. S.33 states that its limits are only applicable to ss. 2 & 7-15 of the *Charter*, not to s.3; therefore, s.1 is the exclusive criteria. If it is not fulfilled, then the "guarantee" provided in ss.1 & 24 of the *Charter* requires a remedy so that the rights are no longer denied. "Ubi jus ibi remedium", the SCC has affirmed.

Paragraph 66 of *Oakes* states that "The onus of proving that a limit on a right or freedom guaranteed by the *Charter* is reasonable and demonstrably justified in a free and democratic society rests upon the party seeking to uphold the limitation." Paragraph 67 states that "The standard of proof under s. 1 is the civil standard, namely, proof by a preponderance of probability", and that "the preponderance of probability test must be applied rigorously".

Constitution Act, 1982

> *3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.*
>
> *24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.*
>
> *1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*
>
> *52. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.*

Paragraphs 69 and 70 of *Oakes* presents the details of the requirements that the party seeking to uphold a limit must fulfil so that the SCC regards s.1 as being satisfied: “To establish that a limit is reasonable and demonstrably justified in a free and democratic society, two central criteria must be satisfied. First, the objective, which the measures responsible for a limit on a *Charter* right or freedom are designed to serve, must be ‘of sufficient importance to warrant overriding a constitutionally protected right or freedom’: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. The standard must be high in order to ensure that objectives which are trivial or discordant with the principles integral to a free and democratic society do not gain s. 1 protection. It is necessary, at a minimum, that an objective relate to concerns which are pressing and substantial in a free and democratic society before it can be characterized as sufficiently important.

“Second, once a sufficiently significant objective is recognized, then the party invoking s. 1 must show that the means chosen are reasonable and demonstrably justified. This involves ‘a form of proportionality test’: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. Although the nature of the proportionality test will vary depending on the circumstances, in each case courts will be required to balance the interests of society with those of individuals and groups. There are, in my view, three important components of a proportionality test. First, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. Second, the means, even if rationally connected to the objective in this first sense, should impair ‘as little as possible’ the right or freedom in question: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. Third, there must be a proportionality between the effects of the measures which are responsible for limiting the *Charter* right or freedom, and the objective which has been identified as of ‘sufficient importance’.” [emphasis added]

The ISS believes that the courts will respond favourably to the contention that an available source of empirical evidence will qualify as more compelling (“rigorous”) in assessing rational connection to an objective than speculation. If that is the case, then it might appear evident that the only available source of empirical evidence, from which to assess whether an objective that “relate[s] to concerns which are pressing and substantial in a free and democratic society” is compromised when these rights cease being denied for periods of time, is to look at the experiences of members of the ISS in the time since it was founded in December 2010.

To satisfy the SCC’s requirement of “proof by a preponderance of probability”, and “applied rigorously”, the ISS expects that the courts would regard an attempt to satisfy s.1 as insufficient if it ignores the only available source of empirical evidence as to whether any objective may be observed to be compromised if these rights cease being denied for periods of time. Therefore, the ISS is willing to provide all available public observations as to the experience of its participants in an election in which section 3 *Charter* rights are available without interruption so that the Crown may assess the ISS’s claim that no objective is compromised by having these rights always available to every individual. If the Crown can find no evidence of any such compromised objective, then it would be vexatious to force proceedings by denying a remedy for the denial of these rights despite knowing that the courts will deem s.1 to not be reasonably satisfied.

Since a legislative body for which section 3 *Charter* rights are never denied is available to receive its members' taxes, ISS members believe that the Crown is acting offensively to the Constitution by letting the expenditures of their taxes be decided by a legislative body that denies section 3 *Charter* rights for periods of time without demonstrable justification as per section 1 of the *Constitution Act, 1982*.

Recovering the taxes taken from ISS members by the Crown so that those funds can be allocated in a way that does not deny ISS members their section 3 Charter rights would require litigation, a process which ISS members are not able to afford presently. However, the ISS has also created modifications to the *Controlled Drugs and Substances Act* and the Commodification of Sexual Activity section of the *Criminal Code of Canada*. An ISS member may send to the Attorney General a confession of having contravened these laws, presenting the constitutional defence that the legislative assembly that wrote those laws denies section 3 Charter rights for periods of time while the legislative assembly of the ISS makes these rights always available. This would make it possible to establish the section 3 Charter precedent in the courts, making it easier to rely on that precedent to make the case for the taxation issue.

Defending against a charge under the *Controlled Drugs and Substances Act* might be an easier way of assuring that legal counsel would be provided, so I have drafted a letter to send to the BC Attorney General which I intend to send by registered mail if I do not find a member of the Bar willing to assist in the litigation over the taxation issue. I have included a copy of the letter with this correspondence. It is possible that defence against a charge under the *Criminal Code of Canada* would result in professional legal counsel being provided if none can be found to assist in the litigation over the taxation issue. If the section 3 Charter precedent is affirmed by the courts in reference to charges under the *Criminal Code*, then it may be more compelling to infer the likelihood that the same precedent could be applied to taxation.

If the relevant SCC interpretations in this correspondence make it appear compelling that there is a denial of rights as per section 24 of the *Charter* as described herein, then it should be expected that a law professional who offers to provide assistance, in accordance with the Statement, may not go without remuneration. If the courts uphold the Constitution as outlined herein, then ISS members will be allowed to have their taxes received by the ISS instead of the Crown, and the ISS may then make good on any obligations to the law professional as shall have then been agreed upon in advance. The ability to remunerate at regular legal rates for services rendered will be somewhat proportional to the number of Canadians who become aware that periods of time between elections (will) have been construed by the courts as a denial of those rights, and then wish to cease the denial of these rights by giving their taxes to the ISS instead of the Crown.

I realize that we are in a pandemic right now and this might not seem like a high priority when there are strong concerns and efforts being coordinated to deal with all of the problems that this causes. However, consider that one of the essential necessities to deal with this pandemic is to create rules about physical interactions that reduce the spread of the virus, and to have people follow those rules. The larger the proportion of

members of the public that follow those rules, the more effective the reduction of the spread of the virus becomes. So having members of the public be induced to feel a sense of voluntary willingness to participate in the measures prescribed by law is of great benefit to the mitigation of this pandemic.

My conviction is that the most significant factor in inducing an individual to feel a sense of respect for the law is the individual's inclusion in writing that law, and the greater the inclusion in the law making process, the greater is the naturally induced compulsion to voluntarily adhere to the rules that one has had a part in creating. Look at what the SCC says in *Sauvé*: "laws command obedience because they are made by those whose conduct they govern." Was this a principle that the SCC put across to illustrate an important apparent basic nature of the most benevolent aspects of relations of human beings based on their most common basic qualities or did the SCC make this observation strictly as a constitutional interpretation that it is impossible for the words "free and democratic society" to have any consistently operative definition unless the reason for laws being justified in commanding obedience is that an individual is included in the process of writing those laws? Was it perhaps a combination of both?

I respectfully acknowledge that any particular member of the Bar may have heavy loads with issues with more direct effects upon people in more marginalized and endangered conditions in their lives. I offer my appreciation for the admirable successes that the legal profession achieves at building more protections for such people. The reasoning by which I believe that the implementation of the interactive electoral system shall create exponentially more expedient improvements in the overall conditions of life for the most marginalized members of society might be more extensive than you might have time to analyze, but if asked, I will provide more extensive illustration.

I wish to avoid using the Statement established by the Canadian Judicial Council and affirmed by the Supreme Court of Canada in a way that might be construed as coercive or manipulative. I am not sure that it's possible to invoke it without feeling like one is being coercive upon doing so, but I can only apologize if it comes across the way I feel like it might. Other than that, I'm just asking for help to cease being denied a constitutional right without demonstrable justification that is based upon some objective that can be proven upon a preponderance of evidence to be achieved because of the denial of the right. If you have any time at all to help, I will gratefully and appreciatively accept it.

I respect your devoted service of human rights. Thank you for everything you do in service of the Constitution, a document I have some love for.

_____ _____

Psam Frank Date

FROM:

Psam Frank

TO:

hon. Patty Hajdu
Minister of Health, Canada
House of Commons
Ottawa, ON K1A 0A6
email: Patty.Hajdu@parl.gc.ca
Phone: 1 613 996-4792

hon. David Eby, Q.C.
Minister of Justice, BC
Room 232 Parliament Buildings
Victoria, BC V8V 1X4
email: AG.Minister@gov.bc.ca
phone: (250) 387-1866

Honourable Ministers,

I am writing to inform you that some members of an organization which I belong to are planning to act in contravention of several sections of the *Controlled Drugs and Substances Act* (referred to herein as "the Act"), and to inform you of the constitutional defence that they intend to use if subjected to prosecution for their actions. Additionally, if your government accepts the validity of this constitutional defence, then another purpose of this letter is to open up a channel of communication so that the members of this organization may assure that the greatest care is taken to use all available information so that usage of the substances specified in the Act is accomplished with every possible precaution toward safe and responsible enjoyment. If, on the other hand, your government doubts the validity of this constitutional defence, then one or more members of the organization will anticipate presenting this defence to the court while being prosecuted. The members of the organization expect that the courts will find the defence consistent with prior constitutional precedent.

The name of the organization is the Interactive Sovereign Society (ISS). The ISS uses an interactive electoral system, meaning each voter has one vote that may be cast for any candidate at any time that the voter wishes and changed to any other candidate at any time after that, with no deadline or finish date; hence the word "interactive" in its name. The word "sovereign" in the society's name is motivated in part by the fact that many existing governments in the world today use the ethical justification of claiming that being democratic gives an institution the right to impose its governance upon individuals residing in a land. By that reasoning, the ISS, with what might be called a more democratic legislative process than existing governments in the world today, has more justification by which to claim to be its members' government than a less democratic institution such as the Crown. "Justification by which an organization may

ethically claim to be its members' government" might be a suitable definition of *sovereignty*, as the ISS contends.

Under the ISS's legislative process, the rights described in section 3 of the *Canadian Charter of Rights and Freedoms* (voting and pursuing candidacy) are available to be exercised at all times. Under the Crown's legislative process, section 3 *Charter* rights are only occasionally available to be exercised when permission is given by authorities. There might be some contention as to whether the periods of unavailability of these rights could be accurately described as denials of these rights in accordance with section 24 of the *Charter.*

In the *Sauvé v Canada* decision of the Supreme Court of Canada, the SCC states that "The *Charter* distinguishes between two separate issues: whether a right has been infringed, and whether the limitation is justified" [para 10], and then later elaborates by stating that "At the first stage, which involves defining the right, we must follow this Court's consistent view that rights shall be defined broadly and liberally" [para 11].

It is more broad and liberal to regard periods of time under Crown governance when these rights are unavailable to be exercised as denials of these rights by the Crown than it is to simply regard these rights as not existing during these periods. The ISS therefore expects the courts to agree, based on *Sauvé* as well as several other precedents, that the Crown denies section 3 *Charter* rights for periods of time while the ISS never denies these rights.

According to s.24 of the *Charter*, if these rights are denied, then an appropriate and just remedy may be constitutionally warranted. The ISS believes that presently, the only possible way to give a remedy so that these rights are no longer denied is for the criteria specifying which drugs and substances should be controlled, and the extent to which such control is imposed, to be decided by the ISS for its members instead of by the Crown. However, section 1 of the *Charter* does allow the government to deny a constitutional right if the limit constituted by the denial is "reasonable" and "demonstrably justified in a free and democratic society".

R. v. Oakes, generally considered to be the most definitive interpretation of s.1, states that s.1 "states explicitly the exclusive justificatory criteria (outside of s. 33 of the *Constitution Act, 1982*) against which limitations on those rights and freedoms must be measured" [para 63]. S.33 states that its limits are only applicable to ss. 2 & 7-15 of the *Charter*, not to s.3; therefore, s.1 is the exclusive criteria. If it is not fulfilled, then the

Constitution Act, 1982

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“guarantee” provided in ss.1 & 24 of the *Charter* requires a remedy so that the rights are no longer denied. “Ubi jus ibi remedium”, the SCC has affirmed.

Paragraph 66 of *Oakes* states that “The onus of proving that a limit on a right or freedom guaranteed by the *Charter* is reasonable and demonstrably justified in a free and democratic society rests upon the party seeking to uphold the limitation.” Paragraph 67 states that “The standard of proof under s. 1 is the civil standard, namely, proof by a preponderance of probability”, and that “the preponderance of probability test must be applied rigorously”.

Paragraphs 69 and 70 of *Oakes* presents the details of the requirements that the party seeking to uphold a limit must fulfil so that the SCC regards s.1 as being satisfied: “To establish that a limit is reasonable and demonstrably justified in a free and democratic society, two central criteria must be satisfied. First, the objective, which the measures responsible for a limit on a *Charter* right or freedom are designed to serve, must be ‘of sufficient importance to warrant overriding a constitutionally protected right or freedom’: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. The standard must be high in order to ensure that objectives which are trivial or discordant with the principles integral to a free and democratic society do not gain s. 1 protection. It is necessary, at a minimum, that an objective relate to concerns which are pressing and substantial in a free and democratic society before it can be characterized as sufficiently important.

“Second, once a sufficiently significant objective is recognized, then the party invoking s. 1 must show that the means chosen are reasonable and demonstrably justified. This involves ‘a form of proportionality test’: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. Although the nature of the proportionality test will vary depending on the circumstances, in each case courts will be required to balance the interests of society with those of individuals and groups. There are, in my view, three important components of a proportionality test. First, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. Second, the means, even if rationally connected to the objective in this first sense, should impair ‘as little as possible’ the right or freedom in question: *R. v. Big M Drug Mart Ltd.*, *supra*, at p. 352. Third, there must be a proportionality between the effects of the measures which are responsible for limiting the *Charter* right or freedom, and the objective which has been identified as of ‘sufficient importance’.” [emphasis added]

The ISS believes that the courts will respond favourably to the contention that an available source of empirical evidence will qualify as more compelling (“rigorous”) in assessing rational connection to an objective than speculation. If that is the case, then it might appear evident that the only available source of empirical evidence, from which to assess whether an objective that “relate[s] to concerns which are pressing and substantial in a free and democratic society” is compromised when these rights cease being denied for periods of time, is to look at the experiences of members of the ISS in the time since it was founded in December 2010.

To satisfy the SCC's requirement of "proof by a preponderance of probability", and "applied rigorously", the ISS expects that the courts would regard an attempt to satisfy s.1 as insufficient if it ignores the only available source of empirical evidence as to whether any objective may be observed to be compromised if these rights cease being denied for periods of time. Therefore, the ISS is willing to provide all available public observations as to the experience of its participants in an election in which section 3 *Charter* rights are available without interruption so that your government may assess the ISS's claim that no objective is compromised by having these rights always available to every individual. If your government can find no evidence of any such compromised objective, then it would be malicious to prosecute despite knowing that the courts will deem s.1 to not be reasonably satisfied.

Since a legislative body for which section 3 *Charter* rights are never denied has informed its members that some actions which contravene the Act are in fact not unlawful, some ISS members therefore intend to pursue and enjoy those actions as they desire. If any of them are prosecuted with respect to laws created by a legislative body that denies section 3 *Charter* rights for periods of time without demonstrable justification as per section 1 of the *Constitution Act, 1982*, it would be in violation of the Constitution, and some of these members may therefore refuse to have their lives and liberty constrained by any such laws. If their actions contravene the stipulations made by the ISS, then most certainly they would agree that any prosecution against them would be valid, ethical, expected, and lawful.

At the bottom of this correspondence you will find a description of the specific criteria in the Act for which the ISS has informed its members that it will protect them from prosecution by invoking the denials of their section 3 Charter rights by the prosecuting party. Other than those specific criteria, any member to violate any of the remainder of the Act outside of those criteria would be acting in contravention of a law of the ISS called *Respect For Others' Laws* contained in the ISS *Summation of Principles*.

A citizen of Canada who would invoke the denial of section 3 Charter rights by the Crown, in defence to a crime alleged by the Crown, without presenting an alternative legislative assembly with constant availability of section 3 Charter rights under whose governance she or he consensually abides, would be asking to have the section 3 Charter rights of all other Canadians in relation to that citizen's governance denied. In *R. v. Crawford*, an SCC decision from 1995, the court held that "(a)pplication of Charter values must take into account other interests and in particular other Charter values which may conflict with their unrestricted and literal enforcement". To remedy the denial of one citizen's section 3 *Charter* rights by denying those same rights to all other citizens, in relation to any legislative process that legislates the limits on the one citizen's conduct, may not be consistent with the courts' view of an appropriate and just remedy, the ISS expects. No ISS member would expect a section 3 *Charter* defence to succeed in defence from a Crown law if the member is not adhering to ISS laws.

If, after having read this correspondence, your office agrees that it would be a violation of the Constitution of Canada for ISS members to be prosecuted for the actions described in the first paragraph of this correspondence, then I ask to be informed of this.

Alternatively, if your office would intend to prosecute ISS members for these actions, then please be advised that I already "possess a substance included in Schedule III", not authorized under regulations of the Act, in contravention of section 4(1), and therefore I would ask that you commence prosecution as soon as possible.

You may consider my signature on this correspondence as a signed confession that I presently have in my possession a number of mushrooms which, to my knowledge and experience, contain psilocin and psilocybin, which are listed in sections 11 and 12 of Schedule III of the Act. I look forward to seeing the matter adjudicated by an honourable court under the auspices of what your government describes as the supreme law of Canada, the Constitution.

If I do not hear back from you regarding this confession, then I shall inform other ISS members of the situation in relation to section 9 of the Constitution Act, 1982, which states that "[e]veryone has the right not to be arbitrarily detained or imprisoned". If I have committed an act in violation of your government's legislation with a stated constitutional defence, and I have not been prosecuted, and then someone else similarly acts in violation of the same legislation with the same defence and is prosecuted, then it would be an arbitrary usage of state legislation, which would be unconstitutional. Therefore other members may expect that possession of a similar quantity of this substance and with the same constitutional defence will not result in prosecution. Furthermore, if I do not hear back from you then I will seek a greater quantity of this substance and send further correspondence to inform you of this.

If your government develops an intention to create an alternative legislative body that uses the interactive electoral system to choose its legislative representatives by which citizens of Canada may choose to be governed instead of the periodically, pseudo-democratically selected renewable oligarchies presently acting as the de facto government, then I intend to cease and desist my possession of these substances in good faith so as to see laws such as section 4(1) of the Controlled Drugs and Substances Act negotiated in accordance with the wishes of the sovereign People of Canada unimpeded by a lack of accessibility of the fundamental democratic rights of Canadians. I have already shared correspondence with the Governor General, Her Excellency Julie Payette, received by her office on February 21, 2018, suggesting how this might be accomplished, but as yet I have received no response, so I am acting on the assumption that no such plans may be expected. Certainly, though, the ISS would agree that the existence of another alternative legislative assembly with constant availability of section 3 Charter rights and some form of greater consistency with the Constitution of Canada would make it a more appropriate remedy for the denial of these rights than the ISS, thus making ISS membership insufficient to qualify for any exemption from any Crown laws.

Controlled Drugs and Substances Act

4. (1) Except as authorized under the regulations, no person shall possess a substance included in Schedule I, II or III.

Schedule III

11 Psilocin (3–[2–(dimethylamino)ethyl]–4–hydroxyindole) and any salt thereof

12 Psilocybin (3–[2–(dimethylamino)ethyl]–4–phosphoryloxyindole) and any salt thereof

For your information, this letter has been publicly displayed in several places openly accessible to the public and brought to several people's attention, with the utmost effort to reach the broadest possible scope of public that might be induced to show interest in the matters discussed.

Psam Frank

Interactive Sovereign Society External Legislation Registry

Canada jurisdiction

Controlled Drugs and Substances

Following are several reasons which together illustrate why it may in some circumstances be inconsistent with ISS principles for an ISS member to be required to adhere to some provisions of sections 4 through 7.1 of the *Controlled Drugs and Substances Act* (referred to as "the Act" in this section):

- section 4 of the Act states provisions for punitive measures for possessing substances specified in the Act or for seeking or obtaining these substances,
- section 5 of the Act states provisions for punitive measures for trafficking substances specified in the Act,
- section 6 of the Act states provisions for punitive measures for importing or exporting substances specified in the Act into or out of Canada,
- section 7 of the Act states provisions for punitive measures for producing substances specified in the Act,
- section 7.1 of the Act states provisions for punitive measures for possessing, producing, selling, importing or transporting anything intended to be used to produce or traffic substances specified in the Act,
- for the specific types of cases listed in this ELR entry, no ISS member is aware of any circumstances where disobeying these laws is a failure to adhere to ISS principles, and any member who becomes aware of any other specific types of cases of contravention of these laws that may be consistent with ISS principles is encouraged to make a motion to add further exemptions from the provisions of the Act to this ELR entry,
- based on section 3 *Charter* arguments presented elsewhere in this ELR, ISS members in Canada are not subject to laws made by legislative assemblies that deny section 3 *Charter* rights for periods of time if they instead adhere to the laws of an organization that makes section 3 *Charter* rights available to be exercised at all times, such as the ISS,
- based on the principle of the sovereignty of the individual in the ISS Constitution, and the definition of individual sovereignty in the Appendix of the ISS Charter, the ISS regards it to be necessary that limits upon a member's liberty be justified by evidence beyond a reasonable doubt that is "predicated on assessing the person's infringement of the liberty and happiness of others, either directly or through impacts to their communities or environments",
- some substances listed in the Act can cause a person harm if used unsafely; therefore, the principle of *Self-wellness* requires members who are inexperienced with those substances to consult with members designated in this ELR entry, as specified for any substance listed herein, to assure that their usage of these substances does not impact their wellness,

- people who use these substances without an accountable public process for safe production of these substances can be given substances that are altered to become more dangerous, and it has been common for injury or death to result from obtaining such substances without such accountability; some ISS members have personally experienced deaths of people they care about,
- trafficking, importing, exporting, or producing some of the specified substances require specific stipulations under the principles of *Cycle of Wellness*, as well as love, trust, and mutual respect, to assure that any person involved in these activities is taking necessary precautions so that no person's wellness is harmed through the proliferation of these substances.

With the above reasons in mind, the ISS therefore affirms that it is inconsistent with ISS principles for a member to be required to adhere to sections 4 through 7.1 of the Act if:

- the substance is one of the following:
    - (1) Opium, as specified in section 1(1) of Schedule I of the Act,
    - (2) Coca (Erythroxylum), its preparations, derivatives, alkaloids and salts as specified in section 2 of Schedule I of the Act,
    - (3) Lysergic acid diethylamide (LSD) (N,N–diethyllysergamide) and any salt thereof as specified in section 5 of schedule III of the Act,
    - (4) Psilocin (3–[2–(dimethylamino)ethyl]–4–hydroxyindole) and any salt thereof as specified in section 11 of schedule III of the Act, or
    - (5) Psilocybin (3–[2–(dimethylamino)ethyl]–4–phosphoryloxyindole) and any salt thereof as specified in section 12 of schedule III of the Act,
- there is a committee, known as the ISS Controlled Drugs and Substances Committee of Canada (referred to as "the committee" herein), to assure safe usage of the substances and responsible, accountable provision of the substances, offering to retain a liaison with the Minister designated in the Act (the Health Minister of Canada) so that any information about the possible dangers posed by these substances will be shared for the education of users,
- for a member who possesses, seeks, or obtains these substances, the member reads the literature assembled by the committee describing the dangers that the applicable substance has been observed to pose, and watches for occasional updates to such literature when reasonably convenient to read any additional information, or for a member using any such substance for the first time, the member receives affirmation from the committee, or any individual designated by the committee for this purpose, that the member has conveyed an understanding of the potential detrimental impacts caused by these substances if used unsafely,
- for a member who possesses, seeks, or obtains these substances, if the member hears the suggestion that the member is not showing sufficient care toward the advisories of the committee, respecting the dangers of the substances, to be fulfilling the principle of

Self-wellness in the ISS Summation of Principles, then the member is willing to discuss the matter candidly with a judicial panel, or if the member finds the suggestion to have no evidential merit whatsoever in relation to the dangers specified by the committee, then the member may ask for a judicial panel in a societal hearing to disallow the hearing as vexatious, frivolous, scandalous, and/or an abuse of court process,

- the member does not share, exchange, or in any way assist in acquiring possession of these substances with a non-member without verification that the non-member is legally allowed to possess it according to judicial authorities of their own government,
- for a member who traffics, imports, exports, or produces these substances, or anything intended to be used for these purposes, the member consults with the committee and the committee carries a motion to charter the member's participation in the commerce of these substances.
- for any member who contravenes the Act, the member refrains from showing public opposition to any political platform or agenda advocating that society act upon its duty to provide opportunities, for substance users who find their lives to be a disappointment, to find remunerable labour that more fully satisfies their development of their personality, in accordance with each such user's individual view of herself or himself, including providing any such user with a basic living income for a sufficient period of time to focus on developing skills of benefit to society, as well as providing remunerative incentive for the exercise of any such skills developed by the user.