

Canada Interactive Legislature Charter

The Canada Interactive Legislature (CIL) is the official name chosen for the Canada federal jurisdictional subcommittee of the External Legislation Committee (ELC) of the Interactive Sovereign Society (ISS).

Upon receiving affirmation that the CIL's legislation for ISS members shall be upheld in place of federal Crown legislation for similar matters for as long as the House of Commons continues its sustained periods of denial of the rights described in [section 3](#) of the *Canadian Charter of Rights and Freedoms* (details in Appendix A), the CIL shall maintain an attitude of cordiality and appreciation to the Crown and its authorities and consenting citizens, for being the first authoritative government in human history (to present knowledge, and with apologies if this is found otherwise) that offers this extent of protection for fundamental democratic rights of human beings in their sovereign association as law abiding citizens of a land.

The CIL shall, upon receiving affirmation from the Crown as mentioned above, respect decisions of appellate courts in Canada for decisions appealed to them from ISS judicial decisions. The CIL shall also, upon receiving said affirmation, respect the Senate as an upper chamber from the CIL's decisions, as well as respect the executive powers designated in the Constitution of Canada, such as Queen, Governor General, Lieutenant Governors, and authorities appointed by them, except when their execution of these powers is invoked in such a way as to infringe upon section 3 Charter rights in the processes by which the legislation applicable to ISS members is asserted.

The CIL shall view the withdrawal of consent to lawful authority as a human right, whose exercise makes it incumbent upon an individual to choose an alternative, well defined source of rule by law (details in Appendix B). The CIL shall accordingly maintain the agenda of advocacy for the invocation of [section 41](#) of the *Constitution Act, 1982* to replace the monarchy with a domestic authority that is chosen in a way that avoids nepotism, respects the ancestral heritage and sovereignty of the First Nations, and respects equality of all citizens. Any such abolition of the monarchy shall be exercised with respect and gratitude to the departing monarch for the great service to humanity of providing the sovereign lawful state that would allow the most democratic society in human history (to present knowledge) to be legitimized, one of the greatest gifts that a monarch may ever give to the sovereign People who have previously subjected themselves to her wisdom on the source of their sovereignty.

An honourable Member of the Senate has presented a discussion paper that describes principles of "Complementarity" as an ethical description of the most well advised aspirations of Members of the Senate in their preemptory, advisory, and concurrent legislative origin role to the elected federal legislature of Canada. The CIL shall maintain the agenda of advocacy for the invocation of [section 38](#) of the Constitution Act, 1982 to constitutionally designate the powers of

the Senate to be defined as per these principles of Complementarity, so that a court of competent jurisdiction can overrule a decision of the Senate if this role is not, in the court's opinion, respected in good faith, consistently with the Constitution.

If the Complementarity principle is constitutionally adopted, then the CIL shall maintain a further agenda of advocacy for the invocation of [section 38](#) of the *Constitution Act, 1982* to replace the method of selection of Senators so that a Senator is randomly selected, from among all eligible citizens who explicitly make it known before a deadline for selection that they wish to offer their candidacy, for a constituency. This would be introduced by beginning random selection in each constituency as a previously appointed Senator finishes their term, rather than by prematurely terminating the present terms of office of existing Senators. The term of office of a randomly selected Senator may then be somewhere between three and ten years as yet to be resolved. Terms of office for multiple members chosen from a constituency may alternate, in dates of appointment to office, in equal intervals. The CIL shall advocate that the size of the Senate be doubled, with half of the seats chosen from eligible members of communities carrying forward the lineage, ancestral sovereignty, culture, and heritage of the First Nations, and the other half chosen from Canadians who do not share the above character, in proportions similar in provincial distribution as had previously existed. No Senator may be eligible for a second term after completing a term. Initial eligibility may be constrained by criteria of being eligible voters and also of comprehension of the Constitution of Canada and any precedents refining its interpretation with regard to matters within the Senate's mandate, with the Supreme Court of Canada designated as the authority on the method by which such eligibility is ascertained.

The CIL shall oppose the presumption that the democratic sovereignty of an institution of law holds greater force in the law than the ancestrally inherited sovereignty of the indigenous People of a land, such as the First Nations in what is commonly called Canada, or the indigenous Peoples of Turtle Island in general, as well as any other part of Earth where colonization has occurred. The CIL shall act supportively toward the First Nations in seeing them accorded the truths and reconciliations to which these nations are entitled in response to the oppressive and egregious colonization and atrocities suffered by their Peoples.

The CIL shall respect legislative decisions of First Nations legislatures with regard to the lands claimed by them under ancestral title, balanced with the rights of people born in the land known as Canada, or naturalized into it, and thus accustomed to having homes and belonging to communities. For further clarity, the CIL shall support decisions regarding usage of the land for resource extraction being determined so as to provide ancestrally inherited sovereignty greater weight in the law than the alleged sovereignty of a democratic institution, unless the land is explicitly ceded or shared by representative descendants of ancestral title. The CIL shall be supportive of compromise between these interests to the best mutual satisfaction of relevant parties. The CIL shall assert any failure to reasonably ascertain full comprehension by First Nations of the consequences and implications of any such treaty ceding or sharing land for resource extraction, upon being subsequently discovered, to retroactively void such a treaty.

If the CIL finds a significant controversy between the ISS and another legislative entity in Canada, whether First Nations, Crown, or any other that might exist, then the CIL may amend this Charter as per processes of amendment defined herein to sever its membership in the ISS and instead operate as an independent interactive legislature in Canada. If the Crown respects section 3 *Charter* rights of ISS members (as asserted in Appendix A), then the CIL shall regard any directive by the ISS regarding the CIL's relations with the Crown as a compelling reason for the CIL to consider such a severance.

The CIL shall assert that its membership in an international organization such as the ISS is no more reason to regard its legislative capacities as lacking in legitimacy than any similar argument that might be made to disregard the legitimacy of the Crown to govern its consenting citizens because of its chief executive authority residing in a foreign nation.

The CIL shall hold the view that the ability of residents of a land to coexist within dependable expectations of civil treatment amongst each other, to the extent that this is augmented by a democratic law making institution, has equal effect upon the mutual contentment of those residents regardless of whether "the supremacy of God" (as written in the Crown's supreme law for its national federation), is a real or fictional concept. Also, the CIL regards it as an unjustifiable infringement upon freedom of religion for a lawful state imbued with a particular religious view, such as belief in the existence or non-existence of a deity, to impose its governance upon an individual who does not share that view. Therefore the CIL shall assert the connotations of this phrase in the Constitution of Canada to be inapplicable to ISS members under the law, to whatever extent it might otherwise apply.

The CIL shall regard previous denials of fundamental democratic rights of human beings for sustained periods of time as crimes against humanity for which some form and extent of remedy, authoritative and officially expressed apology at a minimum, is lawfully warranted.

I. CROWN AUTHORITY

Any matters in this Charter in which Crown authority is described as having any authorization to pursue law enforcement over an ISS member in Canada is contingent upon a full, effective, and meaningful remedy being provided so that fundamental democratic rights are available to be exercised at all times for the member in any legislative process through which laws are asserted by which the member's conduct may be constrained.

II. VOTING QUALIFICATION

To put it most simply, without detracting from any other specific claims made in this Part, the CIL shall exclusively allow people who are: citizens of the First Nations, Canada, or any other lawful state that might claim to function in Canada; to have any right to vote in any CIL elections, and nobody else. The CIL is mandated by its membership in the ISS to adhere to this principle.

The ISS *Charter* states, in the Part about the *External Legislation Registry*, that no member who resides outside of the relevant territory in which a government claims jurisdiction may be

included in a decision on how well a law asserted by that government conforms to ISS principles. This present Part of the *CIL Charter* is intended to provide further clarity to the applicability of this stipulation to the CIL's legislative processes.

A primary consideration in determining the eligibility of adherents of the prevailing lawful state (specifically the Crown at the time of enactment of this *Charter*) to be provided access to democratic rights offered by the CIL regards the extent to which the legislation of the prevailing state is imposed without consent upon ISS members. This would continue to apply to any other government that might prevail over the Crown in the ability to impose its governance upon the land.

Anyone who is

- an ISS member and a citizen of Canada,
- a citizen of the First Nations, or
- dissenting to authority of known governments but professing to adhere to a specified alternative complete and concise method of writing and adjudicating laws functioning in the land of Canada and qualifying as responsibly sovereign as per Appendix B herein or else the ISS *Charter*,

is ex officio fully qualified for enfranchisement in the CIL's democratic process.

For the purpose of illustrating the criteria that determine whether a Crown citizen shall be qualified for enfranchisement in the CIL's democratic process, consider any matter in which a person or party governed by the Crown alleges that another person or party also governed by the Crown has acted unlawfully, or that an unlawful situation exists involving the two parties. The CIL shall view both parties to have an equal level of denial of their fundamental democratic constitutional rights. They are each provided some say in how the other is governed, but only occasionally when given permission by authorities.

If neither party has dissented to this denial of their rights despite a remedy being available, then the CIL shall hold the view that the denial is justifiable.

However, in such a matter between a party that chooses ISS governance and a party that chooses Crown governance, the CIL shall contend that the member(s) of the ISS party is (are) denied democratic rights for sustained periods of time as to the legislative process that determines how the member(s) of the Crown party is (are) governed.

The CIL shall contend that adjudicating the conduct of the Crown party according to ISS law would be a full, effective and meaningful remedy for this denial of constitutional rights.

The CIL shall contend that ignorance of this remedy by Crown citizens shall be a valid lawful defence in such a matter unless a citizen has been wilfully ignorant of the existence of this remedy for adherents of an interactively elected legislature such as the CIL.

If it is affirmed by courts, or by tacit acquiescence of Crown authorities, that the Crown's citizens shall be held to this remedy within the law, then the CIL shall reciprocate by allowing Crown citizens full access to the democratic rights offered by the CIL without the requirement of becoming a member of the ISS.

If the Crown does not affirm abidance of a section 3 *Charter* remedy (as in Appendix A or above), then at the discretion of the CIL, a Crown-governed citizen who makes a notarized affirmation, of respect for the sovereignty of ISS members who do not consent to Crown governance, may qualify for democratic enfranchisement for the CIL without the requirement of becoming a member of the ISS.

A voter may use whatever identification is used to verify their citizenship to authorities in their chosen, or previously chosen, lawful sovereign state to also access their democratic rights for the CIL.

A CIL voter who is not an ISS member shall not receive any assistance from the CIL in achieving any immunity from laws of their chosen lawful state, nor any collusion to assist in evading enforcement of those laws, nor encouragement from CIL members to do such.

III. LEGISLATURE

CIL voters shall elect a lead representative, co-representatives, and secondary representatives similarly to the ISS prime representative, main collaborators and secondary collaborators and with similar roles in CIL legislative process as determined by the Part of the ISS *Charter* about Representative Collaborators.

The guaranteed term of office and term limits on the lead representative shall generally be the same as for the ISS prime representative.

Campaign contribution limits for candidates for the CIL shall generally be the equivalent of such limits for candidates for the House of Commons, except as specified otherwise by the CIL and except as might be found to be inconsistent with ISS principles.

Legislative resolutions of the CIL shall generally be subject to the approval of the Senate prior to coming into force.

If the Senate fails to adhere to similar parliamentary rules and conventions toward the CIL as is accorded to the House of Commons, then the CIL shall argue before courts that the Senate is not adhering to the Constitution of Canada; and thus, requiring Senate approval for CIL decisions in using the CIL as a remedial avenue for denials of section 3 *Charter* rights falls short of being a full, effective, and meaningful remedy.

If the Senate has previously failed to adhere to similar parliamentary rules and conventions toward the CIL as is accorded to the House of Commons, but then subsequently the Senate adopts a consistent genuine intention of fulfillment of these criteria, then subsequently, for any legislation previously enacted by the CIL as an alternative to Crown legislation to which the

Senate resolves to propose alterations, the CIL shall show expedient receptivity to the Senate's proposal.

A member of the Senate may not be a candidate for the CIL.

The CIL shall offer voters the choice of either a transparent interactive vote or else a secret periodic ballot. A confidential interactive vote shall be offered as a third choice if courts require it or if the CIL resolves to do so.

Dates for CIL voters who prefer secret periodic ballots to vote shall generally have a reasonably similar frequency as elections for the House of Commons.

If the Crown respects section 3 *Charter* rights of ISS members (as in Appendix A), then the Governor General shall be respected as having the authority to call for a voting date for CIL voters who prefer secret periodic ballots to cast their votes. The Governor General shall then also be respected as having the authority to alter the duration of the guaranteed term of office of the lead representative.

A voter who wishes to choose a secret periodic ballot but has not yet voted may sign a petition for a voting date to be provided expediently. If sufficient signatures are received so that the provision of such a date may reasonably be expected to affect the composition of the legislature, then a voting date shall be provided with a campaign period similar to the general duration of a campaign period for an election of the House of Commons. If the Crown respects section 3 *Charter* rights (as in Appendix A), then the Governor General shall be respected as having the authority to determine when sufficient signatures have been received and what duration the campaign period should be set at.

If Elections Canada offers to administrate the CIL's electoral processes then the CIL shall gratefully accept the assistance. Unless and until that happens, the ISS electoral clerk shall administrate these processes until such time as the CIL appoints an ISS member to a similar position, designating a successor as it sees fit, to continue these duties.

An ISS member shall only be qualified to act as the CIL electoral clerk if the member is qualified to vote in the election of members of the CIL as defined in part II.

If Elections Canada administrates the CIL electoral process, then for any electorally related decision over which the Governor General is ascribed authority herein, the Chief Elections Officer may make a recommendation to the Governor in Council as to the appropriate choice.

Any recommendation made by the Chief Elections Officer to the Governor in Council shall be published by the Chief Elections Officer without delay in the Canada Gazette.

No matter what financial resources the CIL gains access to, no members of the legislature nor administrators facilitating the legislature's operations shall be remunerated in excess of comparable positions for the House of Commons.

If the Crown respects section 3 *Charter* rights (as in Appendix A), then candidates receiving sufficient votes to be designated with inclusion in the legislative processes of the Canada Interactive Legislature shall be required to make the same declaration of allegiance, as is specified for members of the House of Commons in the Constitution of Canada, prior to exercising any such inclusion.

If the Crown creates a federally mandated interactively elected legislature, then the CIL shall relinquish legislative jurisdiction to that legislature and cease functioning. The CIL shall then become dormant unless and until the Crown's interactively elected legislature ceases functioning. The legislative members of the CIL may then be encouraged by the voters from whom they have received votes in the CIL to pursue candidacy in the Crown's interactive legislature and those voters may cast their votes for those candidates toward positions in that legislature. If it is necessary to aggregate those votes among a smaller number of candidates so that the legislative decisions of the CIL amending legislation of the House of Commons may be continued in the Crown's interactive legislature, then candidates may seek the advice of the voters as to how to negotiate any such aggregations and reductions in numbers of candidates.

The ISS *Summation of Principles* states, in the Part about Respect for Others' Laws, that a member who knowingly refuses to follow a law of an existing government without first consulting the External legislation Committee (ELC) — of which the CIL is the subcommittee for matters designated herein with appropriate jurisdiction — for a definitive answer on whether the ISS views the law as consistent with ISS principles, may be deemed as acting against the principle of Respect For Others' Laws. For greater clarity, the laws duly asserted by the House of Commons are applicable to ISS members unless the CIL amends those laws.

For any laws asserted by the House of Commons that the CIL amends, any subsequent amendments to those laws by the House of Commons shall not be applicable to ISS members unless the CIL makes the same amendments.

The ISS *Summation of Principles* states, in the Part about Respect For Others' Laws, that a member in a territory where there is a prevailing lawful state has the option of showing preference to that state's governance over ISS governance. This can allow the member to be to some extent exempted from ISS principles while also allowing them to be included in voting on the laws that govern ISS members.

The CIL may exempt Crown citizens from requirements regarding conduct that contradicts an ISS principle if the conduct in question does not contravene Crown laws. Such exemptions shall be published in the CIL's Part of the *External Legislation Registry* (ELR).

A Crown governed member must communicate their exempted status to the CIL for public record, if they wish to be exempted from ISS principles as specified in the ELR.

The CIL shall negotiate with any such Crown citizen seeking an exemption with a view to arriving at a modification of the contested principle rather than a full exemption. Such modified principles and/or partial exemptions will also be published in the ELR. In negotiating this type of

compromise, the CIL shall remain cognizant that such members, in consensually committing to be governed by a lawful state other than the ISS, are making an individually sovereign decision, and care shall be taken to respect this individual sovereignty.

The CIL shall seek the assent of Her Majesty the Queen to appoint the CIL lead representative to the Queen's Privy Council for Canada. From time to time, the CIL may make additional recommendations for such appointments.

IV. LEGISLATIVE POWERS

The jurisdiction of the CIL shall be constrained within matters designated for the federal government in [part VI](#) of the *Constitution Act, 1867*.

The CIL shall respect the jurisdiction of courts in Canada to prescribe authoritative interpretation of part VI for clarification of any matter for which the specific interpretation is argued differently by different parties.

V. AMENDMENTS

This *Charter* may be amended using similar formulas as specified in [Part V](#) of the *Constitution Act, 1982*, substituting the CIL for the House of Commons and any ELC provincial subcommittees for the provincial legislatures.

Only provincial subcommittees that have adopted a Charter similar in character to this federal *Charter* may be included in the formula for amendment to this federal *Charter*. For any such proposed amendment when there are less such provincial subcommittees than the number of Provinces in the nation of Canada, the required number of provincial subcommittees and combined provincial populations for the amendments to be brought into force shall be proportional to the stipulations in part V of the *Constitution Act, 1982*. For greater clarity, generous latitude shall be accorded to interpretation of the phrase "similar in character" as above, to favour the discretion of a provincial jurisdictional subcommittee of the ELC as to what is intended by this phrase.

VI. JUDICATURE

ISS judicial processes constituted in [Inter-sovereign Relations](#) shall be asserted to have concurrent original jurisdiction in any matter in which an ISS member is a party.

If the Crown indicates willingness to act in respect of a remedy for section 3 *Charter* rights (as in Appendix A), then superior provincial courts or federal appeal court, as appropriate, shall be respected as appellate courts from decisions of judicial panels.

If the CIL creates a judicial system mandated to decide matters that are assigned federal jurisdiction, then those courts shall be mandated with concurrent original jurisdiction for such matters. *Inter-sovereign Relations* shall then be an appellate judicial avenue from decisions of the CIL's impartial and independent federally mandated courts. The Federal Court of Appeal shall then be deferred to as a next higher level of appeal if the condition is fulfilled that Crown

authorities abide by, or are ordered to abide by, section 3 *Charter* protections as described in Appendix A herein.

VII. TAXATION

Legislating taxation shall be viewed by the CIL as a crucial matter for which to be alert to a possible pressing and substantial objective that might be detrimentally impacted by the cessation of denials of democratic rights. If adherents of conventional, periodically elected governments choose to be subjected to alternative legislation created by an interactively elected legislature based on the motivation of reducing their taxes owing, then genuine, impartial analysis of conscience-based motivations for individuals to seek remedy for denials of democratic rights may be obfuscated. Further, the ability of the CIL to contribute commensurately to the needs and common facilities of society would be reduced.

Any proposed CIL legislation to reduce amounts of taxes paid by ISS members shall be accompanied by cautionary words to the Senate advising that the above-described interests be considered. Reducing taxation as amelioration for financial marginalization shall not be subject to this condition.

Alterations of taxes owing from different income brackets should be calculated so that if all citizens of Canada were paying those same altered amounts, then the amount raised through taxation would be the equivalent of the total received from Crown citizens under the unaltered federal taxation legislation. The amount of the alterations should be constrained by proportions similar to the proportion of citizens of Canada who have chosen thus far to contribute their taxes to the CIL instead of the House of Commons as a remedy for the denials of their section 3 *Charter* rights by the Crown in the process of allocating the expenditures of those funds.

The CIL should list in its legislation the ideal alteration of taxation brackets that the CIL expects that it would find preferable if all citizens of Canada were subjected to these alternative taxation levels for these brackets, and then calculate the actual alterations in reasonably similar proportion to the number of citizens of Canada choosing the CIL as their preferred destination for their taxes.

The primary goal of legislating expenditures of funds raised through taxation should be altering the proportional allocations of such funds between the Crown's ministries, distinctly from how the House of Commons allocates federal taxes. Funds reasonably necessary for administration of the CIL should be deducted before making these allocations. For a Crown ministry in which the CIL is dissatisfied with actions or decisions taken by that ministry, the ISS may create an alternative organization with a similar mandate and fund it directly instead of contributing funds to the Crown ministry; however, the alternative organization shall endeavour to direct its actions and decisions to work in tandem with the Crown ministry, mutually assisting in each other's efforts where possible.

For an individual who has previously concealed funds from the Crown and then, upon discovering the remedy for denials of section 3 *Charter* rights described herein being respected

by Crown authorities, reveals all such previous financial transacting to authorities, the CIL shall assert that these previous denials were a lawful reason to evade taxation and thus no relevant penalties should be imposed as long as the taxes previously owing are subsequently paid within the reasonable abilities of the individual.

VIII. CONSISTENCY WITH CONSTITUTION OF CANADA

Other than any distinctions explicitly described herein or implicitly or functionally necessary based upon the operation of the interactive electoral system in contrast to periodic elections, the CIL shall operate consistently with the Constitution of Canada.

The Supreme Court of Canada (SCC) has stated that the consent of the governed is a value that is basic to their understanding of a free and democratic society. The SCC has also stated that attributed moral unworthiness is irrelevant to an individual's entitlement to the right to vote based on the idea that laws command obedience because they are made by those whose conduct they govern. The CIL shall regard these views of democracy as having a strong correlation with the principle of the sovereignty of the individual enshrined in the ISS Constitution. The CIL shall regard optimal enfranchisement of an individual, in the political processes of legislating constraints upon the conduct of others, as the equivalent of optimal respect for an aspect of the sovereignty (and dignity) of the individual. Where any difference in principle is found between the above views on the source of sovereignty in a free and democratic society, the CIL shall seek compromise between them and present its interpretation with diplomacy, pragmatism, and assertiveness.

APPENDIX A - REMEDY TO BE SOUGHT FOR DENIALS OF RIGHTS DESCRIBED IN SECTION 3 OF CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The laws of Canada that the CIL shall invoke in a claim to have the jurisdiction to legislate for ISS members in Canada, so that CIL laws will be held applicable over an ISS member in place of laws made by the Crown on similar matters, shall be argued by the CIL consistently with this Part.

The principal applicable laws of Canada to be applied are sections 3, 24, 1, and 52 of the *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.

The rights described in section 3 of the *Constitution Act, 1982* may also be known as “section 3 *Charter* rights” due to their inclusion in the *Canadian Charter of Rights and Freedoms*.

At the time of enactment of this *Charter* for the CIL, the dates upon which authorization to exercise section 3 *Charter* rights for the federal realm is provided to citizens of Canada by authorities are specified in [s. 56.1\(2\)](#) of the *Canada Elections Act*. **The CIL shall argue that periods of time when these rights are not available to be exercised qualify as periods of denial of these rights as per section 24 of the *Constitution Act, 1982*, and thus an appropriate and just remedy may be warranted.**

The CIL uses an interactive electoral system (IES), in which each voter has one vote that can 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. With the IES, section 3 *Charter* rights are available to be exercised at all times, never denied.

In *Sauvé v. Canada (Chief Electoral Officer)*, 2002 SCC 68, [2002] 3 SCR 519, the Supreme Court of Canada (SCC) states in paragraph 10 that “[t]he *Charter* distinguishes between two separate issues: whether a right has been infringed, and whether the limitation is justified”. Then in paragraph 11, it states that “[a]t the first stage, which involves defining the right, we must follow this Court’s consistent view that rights shall be defined broadly and liberally”.

Another statement by the SCC regarding determining whether a right has been infringed, as specifically relevant to section 3 of the *Charter*, is from *Figuroa v Canada (Attorney General)*, 2003 SCC 37, [2003] 1 SCR 912. In paragraph 20, it states that “[i]n order to determine the scope of s. 3, the Court must first ascertain its purpose”. Then in paragraph 25, it states that “a more complete statement of the purpose of s. 3 of the *Charter*” is that it “includes not only the right of each citizen to have and to vote for an elected representative in Parliament or a legislative assembly, but also to the right of each citizen to play a meaningful role in the electoral process”.

The CIL shall argue that defining periods of unavailability of section 3 *Charter* rights as denials provides a more broad and liberal interpretation of these rights, and also that the constant availability of these rights may provide a citizen a more meaningful role in the electoral process. Therefore, the CIL shall argue, it is consistent with prior precedent to define these periods of unavailability of these rights as denials.

For any matter in which it is asked that an ISS member’s conduct be adjudicated as per laws of the Crown for which the CIL has duly enacted alternative legislation, the CIL shall argue that adjudicating the member’s claims as per laws enacted by a legislative assembly that uses the interactive electoral system instead of adjudicating those claims as per laws enacted by a legislative assembly that only makes section 3 *Charter* rights available once every few years would remedy the denial of a constitutional right. To clarify, there would no longer be any periods of time where such a member’s rights would be unavailable to them in terms of their part in using their vote to solicit representation of their

interests regarding legislative matters of concern to them, by a contender for the legislative assembly that makes these decisions.

The SCC states in paragraph 65 of *R v Oakes*, [1986] 1 SCR 103, that “[t]he rights and freedoms guaranteed by the *Charter* are not, however, absolute. It may become necessary to limit rights and freedoms in circumstances where their exercise would be inimical to the realization of collective goals of fundamental importance. For this reason, s. 1 provides criteria of justification for limits on the rights and freedoms guaranteed by the *Charter*”.

Following are paragraphs 69 and 70 of *Oakes*, outlining the specific criteria of justification.

“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’” (emphases added).

The CIL shall argue that in order for the Crown to be allowed under the Constitution to impose laws made by a legislative assembly that denies section 3 *Charter* rights for periods of time (specifically the House of Commons) upon an ISS member, instead of adjudicating the member’s conduct in accordance with legislation created by an organization that never denies section 3 *Charter* rights (specifically the CIL) the Crown would have to first present an objective of pressing and substantial concern to a free and democratic society to the satisfaction of courts and then show on a preponderance of probability (para 67, *Oakes*) that there is rational connection between the denial of the

right and the achievement of the objective, as well as minimal impairment and proportionality.

The ISS has existed since December 2010. The ensuing time has made empirical evidence available upon which to assess the claim that some objective is detrimentally impacted when section 3 *Charter* rights are always available to each member of a society. The SCC states in paragraph 67 of *Oakes* that “the preponderance of probability test must be applied rigorously”. The CIL shall thus contend that an attempt to show rational connection that ignores possibly the only available source of empirical evidence, as to whether the cessation of the impugned denial of rights detracts from a collective objective, is insufficient to be considered a satisfactory justification to render the denial of rights constitutional.

The CIL shall be transparently and readily forthcoming, to any public authority or any constituent or party comprised in the sovereign People of Canada, with any evidence that might possibly be thought to aid in the assessment of detrimentally impacted objectives of society caused by cessation of denials of fundamental democratic rights. The CIL shall regard this as its lawful duty as a consequence of having claimed to be a viable remedial avenue for ceasing sustained periods of denial of section 3 *Charter* rights. Therefore the CIL shall contend it to be malicious to prosecute an ISS member for contravention of Crown laws for which the CIL has enacted alternative legislation, without having first analyzed any such evidence for apparent justification for the denial of these rights. Furthermore, the CIL shall be supportive of severe penalties, under Crown laws for obstruction of justice, fraud and any other relevant legislation, for deliberately concealing or obfuscating information about the operation of the interactive electoral system that might influence rational analysis of any pressing and substantial objective that might be expected to be detrimentally impacted due to constant availability of section 3 *Charter* rights to voters collectively choosing a representative legislative assembly.

In para. 78 of *Harper v Canada (Attorney General)*, 2004 SCC 33, [2004] 1 SCR 827, the SCC states that “[t]his Court has, in the absence of determinative scientific evidence, relied on logic, reason and some social science evidence in the course of the justification analysis in several cases; see *R. v. Butler*, [1992] 1 S.C.R. 452, at p. 503; *R. v. Keegstra*, [1990] 3 S.C.R. 697, at pp. 768 and 776; *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 S.C.R. 199, at para. 137; *Thomson Newspapers, supra*, at paras. 104-7; *R. v. Sharpe*, [2001] 1 S.C.R. 45, 2001 SCC 2”.

Even if evidence can't be found of the impairment of an objective by the cessation of denial of rights for the comparably small electorate that has been observed thus far to use the IES to facilitate their representative democratic process, the CIL shall not dissuade continuing consideration of the possibility that some objective will be observed to be detrimentally impacted for a larger electorate. If any charge(s) made against an ISS member for contravention of Crown law that would not be considered unlawful under CIL legislation are stayed pending such a compromised objective becoming apparent upon further analysis of the IES — particularly if the number of participants in the IES increases, as some citizens avail themselves of such a

precedent to receive immunity from intrusion by authorities for Crown laws on matters legislated otherwise by the interactive legislature while other citizens engage the interactive legislature's democratic facilities out of a desire to see the CIL's laws once again made more strict— then the ability to find more determinative evidence for a larger electorate can be provided while leaving all possible consequences of the protection of these rights entirely reversible upon the establishment of such a compromised objective to the satisfaction of the courts. Any such stay can later be lifted if evidence of a compromised objective becomes apparent. Any response of justice to any such alleged actions thus remains a possibility for the Crown to execute if it satisfies the *Charter* s. 1.

Imposing a conditional stay of proceedings as specified above may be found to “impair ‘as little as possible’ the right in question” (*Oakes*, para 70). It also may assert the requirement that “logic, reason, and some social science evidence” not be deemed sufficient justification for the denial of a right if “determinative scientific evidence” might be acquired by observing a larger electorate, since the former criteria are qualified as sufficient justification “in the absence of determinative scientific evidence” (*Harper*, para 78).

In *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62, [2003] 3 SCR 3, the SCC states (at para 25) that “[p]urposive interpretation means that remedies provisions must be interpreted in a way that provides ‘a full, effective and meaningful remedy for *Charter* violations’”. Having the criteria for an ISS member’s conduct to be determined by an organization that uses the interactive electoral system instead of the Crown’s periodically elected federal legislature shall respectfully be argued by the CIL to be a full, effective, and meaningful remedy for the denial of ISS members’ section 3 *Charter* rights. The SCC states in *Doucet-Boudreau* that “[a] purposive approach to remedies in a Charter context gives modern vitality to the ancient maxim *ubi jus, ibi remedium*: where there is a right, there must be a remedy.” The CIL shall show respectful appreciation of any vitality imparted to this respectable and just ancient reasoning in modern times.

If the Crown creates a legislative assembly that uses the IES to choose its members, or modifies its existing legislative assemblies to cease its sustained periods of denial of section 3 *Charter* rights, or provides any other conceivable remedy so that section 3 *Charter* rights are no longer denied for periods of time, then the CIL shall disallow its members from inciting any dissent by ISS members to being required to abide by the legislation enacted by the Crown’s legislatures.

If the courts allege that a preponderance of probability has been demonstrated to show that an objective of pressing and substantial concern in a free and democratic society is proportionately achieved by the denial of democratic rights for sustained periods of time, and the CIL believes either that the objective is not pressing and substantial or else that the reasoning or evidence connecting the denial to the objective falls short of being a preponderance of probability, then the CIL shall not advocate for any use of force by ISS members against authorities beyond that

which is reasonably minimally necessary to defend themselves from having Crown laws imposed upon them for which alternative legislation has been enacted by the CIL.

The CIL shall make available to its members a document describing all known [supplementary arguments](#) based on the Constitution of Canada, beyond those listed in this Part, to assist in providing a comprehensive case for an ISS member who is party to court proceedings in Canada regarding laws made by the House of Commons for which the CIL has created alternative legislation.

APPENDIX B - RESPECTING CONSENT OF THE GOVERNED, INDIVIDUAL SOVEREIGNTY, AND DECOLONIZATION, WITHOUT IMPEDING THE RULE OF LAW

This Part is intended to provide further clarity as to how the rule of law can be held in force while still imbuing public institutions with respect for the inherent validity in the reasoning of people who show dissent to the prevailing social order using one of the following three values:

- the consent of the governed, a value that the Supreme Court of Canada has stated is implicitly included in the Crown's supreme law for Canada by virtue of the implications of the phrase, "free and democratic society",
- the principle of the sovereignty of the individual, a founding principle of the Interactive Sovereign Society, and
- decolonization, a word used by indigenous people to describe the process of remedying and, to whatever extent possible, reversing the harms done to them by a foreign colonial culture that impeded, to whatever extent, their ability to live in the ways of their ancestors.

When an individual claims to deny consent to an imposed form of governance, or alleges to be individually sovereign, or affirms having lived through the impacts of colonization, the CIL shall advocate for the building of an alliance with such a person, offering support in seeing any non-consensually imposed governance relinquished.

This Part provides a set of questions that one can ask to clarify any mutual agreements that may be affirmed, for the purposes of establishing respectful diplomatic relations with such an individual. These relations should include seeking the affirmation, of the individual asserting sovereignty or pursuing decolonization, that the constraints imposed upon one's conduct by one's own consensually abided lawful state are satisfactory to the individual. These relations may also include ascertaining the forms of constraint that the sovereign or decolonized individual shall allow to have imposed upon her or his conduct upon being freed from the oppression of non-consensual imposition of governance.

These questions should be asked with the utmost patience to such an individual, leaving open the possibility that such an individual has never considered these questions before and may take some time to contemplate their answers. It should be assumed that imposition of governance in the first place without these questions having been asked was a form of injustice against such a person, and therefore the person's time to respond requires not only deliberation

upon the questions themselves but also recovery from having lived through a distressing injustice.

Each question shall be written *in italics*, followed by an advisory (in parentheses) as to how the CIL prescribes for the answer to be interpreted.

Have you previously had a system of creating laws, and holding your conduct within the constraints of those laws, imposed upon you without your consent? (If the answer to this question is yes, then the imposed system shall be referred to by the CIL as the imposed constitution.)

Before this system of creating laws was imposed upon you, is it possible that you may have conceived of an alternative method of writing laws by which you would have consented to instead have constraints placed upon your conduct? (If the answer to this question is yes, then the alternative method shall be referred to by the CIL as the individual's preferred constitution.)

In as much detail as possible, can you describe how your preferred constitution provides other people the ability to be included in the process of determining the laws enacted under it? (The answer to this question may be regarded by the CIL as the extent to which the individual shares an ethical alignment toward principles of democracy. Minimal enfranchisement of others may be regarded as an assertion of one's own sovereignty at the expense of the sovereignty of others, and thus irresponsible.)

In as much detail as possible, can you describe ways in which your preferred constitution provides more universal, equal enfranchisement of all people in determining the laws by which you are governed than the imposed constitution? (The answer to this question may be regarded by the CIL as an additional injustice against the individual by the imposed state, particularly if the imposed state describes itself as being democratically motivated, in addition to the absolute disregard for the value of consent.)

In as much detail as possible, can you describe whose discretion is relied upon to determine whether you have adhered to the laws enacted under your preferred constitution if any other individual believes that you have acted inconsistently with those laws? (The answer to this question shall be regarded by the CIL as a description of the judiciary designated by the preferred constitution.)

If someone thinks of an action or situation that might involve any adherent of your preferred constitution including yourself, and wishes to know with specific certainty whether that action or situation would be consistent with laws enacted under your preferred constitution, and those laws appear open to interpretation on the matter, then is there a definitive process of inquiry that would provide an authoritative answer to their question? (The answer to this question shall be regarded by the CIL as the method of addressing judicial reference questions designated by the preferred constitution.)

Are there any living conditions that you view as an ethical duty for a society to provide for each of its members for which your preferred constitution will not allow laws to be held in force that impede those conditions? (The answer to this question shall be regarded by the CIL as the rights and freedoms protected under the preferred constitution, as well as an opportunity to scrutinize the ISS Charter to see if any of these rights and freedoms are not yet included in it and consider their addition.)

Are any of these rights and freedoms protected under your preferred constitution not protected under the imposed constitution? (The answer to this question shall be regarded by the CIL as injustices, to whatever extent, by the imposed or colonizing lawful state.)

The Constitution of the Interactive Sovereign Society (ISS) is the supreme law that I have given my consent to be governed by. The laws made under this Constitution are written in the ISS Summation of Principles. Would you be willing to learn the laws that I am governed by so that I may receive your feedback as to whether you approve of me being governed solely by the lawful state to which I have given my consent? (If the answer to this question results in any measure of lack of approval as asked, then it shall be regarded by the CIL as warranting consideration of altering ISS laws to address the concerns of the individual. If the answer to this question merits an extent of approval, then it shall be regarded by the CIL as an indication that an ISS member should be open to being available as a mutual ally to the individual in mutual protection of each other's sovereignty.)

Do you remember specific people who have deliberately attempted to cause you to believe that it was ethical for the imposed constitution to be held in force over your conduct without any concern for affirming your consent to that imposition? (The answer to this question shall be regarded by the CIL as revealing individuals whose lack of regard for the value of consent may cause harm to others and therefore may warrant pursuit of interference with them, to an extent that may assure that they will subsequently be deterred from complicity in any situation where the value of consent is utterly disregarded.)

Do you remember specific situations when you have been constrained by laws made under the imposed constitution, or threatened with constraints for contravening those laws, in which those laws may have been different under your preferred constitution if you had instead been allowed to live under its laws? (The answer to this question shall be regarded by the CIL as a description of potentially traumatic events that an ISS member should maintain an attitude of supportiveness and empathy toward, to aid in diminishing any continued pain or discomfort endured by the individual.)

Do you see any benefit gained by members of societies when any different law making methods adhered to by members of those societies are made to be more similar to each other so that members of those societies have a more universal understanding of the kinds of expectations that they may rely upon from each other for civil conduct? (The answer to this question shall be regarded by the CIL as incentive to pursue further negotiations with the individual and any other adherents of the preferred constitution with the goal of creating a blend between the preferred

constitution and the CIL Charter so that the individual would be willing to consent to rule by the same laws as are consented to by ISS members. Lack of regard for any such benefit may be regarded as an irresponsible assertion of sovereignty.)