FROM:
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Public Prosecution Service of Canada ("the Service")

In this correspondence, the subjects that shall be disclosed are:

I. **notarization** (page 2) - certification by a Notary Public that all assertions presented in this correspondence, notably the confession of contravention of legislation, have been legally affirmed by me in sound mind and good judgment, any intentional false or misleading statements contained herein thus making me liable for perjury, which I acknowledge carries a maximum sentence of fourteen years imprisonment under the *Criminal Code of Canada*, and I do not contest the fairness of any such sentence if it was found that I have deliberately and knowingly committed such,

II. **confession** (page 3) - a confession to possession of a drug in contravention of the *Controlled Drugs and Substances Act* ("the *Act*"),

III. **condensed defence** (page 3) - a condensed presentation of a constitutional defence alleging that enforcement of the *Act* upon me constitutes a denial of certain constitutionally specified rights, with a suggested remedy for this denial and a receptiveness to any alternative suggestion of a possibly more appropriate and just remedy for this denial,

IV. **response requested** (page 8) - a request for a response as to whether this defence appears sufficiently consistent with prior constitutional precedent to warrant abstention from prosecution, or better still, for the Attorney General to advise the Governor General to address a reference question to the courts regarding the constitutionality of the allegation of denial of rights described herein,

V. **intention of dissemination** (page 9) - notice that absence of response to this correspondence shall be publicly disseminated to the extent of my abilities to seek members of the public who may wish to assume that failure to prosecute after this confession indicates tacit affirmation of the validity of the defence, thus allowing these members of the public to cease worrying about concealing actions similarly in contravention of the Act and with the same defence, relying on section 9 of the *Constitution Act, 1982* (no arbitrary detainment or imprisonment) to act according to the asserted contention that prosecuting any other person

for possession of a similar substance and with a similar constitutional defence, after an absence of prosecution against me after my confession, would be arbitrary and thus unconstitutional,

VI. **response to prosecution** (page 9) - notice that any intention expressed by the Service to prosecute for this confession shall result in me responding by offering the impugned drug to whichever authorities the Service advises, to be used as evidence in subsequent proceedings, with the aforementioned constitutional defence to be used in response to the charge(s), with no intention of any form of resistance to any authorities acting consistently with the Constitution to pursue enforcement of the *Act*,

VII. **legal counsel** (page 10) - a request for assistance in understanding the protocol for seeking legal counsel if prosecuted, as per the *Statement of Principles on Self-Represented Litigants and Accused Persons* as asserted by the Canadian Judicial Council and affirmed by the Supreme Court of Canada in *Pintea v Johns*, as I am unable to afford legal counsel on my own finances,

VIII. **full defence** (page 11) - a full and extensive presentation, in elaboration on part III above, of every element of the defence I intend to offer (pending my deliberations on any advice otherwise by legal counsel) in counter to any prosecution relevant to the Act, including all laws, prior precedents, facts, reasoning, and arguments that I expect to provide to a court in any relevant proceedings, so that the Service can make a fully informed decision as to whether prosecution may be found plainly and evidently malicious,

IX. **affirmation request** (page 42) - a request that, if my defence is found to be entirely consistent with prior constitutional precedent, and no conceivable objective of pressing and substantial concern to a free and democratic society can be shown on a preponderance of probability, based on observation, evidence, or scientific social reasoning available thus far, to be proportionately detrimentally impacted by the cessation of the denial of rights as described herein, then the Service provide me with an affirmation for the benefit of other members of the public who wish to indulge in possession of relevant substances with assurance of security from intrusion by authorities,

I. notarization

II. confession

(1) I have for several months been carrying in my possession a small plastic wrapped chunk of 1.18g of cocaine, valued at $100, as described in section 2(2) of schedule I of the *Controlled Drugs and Substances Act*, which carries a maximum sentence of seven years imprisonment for possession according to section 4(3)(a) of the *Act*.

(2) I carry this drug in my wallet, in the right front pocket of my pants or shorts. I intend to continue carrying it there until I receive a response from the Service affirming either an intention to prosecute or else to abstain from prosecution.

III. condensed defence

(3) I previously made a claim in BC Supreme Court in New Westminster in which the sitting judge, His Honour Master Peter Keighley, clarified for me the application of constitutional defence to matters of law. My request was that the court affirm for me that the constitutional rights whose denial I was dissenting to should not be denied, but I had not specified any particular situation in which the denial of these rights had affected an interaction between myself and any office or agency of the government.

(4) When I asked about whether the court could suggest a remedy for the denial of rights if it found my requested remedy to be insufficiently appropriate or just, Master Keighley's response was that "the court is going to get into a consideration of whether claims should be considered in the abstract. Should the court, which is an expensive operation to run at this level and the various appellate levels all the way up to the Supreme Court of Canada, get engaged in deciding issues in the abstract. Should it not, the argument will go, confine itself to situations where an individual's rights are being put into question by a particular operation of the law. In other words, say a charge under the income tax act, a charge under federal drug legislation, a charge under the criminal code or provincial quasi criminal statutes, in those circumstances the court will probably find it far more convincing that *Charter* issues could be invoked and argued. But if you want to bring a *Charter* application so to speak in the abstract saying look I'm not being subjected to the sharp end of any particular provincial or federal legislation, I'm not being charged with anything, I'm not being prosecuted, I'm not being sued, but I would like to have this issue resolved, I think I have a *Charter* right which in the abstract is being infringed by the existence of this legislation. That's starting to sound like frivolous, vexatious, scandalous, in the legal sense, an abuse of process of the court."

(5) That is from the transcript taken by me from the recording of the hearing, which occurred on October 17, 2014 identified as matter 106942.

(6) Now in the present context, "a particular operation of the law" could be a charge under federal drug legislation, one of the examples given by Master Keighley. By confessing to possession of a drug in contravention of the *Controlled Drugs and Substances Act*, I am hoping to provide an avenue to test the constitutional defence that I have been working on for over ten

years. If this test is successful, then as Master Keighley suggested, the precedent might also be applied to income tax, the overarching goal of my efforts.

(7) The rights that I am alleging are denied are in section 3 of the *Canadian Charter of Rights and Freedoms*: voting and pursuing candidacy.

> *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.

(8) Under prevailing electoral legislation at all levels of jurisdiction in Canada, section 3 *Charter* rights are available to be exercised once every few years on a date specified by authorities, and the rest of the time, they are not available to be exercised. For the legislature that asserts the *Act* as relevant to this matter, the dates upon which section 3 *Charter* rights are available to be exercised are specified in s. 56.1(2) of the *Canada Elections Act*.

(9) This is in contrast to a form of election I have experienced for roughly fifteen years now, known as 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.

(10) There might be some contention as to whether periods of time when section 3 *Charter* rights are not available to be exercised, for Crown legislatures such as the House of Commons, could be defined as denials of these rights as per section 24 of the *Charter*.

(11) In *Sauvé v. Canada (Chief Electoral Officer)*, 2002 SCC 68, [2002] 3 SCR 519, the 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”.

(12) Another statement by the SCC regarding determining whether a right has been infringed, as specifically relevant to section 3 of the *Charter*, is from *Figueroa 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”.

(13) So based on these two criteria for assessing whether periods of time when section 3 *Charter* rights are not available to be exercised can be defined as denials as per section 24, if defining it as a denial provides a more broad and liberal interpretation of these rights, or if it is possible that the constant availability of these rights might provide a citizen a more meaningful role in the electoral process, then it is consistent with prior precedent to define these periods of unavailability of these rights as denials.

(14) **If the conditions that determine whether it is lawful for me to possess the drug confessed to herein were decided by a legislative assembly that uses the interactive electoral system instead of a legislative assembly that only makes section 3 *Charter* rights available once every few years, then it would remedy the denial of a constitutional right.** Certainly there would no longer be any periods of time where these rights would be unavailable to me in terms of my part in using my vote to assure representation of my interests on the issue by a contender for the legislative assembly that makes these decisions.

(15) **I am a member of an organization that uses the IES to choose its legislative assembly, and it has created distinctive laws** (found on pp. 18-20 herein) **regarding the possession of the drug confessed herein.** I consent without reservation to have my conduct assessed according to this organization’s criteria, or if the Crown were to accordingly make section 3 *Charter* rights available at all times to its citizens, then I would contentedly consent to whatever laws regarding the possession of this drug that would thus be legislated by the Crown.

(16) But as the SCC states in paragraph 65 of *R v Oakes*, [1986] 1 SCR 103, “[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*“.

(17) 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’.”

(18) **I contend 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** (such as the *Controlled Drugs and Substances Act*) **upon me, instead of adjudicating my conduct in accordance with legislation created by an organization that never denies section 3 Charter rights, 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, inter alia, rational connection between the denial of the right and the achievement of the objective**.

(19) The organization that presently uses the IES in Canada has existed for over ten years, so there is 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. Seeing as how the SCC states in paragraph 67 of *Oakes* that “the preponderance of probability test must be applied rigorously”, it may be expected that courts would regard an attempt to show rational connection that ignored possibly the only available source of empirical evidence, as to whether the cessation of the impugned denial of rights detracts from a collective objective, to be insufficient to be considered a satisfactory justification to render the denial of rights constitutional. Nor may it be expected to be considered lawful for an organization that has access to such evidence to fail to make it transparently and readily available upon request despite having claimed to be a viable remedial avenue for ceasing sustained periods of denial of section 3 *Charter* rights. Therefore it may be considered malicious to prosecute without having first analyzed any such evidence for apparent justification for the denial of these rights, unless the organization has shown reluctance to make any such observations readily available.

(20) In para. 78 of *Harper v Canada*, 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".

(21) 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 to have used the IES to facilitate their representative democratic process for ten years so far, the possibility must remain open for consideration that some objective will be observed to be detrimentally impacted for a larger electorate. If any charge(s) made in response to this confession 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 the precedent to receive immunity from intrusion by authorities for possession as legislated by the interactive legislature while others engage the interactive legislature's democratic facilities out of a desire to see the constraints on possession 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.

(22) 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).

(23) 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 my conduct, with regard to the possession of the drug confessed herein, to be determined by an organization that uses the interactive electoral system instead of the Crown's periodically elected federal legislature would, with respect, be a full, effective, and meaningful remedy for the denial of my section 3 *Charter* rights. Certainly I believe that the SCC has affirmed the constitutionally endowed jurisdiction and duty of courts to make an order that provides a full, effective, and meaningful remedy for the denial of these rights (ubi jus, ibi remedium) if justification for their denial is not demonstrated, and I believe that s. 1 is the exclusive limit allowable upon s. 3 *Charter* rights, as the SCC states in *Oakes*, *supra*, para 63.

(24) 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 to my knowledge, no member of the organization that presently uses the IES would show any dissent to being required to abide by the legislation enacted by the Crown's legislatures.

IV. response requested

(25) While I would be satisfied with a response from the Service indicating whether the defence offered herein appears sufficiently consistent with prior constitutional precedent to warrant abstention from prosecution, and I contend that the organization that uses the IES would be willing to volunteer all available evidence as to any observable effects upon a society caused by allowing each member to have uninterrupted access to their fundamental democratic rights in their role as voters to influence the processes of the society's legislative assemblies, I suggest that it would be more appropriate for a reference question to be addressed to the courts with regard to the validity of the constitutional defence presented herein, as per section 53 of the Canada *Supreme Court Act*. According to section 53(1)(a) of this *Act*, "[t]he Governor in Council may refer to the Court for hearing and consideration important questions of law or fact concerning the interpretation of the Constitution Acts".

(26) Section 13 of the *Constitution Act, 1867* states that "[t]he Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the Advice of the Queen's Privy Council for Canada". No clarification or alteration on this interpretation is made in the *Supreme Court Act*.

(27) According to section 4 of the *Department of Justice Act*, "[t]he Minister [of Justice] is the official legal adviser of the Governor General".

(28) If the Minister of Justice, aka Attorney General, advises the Governor General to refer these questions to the courts, and Her Excellency assents to the advice, then I will be grateful for the integrity and responsiveness of Her Majesty's government for a new reason, in addition to several other reasons I have for such gratitude.

(29) Here are some suggestions for questions that could be asked of the courts.

1. With observations now available of ten years of existence of an independently conceived organization in Canada that uses an interactive electoral system — meaning each voter has one vote that can be cast for any candidate for an elected position at any time that the voter wishes and changed to any other candidate at any time after that, with no deadline or finish date — do the periods of time under the Crown's legislative assemblies when fundamental democratic rights in s.3 of the *Constitution Act, 1982* are not available to be exercised qualify as denials of these rights as per s.24?
2. If the first question is answered in the affirmative, then can the denials of these rights be saved under s.1 as reasonable limits, demonstrably justified in a free and democratic society?

3. If the second question is answered in the negative, and a remedy for these denials is considered —to allow an organization that uses the interactive electoral system to alter laws applicable to its members, such laws initially being held in force by legislatures of the Crown that do deny section 3 *Charter* rights for periods of time, if the interactively elected legislative assembly of the organization makes a resolution to do so in accordance with its legislative process— then can the conditions be exhaustively stated that would be necessary for this remedy to be considered appropriate and just?

V. intention of dissemination

(30) Section 9 of the *Constitution Act, 1982* states that "[e]veryone has the right not to be arbitrarily detained or imprisoned". I do not believe there is any way for the Service to abstain from prosecuting me after my confession, but then prosecute another person for similar actions and with a similar constitutional defence, that would not be arbitrary. While I am not legally qualified to give legal advice, I believe I would not be acting fraudulently, deceptively, or manipulatively by suggesting to other people that the word "arbitrary" in the *Charter* is intended to be interpreted by its plain definition, which might lead them to act accordingly. If it appears irrefutably arbitrary by any reasonable interpretation of the word for them to be prosecuted after abstention of prosecution toward me, then they may expect, on their own plain view of the definition of arbitrariness, that they may suffer no intrusion by authorities over possession similar in nature, and with similar defence, as my act of possession.

(31) I therefore intend to disseminate a copy of this letter publicly for anyone who might be interested in knowing of the possible validity of the constitutional defence described herein for possession. The date of registered receipt of this confession will be displayed so that interested members of the public can choose a period of time that satisfies their personal discretion as to when it may be expected that tacit acquiescence to the validity of the defence can be presumed.

VI. response to prosecution

(32) If the Service communicates any intention to prosecute, then I intend to provide the confessed drug to whatever authorities the Service advises, or if I am detained for this confession without prior notice, then I expect to have the drug on my person upon detention and offer it to the authorities as evidence if they allow me to access my wallet in my pocket where I will have it kept.

(33) I intend to show no resistance nor contempt if I am detained or prosecuted. The only action that I intend to respond with is: if the courts fail to order a remedy for the denial of the rights as described herein without what appears readily to me to be a demonstrated preponderance of probability of an objective achieved through the denial of the right as prescribed for s.1 of the *Charter* in *Oakes*, then I intend to respond by hunger strike.

VII. legal counsel

(34) In *Pintea v Johns*, 2017 SCC 23, [2017] 1 S.C.R. 470, the SCC states that they "endorse the *Statement of Principles on Self-represented Litigants and Accused Persons* (2006) (online) established by the Canadian Judicial Council" ("the Statement" herein).

(35) The court-endorsed Statement holds 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".

(36) My personal belief is that there are some criteria by which it can be found unethical for a lawful state to impose its governance upon an individual who has expressed a preference for an alternative complete and concise method of writing and adjudicating laws by which to instead consensually have their conduct constrained. One of these criteria, in my opinion, is that the lawful state has an ethical onus to provide any individual who has stated an alternative such preference, and over whom the governance is nonetheless imposed, to have reasonably free and unlimited access to assistance in understanding any element of the method of writing and adjudicating laws held in force by the state in order for the imposition of governance to be ethical.

(37) The SCC states in *Reference re Secession of Quebec*, [1998] 2 SCR 217, ("the *Secession Reference*" herein) at paragraph 67, that "[t]he consent of the governed is a value that is basic to our understanding of a free and democratic society". It might be a stretch to think that it was at all intended to be inferred from this that an individual's denial of consent, as opposed to a denial of consent by a regional or cultural demographic, might be implied to be included in the considerations of this statement. However, I also don't believe it can be taken as conclusive within the context of the extra-constitutional principles expounded by the SCC in the *Secession Reference* that it can be ruled out that individual denial of consent has any merit within the law as a consideration. So to the extent that this might be the case, I am making it known that I believe I am entitled to assistance in tailoring the constitutional defence presented herein to best meet the protocols prescribed by courts for such a defence to be appropriately heard and considered.

(38) I have taken the LSAT and applied for law school, during the process of preparing these proceedings. In doing so, I developed more respect for the law profession, and its ability to hold the principle of impartiality as an ethical precept presiding as one of the highest of all considerations of principle in any conduct of a law professional, than I knew it was possible to respect a choice of livelihood of a fellow human being. So it is with no lack of gratitude that I ask any member of the Bar reading this confession to find the wherewithal to offer me whatever assistance comes to mind and can be conveyed without deterring from many other perhaps more pressing matters to which they might feel their attention is better warranted. My gratitude

is offered despite the requested assistance being a responsibility prescribed by the supreme court and an ethical obligation that I assert as self-evident and natural as a part of the premises of the existence of a lawful state that professes to be ethically founded.

(39) I have also previously written correspondence to the Vancouver County Representatives of the British Columbia Branch of the Canadian Bar Association, similarly requesting assistance. I did not receive a response. The correspondence can be found at http://issociety.org/wp-content/uploads/Members-of-the-Bar.pdf.

VIII. full defence

(40) In *Hunter et al. v. Southam Inc.*, [1984] 2 S.C.R. 145, two years after the enactment of the Constitution of Canada, the SCC sets out one of the most basic principles for assessing allegations of denials of rights, at page 155.

> "The task of expounding a constitution is crucially different from that of construing a statute. A statute defines present rights and obligations. It is easily enacted and as easily repealed. A constitution, by contrast, is drafted with an eye to the future. Its function is to provide a continuing framework for the legitimate exercise of governmental power and, when joined by a *Bill* or a *Charter of Rights*, for the unremitting protection of individual rights and liberties. Once enacted, its provisions cannot easily be repealed or amended. It must, therefore, be capable of growth and development over time to meet new social, political and historical realities often unimagined by its framers. The judiciary is the guardian of the constitution and must, in interpreting its provisions, bear these considerations in mind. Professor Paul Freund expressed this idea aptly when he admonished the American courts 'not to read the provisions of the Constitution like a last will and testament lest it become one'" (emphasis added).

(41) The IES may well not have existed at the time of the framing of the Constitution. The fact that it has now been experienced by a group of people for a decade could then be described as a "new social, political, and historical reality". To construe periods of time when s. 3 Charter rights are conventionally not available to be exercised as denials according to s.24 may have been "unimagined by [the Constitution's] framers". The existence of the IES and its ability, by

contrast, to show how conventional governments have denied a right of their citizens, possibly an injustice, may necessitate “growth and development” to update constitutional interpretation to present realities in potential for the “unremitting protection of individual rights and liberties”.

A. relevant broad constitutional principles

(42) In contrast to the specific formulaic sections of the Constitution discussed in part III, the condensed defence, the full defence in this part shall start by presenting broader constitutional principles relevant to the principle of democracy.

(43) The preamble of the *Constitution Act, 1867*, states that Canada was founded with the intention to have “a Constitution similar in Principle to that of the United Kingdom”. Part of the Constitution of the United Kingdom is the *Bill of Rights*, 1689. One of the requirements incumbent upon the government that is stipulated in the *Bill of Rights* is “[t]hat election of members of Parliament ought to be free”. Below is a quote of the SCC’s summarized history of Canadian democratic constitutional principles in the *Secession Reference*, *supra.* I contend that all of the steps in Canadian history and before, as illustrated in this quote, are consistent with the goal in the *Bill of Rights* to progressively provide broader universal freedom to all citizens in their access to democratic enfranchisement.

(44) “The evolution of our democratic tradition can be traced back to the *Magna Carta* (1215) and before, through the long struggle for Parliamentary supremacy which culminated in the English *Bill of Rights* of 1689, the emergence of representative political institutions in the colonial era, the development of responsible government in the 19th century, and eventually, the achievement of Confederation itself in 1867. ‘[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” (*Secession Reference*, para 63).

(45) To regard periods of time when fundamental democratic rights are not available to be exercised as denials of these rights (“unjust exclu[sion] from participation in our political system”), and to provide a remedy for citizens who dissent to the denial of these rights so that they can receive more constant enfranchisement and potentially more effective representation, may be an “uneven step” in “evolutionary democracy”, as the *Secession Reference* states is “the Canadian tradition”. It may also provide freer elections, as the *Bill of Rights, 1689* states is constitutionally incumbent upon the government. Possibly two of the most broad and enduring principles of democracy in Canadian constitutional rationale concur with the strict interpretation of the formula for determining the validity of allegations of denials of rights as posited in part III of this correspondence, the condensed defence.

(46) The following quote from the SCC may be interpreted to state that democracy is an independent constitutional principle with concurrent legitimacy as the strict literal wording of the Constitution itself. From the *Secession Reference* (para 32):

> "The 'Constitution of Canada' certainly includes the constitutional texts enumerated in s. 52(2) of the *Constitution Act, 1982*. Although these texts have a primary place in determining constitutional rules, they are not exhaustive. The Constitution also 'embraces unwritten, as well as written rules', as we recently observed in the *Provincial Judges Reference*, *supra*, at para. 92. Finally, as was said in the *Patriation Reference*, *supra*, at p. 874, the Constitution of Canada includes 'the global system of rules and principles which govern the exercise of constitutional authority in the whole and in every part of the Canadian state.' These supporting principles and rules, which include constitutional conventions and the workings of Parliament, are a necessary part of our Constitution because problems or situations may arise which are not expressly dealt with by the text of the Constitution. In order to endure over time, a constitution must contain a comprehensive set of rules and principles which are capable of providing an exhaustive legal framework for our system of government. Such principles and rules emerge from an understanding of the constitutional text itself, the historical context, and previous judicial interpretations of constitutional meaning. In our view, there are four fundamental and organizing principles of the Constitution which are relevant to addressing the question before us (although this enumeration is by no means exhaustive): federalism; democracy; constitutionalism and the rule of law; and respect for minorities. The foundation and substance of these principles are addressed in the following paragraphs."

The earlier quote from para 63 of the *Secession Reference* is part of the "foundation and substance of these principles" introduced in the above quote.

(47) Part III.A.3.c of the *Secession Reference*, paras. 61-69, describes the foundation and substance of democracy as an extraconstitutionally legitimate principle. This may illustrate features of how democracy, and the rights that citizens have as members of a democratic society, apply under the law in parallel to the strict formulaic interpretations such as from the condensed defence herein involving sections 1, 3, 24, and 52 of the *Constitution Act, 1982*, as courts have prescribed in previous decisions. Following are several quotes from part III.A.3.c of the *Secession Reference* to show consistency with the algorithmic analysis presented in the condensed defence. This may show that the remedy requested herein is consistent not just with the strict interpretation of a remedy for denied rights but also with enduring constitutional principles that the courts have ruled applicable.

(48) "Democracy is not simply concerned with the process of government. On the contrary, as suggested in *Switzman v. Elbling*, *supra*, at p. 306, democracy is fundamentally connected to substantive goals, most importantly, the promotion of self-government. Democracy accommodates cultural and group identities: *Reference re Provincial Electoral Boundaries*, at p.

188. Put another way, a sovereign people exercises its right to self-government through the democratic process. In considering the scope and purpose of the *Charter* , the Court in *R. v. Oakes*, [1986] 1 S.C.R. 103, articulated some of the values inherent in the notion of democracy (at p. 136): 'The Court must be guided by the values and principles essential to a free and democratic society which I believe to embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society'" (*Secession Reference*, para 64).

(49) To further illustrate the concept of "respect for the inherent dignity of the human person" and its relevance to democracy, in *Frank v. Canada (Attorney General)*, [2019] 1 SCR 3, 2019 SCC 1, while discussing how citizens who reside outside of Canada are affected by being denied the right to vote due to lack of residency, the SCC states (at para 5) that "[t]he disenfranchisement of these citizens not only denies them a fundamental democratic right, but also comes at the expense of their sense of self-worth and their dignity".

(50) Not only does "respect for the inherent dignity of the human person" qualify as a principle valid under the law concurrently with the written text of the Constitution, but in fact, the right to vote itself is, according to the SCC, something without which an individual is deprived of their dignity. If this dignity is something protected under the law, then legitimizing an avenue to make the right to vote available at all times ceases extended periods of deprivation of dignity that have been rendered to all citizens except the ones who get elected, for the duration of Canada's history, and thus upholds the law.

(51) Also from para 64 of the *Secession Reference*, *supra*, quoted above, "the promotion of self-government" is "fundamentally connected" to the extraconstitutional principle of democracy. If it is possible that the cessation of the denial of fundamental democratic rights for extended periods of years at a time could create a legislative process that would more closely resemble self-government, then legitimizing an avenue for citizens to cease being denied this right is also in accordance with this constitutionally authorized aspect of the democratic principle.

(52) Para 66 of the *Secession Reference*, *supra*, states that "[i]t is, of course, true that democracy expresses the sovereign will of the people". It could be said that the sovereign will of the people is diluted when the means by which they each express their will is silenced in legitimate influence for sustained periods of time. The collective will of a constituency represented by a member in a legislature, a component of the "people" endowed as sovereign, for the matters of jurisdiction applicable to the level of government for which that legislature is constituted, may be expressed in a way more resemblant of the collective will of that constituency if each member is provided with uninterrupted enfranchisement.

(53) Para 67 of the *Secession Reference*, *supra*, states that democratic institutions "must allow for the participation of, and accountability to, the people, through public institutions created under the Constitution", and "[t]he system must be capable of reflecting the aspirations of the

people". It then goes on to say that there are "other constitutional values" that must, under some limited conditions, be ascribed higher force in the law than the "'sovereign will' or majority rule". If there were reason to believe that cessation of periods of democratic disenfranchisement of citizens might cause the courts to be less effective at curtailing the sovereign will of the people to hold these other constitutional values in force, then it might be a pressing and substantial objective that would merit justification of the present conventional denials of s. 3 *Charter* rights as reasonable limits under s. 1. However, it would have to be demonstrated on a preponderance of probability that this diminution of judicial oversight of the legislative process would occur, according to *Oakes*, *supra*, para 67. Furthermore, for a court to decide that denials of section 3 *Charter* rights are justified, despite it being possible to stay relevant decisions until more evidence, possibly with a larger electorate, becomes available, while still inherently retaining the prerogative to lift stays and enforce the impugned laws if the justification for the denial is demonstrated, might be considered not to be minimal impairment of the right, the second of the three stipulated requirements of the proportionality test that *Oakes*, para 70, states must be fulfilled by the party seeking to limit a right.

(54) The aggregate result of the above reasoning being used to justify alterations to legislation by adherents of the IES, and having these alterations held in force for those adherents until such time as a pressing and substantial objective is observed to be compromised in comparison with periodically elected legislatures, is that the courts can reimpose the conventional limits of several years of denial of democratic rights if and when such a compromise is made evident to them. Therefore justifying the dilution of the sovereign will of the people by claiming that other constitutional values that sometimes preempt the rule of the majority under the law may become less enforceable by courts may not be a valid line of reasoning to justify the limits that exist on democratic rights as dissented to herein.

(55) One of the "other constitutional values" that might in some ways legitimately preempt the sovereign will of the people is described in para 64 as "faith in social and political institutions which enhance the participation of individuals and groups in society". If a remedy for the denial of section 3 *Charter* rights may enhance the participation of individual voters in society, then it may be in keeping with the democratic principle to provide such a remedy even if it contravenes the will of the majority.

(56) Para 68 of the *Secession Reference*, *supra*, states that the Court "highlight[s] that a functioning democracy requires a continuous process of discussion", and that "[a] democratic system of government is committed to considering dissenting voices". For a voter who dissents to a majority decision, with more constantly enfranchised fellow citizens who thus each have more influence in the legislative process, there is a larger pool of more influential people with whom to seek more frequent (if not continuous) discussion regarding the dissented decision or policy, and thus the dissenting voice has more incentivized listeners. Even listeners who strongly disagree with the dissenter may be more apt to take the time to hear the dissenting voice knowing that they have an avenue to tangibly impact the decision if the dissenter provides them a previously unconsidered perspective.

(57) The *Secession Reference* decision was rendered in 1998. Two subsequent decisions that present further perspective on the extraconstitutional principle of democracy are *Sauvé*, *supra*, in 2002 and *Frank*, *supra*, in 2019.

(58) *Sauvé* describes "the idea that laws command obedience because they are made by those whose conduct they govern" as a requisite of democracy (at para 44) and *Frank* states (at para 1) that "[a]ny limit on the right to vote must be carefully scrutinized and cannot be tolerated without a compelling justification".

(59) A more generalized way of stating the quote from *Sauvé* is that greater enfranchisement in the participation in the making of laws, provided by an institution to its adherents, yields greater ethical justification for the institution to see enforcement of those laws upon those adherents. It may be extrapolated from this that it would be unethical for an institution to impose its legislation upon an individual who prefers to be governed by an alternative institution that provides its adherents greater enfranchisement in its legislative processes.

(60) The SCC is very clear in *Frank*: "any limit". It might be equivalently stated that anything that impedes the ability of a citizen to have optimal enfranchisement in the legislative processes of the society to whose laws the citizen is held accountable must be disallowed unless compelling justification is demonstrated. Compelling justification, as described in *Oakes*, requires a demonstration by preponderance of probability that some objective of pressing and substantial concern to a free and democratic society is detrimentally impacted by ceasing the limit on citizens' enfranchisement.

(61) Freedom and democracy are described in section 1 of the *Constitution Act, 1982* as the pivotal values that form the fulcrum upon which the balance between powers of government versus rights and liberties of individuals must be predicated. Optimal availability of enfranchisement to citizens and optimal freedom in their ability to make choices that contribute to the refinement of the moral values held in force by society may be seen, from available insight provided by the SCC as to the specific nature of the extraconstitutional principle of democracy, to be consistent with the values of freedom and democracy. The remedy requested herein, cessation of periods of denial of fundamental democratic rights, is an expression of desire to experience a more free and democratic society than has previously been the enforced standard.

B. The Interactive Sovereign Society

(62) The Interactive Sovereign Society (ISS) was formed on December 21, 2010. Two determinative essential premises of the society that are presented in its Constitution are the usage of the interactive electoral system (IES) and the principle of the sovereignty of the individual.

(63) One implicit function of the ISS may be that it provides its members the opportunity to collectively consider the question, "if our society's members could be exempted from existing governments and instead governed only by the laws of this society, then what would we want

those laws to be?" The ISS prime representative is interactively elected by the members to preside over the process of the continual refinement of the society's answer to this question.

(64) The ISS Constitution refers to two other documents: the ISS *Charter* and *Summation of Principles*. The ISS *Charter*, according to its preamble, serves as "the lawful limits on the powers of the society as a whole over its individual members". The ISS *Summation of Principles* describes the constraints that individual members of the society agree to have their conduct governed by as a requisite of membership.

(65) The ISS *Charter* and *Summation of Principles* both refer to two further documents. One is the ISS's independent and impartial judicial system, *Inter-sovereign Relations*, and the other is the ISS *External Legislation Registry* (ELR), a list of laws made by governments external to the ISS that the ISS has asserted alterations to. The ELR states that "[a]ny member who refuses to follow a law that has been officially deemed inconsistent with ISS principles in the ELR has the right to the society's protection to the extent of its abilities if the member is prosecuted or otherwise imposed upon by an external government over that law". The only form of protection that the ISS has, to my knowledge, conjectured might be offered is if courts agree that periods of denial of section 3 *Charter* rights cannot be demonstrably justified in a free and democratic society and thus hold members of the ISS to the criteria specified in the ELR rather than the criteria specified by the government that denies democratic rights.

(66) Following are three paragraphs taken from the principle of *Respect For Others' Laws* in the ISS *Summation of Principles* that members have agreed to have their conduct governed by.

> "People who exist in proximity to, or engage in community or social interaction with, those who live in different lawful states may find it challenging to feel respected by those others. This can cause distress to any who disagree on what kinds of behaviours they are willing to accept from each other. It is therefore pivotal that when in proximity to, or interacting with, those who are under the lawful authority of a government, Interactive Sovereign Society members show respect for the laws of that government. Members may nonetheless declare that they are not lawfully responsible to those laws if the actions in question are not in violation of the principles of the Interactive Sovereign Society.
>
> "There shall be an External Legislation Committee (ELC), whose purpose is to provide a definitive answer as to whether and to what extent a law of a government external to the ISS is consistent with ISS principles. Any member who would like an answer on such a question may consult with or request membership in the ELC. This committee shall record all such decisions in the *External Legislation Registry* (ELR).
>
> "A member that knowingly refuses to follow a law of an existing government without first consulting the ELC 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."

(67) For any law of the Crown that has not been explicitly identified in the ELR as being inconsistent with ISS principles, if an ISS member is found to have contravened the law, the ISS may be expected to withhold its authentication of any defence made under section 3 of the *Charter* as specified herein, and all available sanctions under the Crown law may then be enforceable just as if the person was not an ISS member and had no avenue by which to invoke denial of section 3 *Charter* rights as relevant to their case. See para 112, on p. 30 in part VIII.F herein, for further clarification.

(68) The ELR also states that provincial superior courts are acknowledged by the ISS as appellate courts from decisions made through ISS *Inter-sovereign Relations*, as long as a few specified conditions are satisfied, including that those superior courts have affirmed protection of section 3 *Charter* rights.

(69) The specific alterations made to the *Act* in the ELR, as relevant to the confession presented herein, are as follows.

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" in this ELR entry), 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, and then makes all literature provided by the committee describing potential danger from any such substances available to any person to whom the substance is provided, and
- for any member who contravenes the Act as allowed by this ELR entry, 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.

(70) One further condition specified in the ELR upon which the ISS respects superior provincial courts as appellate courts from ISS courts is that "superior provincial courts acknowledge that ISS courts have concurrent original jurisdiction for any matter in which an ISS member who is a citizen of Canada is a defendant". Therefore if an ISS member is accused of disobeying the conditions regarding controlled drugs and substances in the ELR, then the member may ask to

have their conduct adjudicated as per Inter-sovereign Relations as the first level of administration of justice.

(71) It might be posited that the principle of individual sovereignty enshrined in the ISS Constitution makes the ISS sufficiently incompatible with the principle of the rule of law in Canada that using the ISS's legislative assemblies as remedial avenues for denials of section 3 *Charter* rights would not be an appropriate remedy.

(72) Two quotes by the SCC stated earlier herein may be considered to contest this. "The consent of the governed is a value that is basic to our understanding of a free and democratic society" (*Secession Reference*, *supra*, at para 67). "Denial of the right to vote on the basis of attributed moral unworthiness… runs counter to… the idea that laws command obedience because they are made by those whose conduct they govern" (*Sauvé*, *supra*, at para 44). Being a participant in the making of laws is a manifestation of sovereignty. Including a consenting member of society in the making of laws is, definitively, the logical equivalent of claiming that that member of society is endowed with some measure of sovereignty.

(73) Section 15 of the *Constitution Act, 1982* states that "[e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". This may mean that Her Majesty the Queen is equal before and under the law to any other citizen of Canada, unless there is demonstrable justification for the denial of this right of equality to every citizen of Canada. However, Her Majesty is described as "the sovereign", a title no other individual is ascribed. Section 9 of the *Constitution Act, 1867* states that "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen." Section 15 of the same *Act* states that "The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen." These are powers granted to the Queen due to hereditary succession. This might not be considered "equal before and under the law".

(74) If it is posited that the goal of maintaining the rule of law in Canada is effectively served by designating one individual with the role of personification of the lawful state as its sovereign, and this is justified by claiming that the sovereignty of the People of Canada is served by Her Majesty, then this nonetheless must accommodate for the possibility that the sovereignty of the People of Canada is a composite of some measure of sovereignty endowed within each individual citizen and constituent who comprises the group of people that is described as wielding the sovereignty personified by the Queen.

(75) The SCC states in para 66 of the *Secession Reference*, *supra*, that "[i]t is, of course, true that democracy expresses the sovereign will of the people". Clearly there is sovereignty endowed somewhere within "the people", according to the chief arbiter of "the supreme law of Canada", as the Constitution is described under the auspices of "principles that recognize the supremacy of God and the rule of law" (*Constitution Act, 1982*, preamble). Perhaps this

collective sovereignty is derived from the measure of sovereignty that is endowed within each individual citizen.

(76) I contend that the above illustrates some measure of compatibility between the principle of the sovereignty of the individual and the Constitution of Canada. I also concede that for any conflict found between the identification of this principle as a constitutional imperative in the ISS Constitution versus other constitutional values observed by the SCC, in any matter in which an ISS member is a party, courts may be expected to potentially decide upon a stronger balance toward those other constitutional values. Therefore any potential consequences of using the ISS as an avenue for remedying denials of s. 3 *Charter* rights that might conceivably be caused by the inclusion of the principle of the sovereignty of the individual in the ISS Constitution can be readily excluded from consideration or effect by courts.

(77) For citizens who wish to be enfranchised in determining how ISS members are governed and yet prefer to remain under the governance of the Crown instead of ISS laws, there is a contingency in the ISS *Summation of Principles*, in the principle of Respect For Others' Laws, illustrated in the following two paragraphs.

> "In a territory where there is a prevailing lawful state, a member 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 [External Legislation Committee] may exempt state governed members from requirements regarding conduct that contradicts an ISS principle if the conduct in question is not breaking the laws of the prevailing state. Such exemptions shall be published in the ELR."

(78) Information about the legislative processes of the ISS and the legislation asserted by the ISS may be found at http://issociety.org/principles-and-charter/.

C. other organizations using the IES

(79) Suppose another organization was found to exist in Canada, or was created, that uses the IES to choose its legislative assemblies, and the other organization was to also make alterations to legislation applicable to its members, relying on section 3 *Charter* arguments similar to those herein to legitimize those alterations.

(80) It may be expected based upon the principle of the rule of law in the preamble of the *Constitution Act, 1982* that only one such remedial organization should be available for this remedy. Between two such organizations, the one that is most consistent with the Constitution of Canada as per the opinion of the courts should be the only means by which a citizen of Canada could make a valid claim to subjection to alternative legislation created in a manner that makes section 3 *Charter* rights available without interruption.

(81) One possible form of greater consistency with the Constitution that might be incorporated into such an organization could be recognition of the executive branch of authority designated in the Constitution of Canada. The ISS External Legislation Registry (ELR) contains a section entitled “Executive Authority, the Queen, and Interactive Canada”, in which it is suggested that an organization be created that is similar to the ISS in legislative process but with the executive branch of the Crown’s government written directly into its Constitution. A letter has previously been sent to the Governor General of Canada providing a suggested Constitution for such an organization, and suggesting the name “Interactive Canada” for the organization. The letter can be found at http://issociety.org/wp-content/uploads/Gov-Gen-Payette.pdf.

(82) The ISS affirms in the section of the ELR referred to above that if an organization similar to Interactive Canada was created, then “ISS membership [would] be regarded as insufficient to rely on section 3 of the Canadian Charter for an exemption from the governance of periodically elected legislative assemblies”, subject to a few conditions specified in this ELR entry.

D. federalism

(83) The *Secession Reference*, *supra*, at para 32, identifies four legitimate extraconstitutional principles, one of them being federalism, applicable under the law as unwritten rules holding concurrent force under the law with the written text of the Constitution itself. A section 3 *Charter* defence that would undermine the principle of federalism may not qualify as an appropriate and just remedy for the denial of these rights.

(84) The definition of matters of jurisdiction as federated between the levels of government in the nation of Canada is laid out in part VI of the *Constitution Act, 1867*, principally ss. 91 and 92.

(85) The ISS *Charter* contains a section entitled “External Legislation Registry”, outlining the ISS’s concurrence with the principle of federalism as found in existing governments: “For territorial limits on a government's jurisdiction, the ELC will have a sub-committee to make rulings on that government's laws. No member that resides outside of the relevant territory may be included in a decision on how well a law conforms to ISS principles. No ISS member, other than a member deemed qualified to act as a judicial panel chair by the Chief of Justice, may be called upon to act in a judicial panel regarding any law made by a government for which the member does not reside in the relevant territory of jurisdiction.”

(86) If an organization such as Interactive Canada, as outlined in the previous section, part VIII.C, was created, then the principle of federalism may be most effectively manifested in a remedy for section 3 *Charter* rights. However, no response was received from the Governor General after presenting this request for assistance with the cessation of sustained periods of denial of fundamental democratic rights. If any lack of consistency with the principle of federalism is found in using the ISS as the remedial avenue for these denials, then it is not due to the ISS’s lack of concurrency with the principle of federalism but rather the lack of assistance from the Crown in reducing the unjust disenfranchisement of citizens from being included in the political processes of society.

(87) If the Crown finds ways in which the federated separation of jurisdiction of different legislatures operated by the ISS (or any other organization that exists or is created for which section 3 *Charter* rights are available without interruption) has less consistency than Crown legislatures with the principle of federalism as previously judicially expounded or implicitly accepted as applicable under the Constitution of Canada, and suggests alterations in ISS (or other organization) principles or procedures to better suit this constitutional principle, and the ISS was to then fail to agree to alter its principles or procedures accordingly, and the courts were to then find the Crown's assertion of inconsistency with principles of federalism to be accurate, then the ISS may face the choice of either losing the ability to act as a legitimate remedy for the denial of section 3 *Charter* rights for its members or else altering its principles and procedures as suggested.

(88) From my experience with the effect of democratic enfranchisement upon the general attitude of voters, I believe that the majority of participants in the IES gain a boost in natural inclination toward deliberative reasoning. The participants who are resistant of inclinations toward deliberative reasoning, on the other hand, tend to detach from the democratic process and contemplate where they acquired this resistance. I believe that reasoning given by the SCC when expounding upon its requirements that governments in Canada adhere consistently to the principle of federalism will be found acceptable and rational, by and large, to engaged IES participants. If the ISS were to show unwillingness to adhere to sensible constitutional principles of federalism, I would have to concede that it would be a reasonable demonstration of a detrimentally impacted objective. I believe that a more constantly enfranchised electorate showing aversion toward federalism is to some extent equivalent to predisposition toward authoritarianism and/or demagoguery. Having read the SCC's description of the principle of federalism to the extent that my political awareness allows me to understand it, I find this principle so dependably and consistently presented that seeing an interactively elected legislative body refuse to abide by it would persuade me to believe that there is demonstrable justification for the denial of fundamental democratic rights for several years at a time.

(89) My expectation, though, is that the participants in the IES will accede to any requirement of more effective manifestation of the principle of federalism that the courts would find to be necessary to affirm appropriateness and justness of the requested remedy for denials of section 3 *Charter* rights as presented herein.

E. The Senate

(90) In *Reference re Senate Reform*, 2014 SCC 32, [2014] 1 SCR 704, the SCC affirms that the Senate is an "upper legislative chamber" that is intended "to provide 'sober second thought' on the legislation adopted by the popular representatives in the House of Commons". This *Reference* also states that "[o]ver time, the Senate also came to represent various groups that were under-represented in the House of Commons. It served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process".

(91) For an interactively elected legislature that purports to provide citizens of Canada a remedial means to have uninterrupted access to their section 3 *Charter* rights at the federal level of jurisdiction, it would be consistent with the Constitution of Canada that the resolutions of that legislature should be subject to approval by the Senate prior to coming into force, just as with the conventional federal legislature that denies section 3 *Charter* rights for several years at a time: the House of Commons.

(92) As mentioned previously, the *Secession Reference*, *supra*, at para 32, states that the "constitutional texts enumerated in s. 52(2) of the *Constitution Act, 1982*" are "not exhaustive". It goes on to say that there are "supporting principles and rules, which include constitutional conventions and the workings of Parliament". The *Rules of the Senate of Canada* may qualify as the workings of Parliament, thus potentially making these Rules as much a part of the Constitution as the framework for assessing demonstrable justification of infringements of rights and freedoms laid out in *Oakes*, *supra*.

(93) Two of the specific rules in the *Rules of the Senate* that are applicable to the remedy for denial of section 3 *Charter* rights described herein are rule 16-2(2), which states that "[t]he Speaker shall read messages received from the House of Commons at the earliest appropriate time" and rule 16-3(2), which states that "[w]hen the House of Commons disagrees with amendments proposed by the Senate to a bill that originated in the Commons, and the Senate insists on any of its amendments, the message accompanying the bill to the Commons shall state the reasons".

(94) If Rules of the Senate such as these, constitutional requirements incumbent upon the government, are not adhered to by the Senate with regard to communications of a federally mandated interactively elected legislative assembly, then requiring that legislature's decisions to be subjected to the approval of the Senate may fall short of being "a full, effective, and meaningful remedy" for the denial of section 3 *Charter* rights of Canadians, as is stated to be the appropriate response to unjustifiable limits upon rights and freedoms in *Doucet-Boudreau*, *supra*, at para 25.

(95) In *Secession Reference*, *supra*, the SCC states that if the Provincial Legislature of Quebec was to show a majority in support of secession in a referendum, then two specific propositions can be rejected as inconsistent with the Constitution, one being "that there would be a legal obligation on the other provinces and federal government to accede to the secession of a province, subject only to negotiation of the logistical details of secession" and the other being "that a clear expression of self-determination by the people of Quebec would impose no obligations upon the other provinces or the federal government" (paras 90 & 92). An analogy to the present discussion would be that just because an ISS member denies consent to the governance of the Crown does not mean that the member is entitled under the law to a blanket exemption from all aspects of Crown governance, but on the other hand, if an ISS member does deny consent to Crown governance, then this does not mean that the Crown (nor any of its

individual entities such as the Senate) has no relevant obligations whatsoever toward that person's grievance at denials of constitutional rights for years at a time.

(96) Further from *Secession Reference* (para 95): "Refusal of a party to conduct negotiations in a manner consistent with constitutional principles and values would seriously put at risk the legitimacy of that party's assertion of its rights, and perhaps the negotiation process as a whole. Those who quite legitimately insist upon the importance of upholding the rule of law cannot at the same time be oblivious to the need to act in conformity with constitutional principles and values, and so do their part to contribute to the maintenance and promotion of an environment in which the rule of law may flourish". Similarly, if the Senate conducts negotiations with an interactively elected legislative assembly in a way that shows dismissal to the possibility of any injustice being inherent in denying s. 3 *Charter* rights for periods of time, then the legitimacy of the Senate's rights may be called into question. This might particularly be the case if it appeared likely that the Senate was dismissing decisions of an interactively elected legislature simply due to the legislature's support for enfranchisement of individuals through freedom of electoral choices for its citizens, rather than on the rational merits of those decisions.

(97) Two Senators have previously been contacted regarding this dissent to the denial of fundamental democratic rights. Hon. Senator Mobina Jaffer, Chair of the Standing Senate Committee on Human Rights, was contacted in 2014. Hon. Senator Peter Harder was contacted in 2021. Neither of them responded.

(98) Senator Harder wrote a discussion paper entitled Complementarity: The Constitutional Role of the Senate of Canada, from 2018. It has been posted on the Senate website, indicating some level of affirmation of the validity of the descriptions presented therein.

(99) In Senator Harder's paper, the Senate is described on p. 2 as "the most powerful unelected legislative body in the western world", and on page 11, he states that the Senate's "powers allow it to go farther than any other unelected legislative body in the democratic world".

(100) Not only can the remedy requested herein be subsequently overturned if anyone shows the courts in the preponderance that a pressing and substantial objective in a free and democratic society is detrimentally impacted by the cessation of sustained periods of denial of fundamental democratic rights. Additionally, the most powerful unelected body in the western world is available to scrutinize the functioning of an interactively elected legislative assembly to remain vigilant for any signs of any such compromised objectives. Perhaps still more compelling: the most powerful unelected body in the western world can preside over the growth in numbers of participants in an interactively elected legislative body by retaining a veto power over every single decision made by that interactive legislature.

(101) If the Senate responds to the request, as made by a more democratic society than may have ever previously been known to exist, to have a remedy considered in Canada for those who dissent to the denial of fundamental democratic rights for sustained periods of several years at a time, and the Senate's response to this request shows evident intent to respect the

same constitutional principles in its dealings with an interactively elected legislature as it does with a periodically elected legislature (as in the *Rules of the Senate*), then I intend to cease and desist my possession of the drug confessed to herein pending the Senate's deliberations upon the legislative decisions resolved by the Canada subcommittee of the External Legislation Committee of the Interactive Sovereign Society.

(102) Dissenters to the denial of their fundamental democratic rights are not looking for a rubber stamp from an upper legislative chamber of sober second thought, just the protection of their constitutional rights as have been expounded by prior precedent, and the same fair shake as is given to the presently prevailing renewable oligarchies.

(103) The ISS has written an entry in its External Legislation Registry regarding the Senate of Canada, as follows. Members of the ISS have agreed to be lawfully subject to the conditions specified in this ELR entry.

Senate

Following are several reasons which together illustrate why it may in some circumstances be consistent with ISS principles for decisions of the Canadian jurisdictional subcommittee of the ELC ("Canada Interactive Legislature") to require agreement by resolution of the Senate of Canada prior to enactment:

- the ISS's claim, that the interactive electoral system provides effective representation overall, as well as a meaningful role in the electoral process for each individual, for several dozen members, has not been rationally refuted, but it is possible that some detrimental impact upon an objective of pressing and substantial concern to a free and democratic society will become evident for some more numerous electorate; therefore, having a stable and experienced appointed upper legislative chamber to preside over the growth of the interactive electoral system may be an opportunity to prevent any such impacts if they become evident,
- the Senate of Canada, as an upper legislative chamber with generational stability, has shown consistent supportiveness and improvement to the decisions of elected federal legislative bodies throughout Canada's history,
- the Senate has been described by one of its members as "the most powerful unelected legislative body in the western world", claiming that its "powers allow it to go farther than any other unelected legislative body in the democratic world"; if this is true, then the Senate is the most suitable officially constituted supervisory authority in the democratic world to maintain vigilant and deliberative scrutiny on the growth of the interactive electoral system,
- despite dissenting to denials of section 3 *Charter* rights, ISS members in Canada do not wish any remedy for these denials to have unforeseen detrimental impacts upon the rule of law in Canada; therefore, accepting the Senate as a legislative chamber of sober second thought is suitable to the growth and development of the interactive electoral system,

- the *Rules of the Senate* contain several duties that the Senate must fulfil toward the federal legislative assembly, notably:
  - 16-2. (2) The Speaker shall read messages received from the House of Commons at the earliest appropriate time, and
  - 16-3. (2) When the House of Commons disagrees with amendments proposed by the Senate to a bill that originated in the Commons, and the Senate insists on any of its amendments, the message accompanying the bill to the Commons shall state the reasons,
- if rules such as above are not honoured by the Senate with respect to an interactively elected legislative assembly designated to serve citizens of Canada, in matters of federal jurisdiction as per section 91 of the *Constitution Act, 1867*, for citizens who dissent to periods of denial of their section 3 *Charter* rights, then imposing the requirement of Senate approval upon decisions of that legislative assembly would not constitute "a full, effective and meaningful remedy for *Charter* violations", as the SCC stated in *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62, [2003] 3 S.C.R. 3 (at para 25) is consistent with the purposive interpretation of the Constitution that the SCC prescribes for Canadian courts,
- if the Senate does not respect the above rules toward an interactively elected legislative assembly, but the Canada Interactive Legislature, or another possibly more appropriate legislative assembly that does not deny section 3 Charter rights, is allowed to choose a member to be appointed to the Senate, then it would be a comparably effective guarantee of a full, effective and meaningful remedy.

With the above reasons in mind, the ISS therefore affirms that it is consistent with ISS principles for decisions of the Canada Interactive Legislature to require approval by resolution of the Senate prior to enactment if:

- the Senate agrees to uphold all of the requirements that the Rules of the Senate, or other relevant rules implicit in the Constitution of Canada, place upon the Senate toward the House of Commons, to a comparable extent for the Canada Interactive Legislature, or
- if the ISS agrees by resolution that the Senate is not, in the ISS's opinion, providing comparable treatment to the Canada Interactive Legislature as for the House of Commons, then the ISS would nonetheless respect the Senate's power of veto over legislation in federal matters if the Canada Interactive Legislature, or another appropriate legislative assembly with uninterrupted availability of section 3 *Charter* rights, is given the opportunity to choose at least one member to be appointed to the Senate.

F. possible objectives detrimentally impacted by requested remedy

(104) It may be true that the Constitution requires the government to demonstrate an objective compromised by the cessation of denials of fundamental democratic rights before being allowed to impose its legislation upon an adherent of an interactively elected legislature with distinctly specified legislation on similar matters. As someone who has devoted 15 years to hearing every

element of reasoning used to attempt to justify the continuation of these denials by any person who shows a preference against usage of the IES, I wish to candidly and freely offer the information acquired from these efforts to any concerned counsel for the Crown. This may help with conducting impartial analysis of potential effects upon society caused by ceasing these denials.

(105) I have identified five broad objectives that I believe, from rough statistical analysis of the subset of the electorate of Canada that I have had the opportunity to observe, that a substantial majority of Canadian voters who would oppose the IES upon having it described to them would cite, in some permutation, as their reasons for preferring to see democratic rights denied for periods of time. Clearly, additions or alterations to these suggested objectives may be conceived by a devoted staff of highly accomplished law professionals, but these five general objectives may be taken as a reasonable supposition of the apparent sovereign will of the majority in Canada regarding its prevailing wish to see fundamental democratic rights denied for sustained periods of time.

(106) In the analysis of these five objectives, there may be a few constitutional principles regarding remedies for limits upon s. 3 *Charter* rights that could be helpful to remain cognizant of, in the following several paragraphs.

(107) “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” (*Oakes*, *supra*, at para 66, emphasis added). In order for the Crown to be allowed under the Constitution to impose legislation made by legislatures that deny democratic rights for periods of time upon an adherent of an interactively elected legislature, the onus is on the Crown to demonstrate on a preponderance of probability that an objective of pressing and substantial concern to a free and democratic society is detrimentally impacted by the cessation of denials of these rights.

(108) “Denial of the right to vote on the basis of attributed moral unworthiness is inconsistent with the respect for the dignity of every human being that lies at the heart of Canadian democracy and the *Charter*: compare *August*, *supra*. It also runs counter to the plain words of s. 3, its exclusion from the s. 33 override, and the idea that laws command obedience because they are made by those whose conduct they govern” (*Sauvé*, *supra*, at para 44, emphasis added). If attributed moral unworthiness is irrelevant to the legality of requiring an individual to be enfranchised with the right to vote, then the prior conduct or moral character of any adherent or participant in the IES is irrelevant to their right to have their conduct adjudicated based on the legislation of an interactively elected legislature instead of a periodically elected legislature so as to remedy the denial of their fundamental democratic rights. Any such allegations of prior conduct or moral character of any such participants may therefore be denied admissibility in any proceedings relevant to the matters confessed herein.

(109) “When basic political rights are denied, proof of additional harm is not required” (*Sauvé*, *supra*, at para 59). There is no onus upon the adherents of the IES to demonstrate any harm

done to them by the denial of s. 3 *Charter* rights, nor by any existing, thusly elected institution of governance presided over by the Crown, in order to be constitutionally entitled to have the sustained periods of denial of their fundamental democratic rights ceased.

(110) "[S]. 1 [of the *Charter*] has two functions: first, it constitutionally guarantees the rights and freedoms set out in the provisions which follow; and, second, it 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" (*Oakes*, *supra*, at para 63, emphasis added). S. 33 of the *Act* states that it is only applicable to s. 2 or ss. 7-15 of the *Charter*, not to s. 3. So s. 1 constitutes the **exclusive** criteria allowing infringements or denials of s. 3 *Charter* rights under the Constitution. If s. 1 is not fulfilled, then the denial of these **guaranteed** rights must be remedied, according to the supreme law of Canada.

(111) S. 4(1) of the Charter states that "[n]o House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members". One might infer from this that it implies that the Constitution allows the denial of s. 3 *Charter* rights for up to five years. Alternatively, one might infer from this that at the time of the framing of the Constitution, there was no known way for s. 3 *Charter* rights to be provided **at all** unless these rights were denied for periods of time, and therefore it was necessary to put a limit on the duration between occasions when citizens were provided the means to exercise these rights by authorities. As stated in *Sauvé*, *supra*, at para 11, the interpretation that provides the more broad and liberal view of the rights is the more applicable one when determining whether an allegation of denial of rights is constitutionally valid.

(112) *R v Crawford*, [1995] 1 SCR 858, affirms at para 33 that "[w]hen the protected rights of two individuals come into conflict,… *Charter* principles require a balance to be achieved that fully respects the importance of both sets of rights". To favour the remedy sought herein being construed to imply that any citizen should receive any remedy for denial of s. 3 *Charter* rights without first consenting to governance by the laws of a legislative assembly that makes s. 3 *Charter* rights constantly available would be equivalent to seeking to deny the s. 3 *Charter* rights of every other citizen of Canada in relation to how the person receiving the remedy is being governed. Furthermore, the remedial interactive legislature must offer comparable accessibility to necessities of democratic participation, such as voter registration, to all other citizens of Canada as is provided by the existing periodically renewable oligarchies.

(113) With these constitutional points in mind, the five most generally expressed objectives that I have identified that are commonly alleged to justify the denial of fundamental democratic rights for sustained periods of several years at a time are stability, preventing minority disenfranchisement, legislative feasibility, security, and avoiding prohibitive cost.

(114) A description of each of these five objectives will now follow. Even though it may have been established herein as the onus of the Crown to demonstrate that any of these objectives is proportionately achieved by denying democratic rights for periods of time in order for the Crown to be allowed to enforce legislation made by a periodically elected government upon an

adherent of the IES, I will nonetheless offer the anticipatory counter arguments I have created to assist the Crown in avoiding devoting its resources to pursuing avenues of justification that may be expected to be dismissed by courts based on the existence of counter arguments more consistent with prior precedent.

1. stability

(115) There is a procedure designed to facilitate stability in the IES, known as a guaranteed term of office. Most participants who have ever experienced the IES have agreed from experience thus far that three months appears to be a reasonable duration for a guaranteed term of office. If the incumbent candidate loses the lead to another candidate, then the incumbent stays in office for the previously established duration of the guaranteed term of office. If the incumbent has not regained the lead by the end of that time, then the challenging candidate takes office. If the incumbent does regain the lead during that time, then the incumbent remains in office until another candidate gains a lead again, at which time the full duration of the guaranteed term of office begins again.

(116) Suppose that courts order a measure that includes a remedial component for denial of s. 3 *Charter* rights, such as staying proceedings pursuant to the confession herein, but are then subsequently presented with evidence of a lack of stability in the legislative process of the IES. Courts could then order that a condition of the remedy staying in force is that the organization using the IES increase the duration of the guaranteed term of office applicable to its candidates. The interactive legislature would then, to the reasonable satisfaction of a majority of its voters, face the choice, of either having any statutory jurisdiction conferred on it as a remedial avenue for s. 3 *Charter* rights or tacitly acquiesced by the Crown revoked, or else adopting the increased duration for its guaranteed term of office as prescribed by courts.

(117) No matter how evident it becomes that stability is an objective justifying denials of s. 3 *Charter* rights, it may nonetheless be possible to provide a remedy for these denials that accommodates for the achievement of this objective.

(118) A comparable objective that was previously accepted by courts as potentially sufficiently pressing and substantial to warrant limits on rights and freedoms is “ensuring a viable outcome for our form of responsible government”, in *Figueroa*, *supra*, at paras. 79-89.

(119) Para. 80 of *Figueroa* states that “it is difficult to accept that the objective of ensuring that the electoral process results in a particular outcome is sufficiently pressing and substantial to warrant the violation of a *Charter* right”. However, in para. 82, it states that “it is possible that the continuity and stability associated with majority governments results in better governance” (emphasis added). Later on, *Figueroa* states in para. 89 that “it is incumbent on the government to demonstrate, either through evidence or argument, that a majority government is likely to provide substantially better governance than a minority government. The government has failed to satisfy this burden. The government has not advanced sufficient evidence to demonstrate that the election of a majority government would result in benefits that outweigh the

deleterious effects associated with legislation that violates s. 3 for the purpose of ensuring that the electoral process results in the election of a government that would not otherwise be elected. Nor has it provided a reasoned basis on which to conclude that this is the case".

(120) To sum this up, an objective that the government claims is served through limits on s. 3 *Charter* rights includes stability as a component of its alleged desirable effects. However, the SCC has sufficiently rigorous requirements, for the demonstration that stability is evidently improved by imposing the limit on the rights, that the government could not satisfy those requirements. The government's impugned legislation limiting s. 3 *Charter* rights was thus ruled lacking in demonstrable justification and thus unconstitutional.

(121) "Any limit", it says in *Frank*, para 1, *supra*. "Any limit on the right to vote must be carefully scrutinized and cannot be tolerated without a compelling justification." **Any** limit.

(122) There have been candidates for legislatures in Canada who have served multiple terms of office spanning a decade, sometimes two, with constant comfortable margins of electoral superiority over contenders at every polling date. To claim that these candidates would fare with any less stable and solid representation on behalf of their constituents just because their voters were provided constant access to their s. 3 *Charter* rights would be to cast suspicion on the integrity and deliberative acumen of the voters (a portion of a group that has been described, in its entirety, as sovereign, and possessing individual dignity among their members) who have, collectively, selected these candidates.

(123) Sauvé, *supra*, states in para 44 that "attribut(ing) moral unworthiness" to voters as a justification for denying their fundamental democratic rights is not a constitutionally resonant position. Claiming that voters are, in a significant proportion, irresponsible in their deliberations upon their usage of their electoral choices to influence legislative decisions of their sovereign nation, may be seen as an equivalent to attributing them a form of moral unworthiness.

(124) If it is possible that representatives who have been observed to serve multiple terms in legislatures in Canada would procure the same stability of electoral support from constituents even if those constituents had constant access to their democratic rights, then calculations may show it to be a conservative estimate, based on analysis of general Canadian electoral history, that the average time that a candidate in Canada would stay in office with an interactive electoral system used to choose a legislature would be in excess of five years, even if the guaranteed term of office feature of the IES were disregarded altogether.

(125) To claim that any conjecture, that the stability observed thus far in a comparably small interactive electorate would be reduced for an electorate of greater size, could be regarded as fulfilling a preponderance of probability based on measured reasoning, may be seen by courts as an inadequate demonstration of justification.

(126) With a viable means of assuring that any observed lack of stability can be mitigated by provisions ordered by courts, it may be expected that courts will not find this objective to be rigorously demonstrated to be compromised by the cessation of denials of democratic rights.

2. preventing minority disenfranchisement

(127) Both the SCC and the Senate have it in their mandate to protect minorities from disenfranchisement.

(128) For the SCC, this mandate is affirmed in para 32 of the *Secession Reference*, *supra*, where it states that in addition to enumerated texts, the Constitution "also 'embraces unwritten, as well as written rules'", and names "four fundamental and organizing principles" holding concurrent legitimate force with the written text of the Constitution, one of these being "respect for minorities", rephrased later in para 79 as "protection of minorities".

(129) For the Senate, a discussion paper that has been written by one of its members and posted on behalf of the legislative body, entitled Complementarity: the Constitutional Role of the Senate of Canada, describes "the Senate's role as a robust complement to the work of the House of Commons in a modern democracy" on pp. 4 to 6. One of the features presented in the description of the Senate's role is to "strike a balanced approach to amending government legislation, with an outlook emphasizing — but not strictly limited to — the areas that are at the heart of the Senate's institutional mission, including sober review of… the detrimental impact of legislation on minorities and economically disadvantaged groups". Another of the features listed in this description of the Senate's role describes one of the Senate's functions as "a safety valve to protect Canadians against the tyranny of the majority".

(130) Keeping minorities enfranchised, and keeping their interests included in the political processes of society, may appear to be a priority under the Constitution. If it were possible that a remedy for denials of s. 3 *Charter* rights might undermine the protections provided by either of the above organs of government, or any other forms of protection for minorities built into the architecture of government, or if hostilities toward minorities harboured by participants in the IES had a more direct route to affect legislation than when democratic rights are denied for periods of time, then the protection of minorities would be an objective that may justify the denials of s. 3 *Charter* rights dissented to herein.

(131) While it might be difficult for the government to demonstrate on a preponderance of probability that the IES is more predisposed to provide an avenue for voters with hostilities toward minorities to affect legislation, it may possibly become demonstrably evident if the IES is used with a larger electorate. At that point, any previously imposed conditional stay of proceedings, pending the discovery of an objective evidently detrimentally impacted by the uninterrupted availability of these rights, can be lifted and the provisions pursuant to the legislation of the periodically elected legislatures can be imposed.

(132) In considering this potential objective to justify denials of s. 3 *Charter* rights, it will be of note to observe that the IES has a built in mechanism to assure some extent of inclusion of minority interests in any decision: a minority veto. Following is a section from the ISS *Charter* entitled Representative Collaborators.

This section adds a layer of accountability to the prime representative's decisions, as well as an explicit protection for minorities by the society's representatives.

In addition to the prime representative, the society shall also have main collaborators and secondary collaborators. Main collaborators are defined as candidates that have the same number of votes as the prime representative, and during a guaranteed term of office, also candidates with more votes, or in such case as there is no such candidate, the main collaborator(s) shall be the candidate(s) with the second highest number of votes no matter how big the gap in electoral support. Secondary collaborators are defined as candidates that have one less vote than the prime representative, or in such a case as there are less than 3 people combined meeting the definitions of main collaborators and secondary collaborators, secondary collaborators shall be the third and/or fourth highest candidates in number of votes received, so that there are a minimum of 4 elected legislative officials including the Prime Representative, Main Collaborators, and Secondary Collaborators. When the prime representative decides to carry a motion on behalf of the membership, all main collaborators must unanimously agree with the decision for it to be valid. If the prime representative and all main collaborators agree to carry a motion, and one or more secondary collaborators disagree with the decision, then the decision must be delayed for the duration of the delay of enactment period.

If any Main Collaborator, Secondary Collaborator, or any candidate with less votes, becomes aware that there is a minority that is opposed to a motion of the society, then that collaborator should use their veto power to delay the motion for a reasonable length of time to assure that any other suggested ways to amend the motion are considered. If the motion might possibly be amended so that it will be acceptable to that minority without unfairly compromising the interests of any other parties, then reasonable efforts should be made to accomplish that.

The principle of Representative Collaborators applies to every interactively elected position that exists in the ISS.

(133) If a representative is alleged to be using a veto beyond the mandate of seeking a compromise on a decision, then the ISS judicial process, *Inter-sovereign Relations*, can be invoked to assemble a judicial panel to rule on a compromise of interests in the decision and lift the veto. Such a panel is comprised of a third of members chosen by each party and a third of members from the ISS judiciary, for whom a primary requirement of being accepted as members of the judiciary is devotion to impartiality as a primary component of any judicial decision.

(134) As mentioned earlier, the ELR states that the ISS recognizes superior provincial courts as appellate courts from decisions of ISS judicial panels, subject to a few specified conditions. If a ruling by an ISS judicial panel on a compromise to circumvent a legislative minority veto is alleged to be insufficiently inclusive of minority interests, then the decision can be appealed so that Canadian courts, with their inclusion of protection of minorities as a legitimate extraconstitutional principle concurrent to the written text of the Constitution, can enforce the

standard of minority protection that is prescribed by the Constitution of Canada, whether explicitly stated or implicitly derived from the extraconstitutional principle of protection of minorities as affirmed by the SCC.

3. legislative feasibility

(135) The Canadian Encyclopedia has an entry regarding the Great Coalition of 1864, starting off as follows.

> "The politics of the Province of Canada in the early 1860s were marked by instability and deadlock. The Great Coalition of 1864 proved to be a turning point in Canadian history. It proved remarkably successful in breaking the logjam of central Canadian politics and in helping to create a new country. The coalition united Reformers and Conservatives in the cause of constitutional reform. It paved the way for the Charlottetown Conference and Confederation."

(136) According to the Wikipedia entry for the Great Coalition, in June, 1864, there had been six governments in the previous six years. There had been a problematic perpetual political deadlock and the government was unable to pass any legislation.

(137) It may be expected that there would be no disagreement from participants in the IES that avoiding impediments to legislative feasibility such as deadlock is a pressing and substantial concern in a free and democratic society. Collective deliberative legislation serves an important purpose. It may be expected that people who wish to experience a revised electoral process with greater enfranchisement for each citizen would not wish to see previous serious shortfalls in electoral politics repeated. This would detract from the very goals that these citizens wish to see manifested through their greater enfranchisement.

(138) As mentioned earlier, the ISS has already established measures for judicial resolution of controversial legislative decisions. A judicial panel can order a specified compromise to be struck between the parties in such a disagreement, overruling the veto. Presently engaged participants in the IES generally believe that it will not be possible based on evidence available thus far to show that there is any detrimental impact upon legislative feasibility caused by having each member of an electorate constantly enfranchised with their democratic rights. The possibility remains that a larger electorate may experience detrimental impacts, in which case any judicial decisions based on remedying s. 3 *Charter* rights, such as a stay on proceedings regarding the confession herein, can be reversed.

(139) Furthermore, there may be an extent to which partisanship incites political representatives to deliberately exacerbate polarization that exists in society regarding issues of contention. This may be a strategy for creating stronger overall sentiment among an electoral base for a political party. It would be more conducive to legislative feasibility if the democratic representatives portray a mutually conciliatory attitude toward such disagreements in the hopes that members of the electorate who are polarized over an issue may become more receptive to a common ground. There is some social science reasoning that may make the possibility that the IES may

more commonly result in such relations between candidates with differing policies on an issue appear not to be unlikely.

(140) Candidates in the IES may be directly responsible to their electorate. The ability of a political party to pressure a candidate into maintaining a party line that is inconsistent with the wishes of the candidate's constituents may be drastically reduced in comparison to the existence of such dynamics under periodic elections, perhaps eliminated altogether. To the extent that partisanship is responsible for exacerbating divisions of political polarization through the public, the IES may be expected to show a reduction in potential for legislative deadlock.

(141) Another line of reasoning that may illustrate a reduction in potential for legislative deadlock in a society facilitating its representation through the IES, as compared to the respective potential for periodically elected legislatures, concerns the process through which a candidate publicizes plans and policies, intended as a part of their platform to be pursued once elected, during the process of accruing votes toward the sought after elected position.

(142) A candidate in the IES has the ability to offer support to another candidate with a substantially higher tally regarding a commonly shared policy or plan by suggesting to one's supporters that they change their votes from oneself to the more highly supported candidate. It is thus possible to wield substantially more influence in the legislative process of the IES as a candidate with minimal support than it is for a minimally supported candidate in a periodic election. Once a periodic election is completed, a minimally supported candidate has no legitimately actionable influence whatsoever. Therefore it may be expected that some citizens who take up candidacy in the IES due to a conviction of some sort will not have any intentions of pursuing the elected office but rather simply exerting influence upon the legislative process regarding the issue(s) of concern to the candidate.

(143) Even if a challenging candidate achieves an electoral advantage, commencing a guaranteed term of office, it may in some circumstances be a strategy for persuading the incumbent candidate to take up a policy or plan that meets the conviction of a proportion of the electorate, with no actual desire to replace the incumbent candidate in office. If the incumbent candidate shows appropriate attention to the issue in contention, then the challenging candidate could advise voters to make sufficient changes to give the incumbent back the lead.

(144) These are dynamics that have been observed in practice among participants in the IES thus far. It is possible that opposing dynamics would become more prevalent in a larger electorate, but it may be that there is no preponderance of probability to show that this will be the case.

(145) For those candidates who do accrue sufficient electoral support to become intentional contenders for the elected position, though, the process of accruing those votes will likely have involved making their agenda explicitly clear in terms of prioritization of plans and policies as well as positions on issues. As their initial founding convictions gain support, they will be questioned about their position on other issues and make their position, even if their position is

neutrality on some issues, publicly known. By the time a candidate achieves elected status, any issues upon which the candidate has not made a position, or neutrality, clear may be unimportant enough to a sufficient proportion of the electorate that decisions on those issues will not affect legislative feasibility of the legislature to which the candidate is elected, at least not within the electorate of the constituency represented by that candidate.

(146) For the issues that are contentious among the electorate, an electorate that perceives a candidate allowing an important issue to become a wedge point, in a deadlock due to other issues whose proponents are competing for greater attention, would not be likely to remain satisfied with the candidate's handling of the situation. This may precipitate a change of representation for the constituency.

(147) There is no way of assuring guaranteed legislative feasibility for an interactively elected legislature any more than there is for a periodically elected legislature. The pertinent question is whether it can be demonstrated on a preponderance of probability that the IES is substantially more prone to this than periodic elections.

(148) It may be expected that the onus will be placed upon the government to demonstrate that the IES has any reduction in potential for legislative feasibility as compared to periodically renewable oligarchies before the government may be allowed under the Constitution to deny s. 3 *Charter* rights for periods of time. If it is possible that legislative feasibility is an objective that could be invoked to justify the denial of s. 3 *Charter* rights for periods of time, it may not be possible to demonstrate this on a preponderance of probability to the satisfaction of the courts until the IES has been observed to be used with a much larger electorate than has experienced this electoral system thus far.

4. security

(149) Two critical aspects of security in any electoral system are as follows. One is the ability of a voter to avoid having anyone else know how they have cast their vote. The other is the ability of electoral officials to assure that tallies are not tampered with, so that the tally of votes disclosed for each candidate is a precisely accurate report of the number of people who have cast votes for that candidate.

(150) For a voter to be able to change their vote at any time that they wish, a record must be kept of which candidate the vote stands for. When the vote is changed from one candidate to another, one vote must be deducted from the candidate previously voted for, and then one added to the candidate to whom the vote is changed. This cannot be done unless the voter's previous vote is on record.

(151) It is possible to give each voter a choice of a periodic secret ballot or an interactive confidential ballot. A voter for whom secrecy of their vote is more important than being able to change their mind about their vote may choose a periodic secret ballot, cast it on a periodically designated date for all voters choosing this option to cast their ballots, and then waive their s. 3 *Charter* rights for several years. On the other hand, a voter who prefers to have uninterrupted

access to their s. 3 *Charter* rights may choose an interactive confidential ballot and accept that their vote is kept on record, just like account balance and transactions are kept on record for financial matters and previous diagnoses are kept on record for medical matters.

(152) The *Secession Reference*, *supra*, states that “faith in social and political institutions which enhance the participation of individuals and groups in society” (para 64) is one of the “values and principles essential to a free and democratic society” (para 64) that comprises “other constitutional values” (para 67) that can preempt “the ‘sovereign will’ [of the people] or majority rule alone” (para 67) in the interests of upholding the extraconstitutional principle of democracy with legitimacy. Courts may agree that it is thus appropriate to give an individual the opportunity to exercise their faith in the ability of political institutions to maintain confidentiality in electoral records as a necessary part of receiving uninterrupted democratic enfranchisement as a basic manifestation of their inherent dignity.

(153) There are many IES participants who prefer to have their vote be completely transparent, known to every other voter — public knowledge. They believe that using a vote to influence the creation of laws that others will be held responsible to, and yet being unwilling to openly discuss how one uses one’s vote with the people who will be held responsible to those laws, is disrespectful or even unconscionable. Most IES participants thus far agree that it is a good idea to give voters an option to choose a transparent interactive vote, published by the electoral institution for all other voters to see.

(154) If more voters choose transparent ballots, then it may become more likely that anyone who tampers with tallies will become known to justice and administered severe sanctions as public deterrent, denunciation, and/or retribution for this crime. Alterations of tallies, whether deliberate or not, can be repaired much more quickly for accurate administration of candidacy. The security of the tallying process in an election may simply be superior when voters let their votes be known publicly. However, does the objective of dependable and secure tallies in the electoral process merit the deprivation of individual voters of the ability to have their choices be guaranteed the utmost possible secrecy if that is their preference? Participants in the IES thus far support the availability of periodic secret ballots for voters who prefer them.

(155) It has appeared from experience thus far that people who wish to be participants in the IES also prefer to have their votes be transparent. If that continues to be the case, then perhaps an informed prediction can be made about how security is impacted by offering each voter the choice to have a vote that is (1) secret and periodic, (2) confidential and interactive, or (3) transparent and interactive.

(156) If the existence of an interactive confidential ballot as an available option to voters is believed to compromise the ability to assure that tallies are reported accurately, then it is possible that voters could instead only be offered two options: a periodic secret ballot or an interactive transparent ballot. From looking at the results so far of voters involved in the interactive electoral system, there would not be any complaint about this by voters who choose to have a vote that they can change at any time that they wish. In fact, courts could explicitly

affirm their authority to order the usage of interactive confidential ballots discontinued if security becomes a pressing and substantial concern as the IES is used with a larger electorate. Voters who would prefer to avoid having their decisions become public knowledge would then have to revert to the use of a periodic secret ballot, waiving their s. 3 *Charter* rights the rest of the time.

(157) If any conceivable security concerns prompted by the cessation of denials of s. 3 *Charter* rights can be provided dependable measures for mitigation of those concerns, then unless it can be demonstrated on a preponderance of probability that those measures are proportionately ineffective, security will not be a pressing and substantial concern that would merit justification of the denial of s. 3 *Charter* rights as per the exclusive limits specified in s. 1.

5. avoiding prohibitive cost

(158) Courts may agree that a demonstration that the IES costs more public funds to operate than periodic elections would not in itself qualify as demonstrable justification for the sustained periods of denial of s.3 *Charter* rights that comprise periodic elections. In order for the cost to justify these denials of fundamental democratic rights, the cost may have to be demonstrated to be prohibitive, not simply more expensive. Specifically, since *Crawford*, *supra*, states that conflicting rights "require a balance to be achieved that fully respects the importance of both sets of rights", an allegation of increased costs of elections under the IES would have to show that the depletion of public funds due to the additional possible expense of elections would prevent the provision of some other remedial provision of rights and freedoms to members of society to justify expense as an objective that would warrant denial of s. 3 *Charter* rights.

(159) However, as presented in the previous section describing the objective of security, each voter can be given two options as to how to cast their vote: a ballot that is periodic and secret or else a ballot that is interactive and transparent (published by the electoral institution for the scrutiny of all other voters). It is conceivable that the maintenance of the electoral tallies would then be substantially less expensive to operate than the present system of periodic elections.

(160) It may be far less clear that costs of maintenance of the electoral system would remain low if a third option were available to each voter: a ballot that is interactive and confidential. It is possible that even if this option were included, the costs of operation would not approach a range that might be viewed as prohibitive by courts. Nonetheless, if it were demonstrated that providing this third option came with prohibitive costs, then there would still be an available option for voters who dissent to periods of denial of their fundamental democratic rights: the interactive transparent option described above.

(161) No present participants in the IES, to my knowledge, have shown reason to dispute that courts could assert their retention of discretionary authority to order the provision of interactive confidential ballots discontinued if costs of providing this option become evidently prohibitive.

(162) It is expected that any attempt to argue that the electoral costs incurred by providing each member of an electorate the choice of a periodic secret ballot or an interactive transparent ballot may be expected to exceed the costs incurred by providing only a periodic secret ballot would

be trivial to refute. The evidence available thus far based on ten years of observation of participants in the IES may appear not to support such a claim. If this is the case, then cost would not be an objective that could be used to satisfy s. 1 of the *Charter* to allow the government to maintain sustained periods of denial of s. 3 *Charter* rights.

G. civic assemblies requesting decriminalization

(163) It was reported by the Canadian Broadcasting Corporation (CBC), on June 15, 2021, that Mayors of Victoria, Saanich, Nanaimo, Burnaby, New Westminster, Port Coquitlam, and Kamloops signed a letter making a request of the federal government. They claim that “they are on the front lines of a worsening overdose crisis that is claiming the lives of thousands of people”. The Mayor of Vancouver had previously requested that the federal government allow for decriminalization of possession of drugs in Vancouver to assist in reducing the number of deaths caused by illicit drugs. It was reported that the other cities’ Mayors claimed in their letter that “they support the Vancouver Model, and want the federal government to support it, too”.

(164) Using section 3 *Charter* arguments to seek an extent of exemption from drug legislation is not simply a frivolous exercise in personal liberties for the sake of reckless enjoyment. It is not simply a matter of relieving people of the fear and threat of imperilment or deprivation of liberty as punishment for acts that may appear to them to be eminently harmless. It is a matter of a more democratic form of legislature than has previously been known to exist perceiving some of the greatest harms currently occurring in society at large, numerous fatalities, in fact, and resolving to mitigate these harms through available lawful means.

(165) Constable Tania Visintin, of the Vancouver Police Department (VPD), was identified as a spokesperson for the department on CBC on February 17, 2021, in an interview for the program *On the Coast*. In the Constable’s words, “so here at the Vancouver Police we don’t charge for simple possession. That is something that we haven’t done for, I don’t know, as far as I can remember. There are times where officers must seize drugs. For example, if an officer does find drugs while searching someone for an investigation we’re not allowed to give those back. But I mean, we do not arrest, we do not charge for simple possession of drugs.” However, following the interview with the Constable, another interview was aired with Chris Livingstone, a founding member of the Western Aboriginal Harm Reduction Society and Outreach Coordinator with Smoke Signals Outreach. He claimed based on his experience that the Constable’s claims about the Vancouver Police were inaccurate.

(166) On June 20, 2021, at 11AM, I entered the VPD headquarters on Cambie St. with the same bag of drugs that remains in my possession as now being confessed to herein. I had provided prior notice of this act of civil disobedience three times, first to the BC Attorney General and then twice to the VPD, to the attention of officers identified as spokespersons on public radio. This prior notice described the constitutional defence provided herein. I asked the information clerk if it might be construed as disrespectful to make a personal test of the integrity and accountability of the police department to adhere to its stated public policy of abstention from detention or

seizure for possession. The clerk informed me that she saw it as an acceptable and respectable act of affirmation of trustworthiness of public authorities.

(167) After waiting for a period of time outside the office to receive a response from the department as to any actions that might be engaged by the department pursuant to my confession, I was approached by an officer. After confirming that I was the person he had been told was waiting for a response, he told me that he had been appraised of my situation and I was free to go. He gestured to the street and then curtly departed my company.

(168) The confession presented herein now poses the question as to whether this may be construed as police departments adopting policies reflecting their loyalty to civic authorities despite the allegedly democratic federal government being designated under the law with the authority to legislate the matters being deliberately overlooked by the police forces. Alternatively, it may be construed as a boycott (potentially a nationwide one if the federal prosecution service does not prosecute for a notarized confession of contravention of these laws) of relevant decisions of the federal government for ethical reasons due to the government's failure to protect people from harm and death.

(169) Voters provide remuneration to police officers through their taxes. Voters also choose the laws that police officers are paid to enforce through the democratic process. If police officers are not enforcing the laws that voters have asked to see enforced, then two possible explanations for this may be conjectured. First, maybe the police are not fulfilling their job descriptions that their employer, the sovereign people of Canada, has hired them for. Second, maybe the government is sufficiently unaccomplished at manifesting a democratic law making process that the police are justified in fulfilling the evident will of the people that the supposed democratic representatives are failing to make manifest.

(170) **If** a failure by the Service to prosecute is not expressly motivated due to the reasons cited above, neither as (1) loyalty to civic authorities despite the constitutionally specified jurisdiction of the federal authorities, nor as (2) boycott of decisions, or lack thereof, by federal authorities that are resulting in more deaths than might occur with alternative intervention practices, **then** the only other explanation that I can conceive for the lack of prosecution is the validity of the defence presented herein.

(171) Therefore, if I do not receive a response from the Service for this confession, then subsequent correspondence will present plans to coordinate two simultaneous acts of civil disobedience, in two geographically distant cities in BC, similar to the previous act at the VPD headquarters on June 20. The intended acts shall, on this successive occasion, be in civic jurisdictions where the civic authorities have not indicated public support of rescinding of seizure, detainment, and/or criminal prosecution for possession as per the *Act*. The two cities planned for such further acts are Surrey and Kelowna. Civic authorities of both cities, as well as the police departments, shall be contacted with several months notice of any such planned acts of civil disobedience.

(172) The above described successive acts of civil disobedience may provide further clarity for people who wish to live with the satisfied reassurance that they will not be intruded upon by authorities for their actions. They may be happier knowing the reasons why the *Act* is not being enforced as an additional reassurance so that they do not feel the need to expend efforts at concealment. As long as the legislation exists, some people who on some occasions possess drugs or substances specified in the *Act* may be concerned that intentions to abstain from prosecution may change, and any notice regarding the change may not be publicly stated on media to which they customarily direct their attention. Knowing the reasons for abstention from enforcement of the *Act* may give them the opportunity to remain watchful of the media through which any such changes would be broadcast, so that they can react to any such changes by reinvigorating their efforts at concealment.

IX. affirmation request

(173) If the Service is willing to provide written affirmation that it has not yet assembled a preponderance of evidence that an objective of pressing and substantial concern to a free and democratic society is detrimentally impacted by making section 3 *Charter* rights available to be exercised at all times, and thus prosecutions against actions such as those confessed herein and with the specified constitutional defence shall be abstained, then I intend to provide whatever information the Service asks about all observable interactions of members of a society that uses the IES to choose its legislative members so that the Service can make an analysis of any such potentially observable detrimental impact in the most informed way possible.

(174) If an objective can be found to be compromised by the cessation of denials of fundamental democratic rights, then certainly it would be in the best interests of the nation to continue limiting these rights as is presently the case. However, if no such compromised objective is observed no matter the size of electorate that is eventually observed to experience this level of enfranchisement for its members then a remedy for a long standing injustice will have been provided by a Constitution of beautifully enacted architecture, and the expression “God bless the Queen” will become a part of my regular vernacular.

Thank you very much for your attention to the matters expressed herein.