

FROM:

Psam Frank

TO:

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“Any limit on the right to vote must be carefully scrutinized and cannot be tolerated without a compelling justification”  
Supreme Court of Canada  
*Frank v Canada*

“[T]he Canadian tradition’, the majority of this Court held in *Reference re Provincial Electoral Boundaries* (Sask.), [1991] 2 S.C.R. 158, at p. 186, is ‘one of evolutionary democracy moving in uneven steps toward the goal of universal suffrage and more effective representation’.”  
Supreme Court of Canada  
[*Reference re Secession of Quebec*]

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Honourable Ministers,

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

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

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

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

In [Sauvé v Canada \(Chief Electoral Officer\)](#), 2002 SCC 68, [2002] 3 S.C.R. 519, the Supreme Court of Canada states that "[t]he *Charter* distinguishes between two separate issues: whether a right has been infringed, and whether the limitation is justified" [para 10], and then later elaborates by stating that "[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" [para 11].

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

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

[R. v. Oakes](#), [1986] 1 S.C.R. 103, generally considered to be the most definitive basis for the interpretation of s.1, states that s.1 "states explicitly the exclusive justificatory criteria (outside of s. 33 of the *Constitution Act, 1982*) against which limitations on those rights and freedoms must be measured" [para 63]. S.33 states that its limits are only applicable to ss. 2 & 7-15 of the *Charter*, not to s.3; therefore, s.1 is the exclusive

*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.

criteria. If it is not fulfilled, then the “guarantee” provided in ss.1 & 24 of the *Charter* requires a remedy so that the rights are no longer denied.

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

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

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

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

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

If a court was to confer conditional statutory jurisdiction upon the ISS, retroactive to its inception on December 21, 2010, then for a person who is alleged to have committed an offence while having been an ISS member, this enables the perpetual denial of rights perpetrated by the Crown at that time to be remedied, provided that no demonstrable justification for the denial of rights is provided to the court.

[\*Doucet-Boudreau v. Nova Scotia \(Minister of Education\)\*](#), 2003 SCC 62, [2003] 3 S.C.R. 3, states 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' since 'a right, no matter how expansive in theory, is only as meaningful as the remedy provided for its breach' (Dunedin, supra, at paras. 19-20). A purposive approach to remedies in a Charter context gives modern vitality to the ancient maxim ubi jus, ibi remedium: where there is a right, there must be a remedy. More specifically, a purposive approach to remedies requires at least two things. First, the purpose of the right being protected must be promoted: courts must craft responsive remedies. Second, the purpose of the remedies provision must be promoted: courts must craft effective remedies." If conferring statutory jurisdiction upon the ISS provides a remedy for the denial of a right without demonstrable justification, then according to this principle, s.24 authorizes the court to do so.

Conditions of the jurisdiction that the court might find appropriate and just could be that (1) ISS jurisdiction in Canada applies only to its members, (2) the ISS must maintain a public standard of supportiveness to participation by all other interested citizens of Canada in the exercise of their section 3 Charter rights with respect to the governance of ISS members, in a way that provides those other citizens exemption, in whole or in part, from ISS jurisdiction, (3) ISS jurisdiction only remains in force until such time as another legislative assembly is altered or created, so as to provide continuous access to section 3 Charter rights, that has some form of greater consistency with the Constitution of Canada, such as being constituted by the Crown, possibly altered from one of its previously existing legislative assemblies that presently do deny these rights for periods of time, and (4) ISS jurisdiction is at least partially rescinded if any pressing and substantial objective as per s.1 of the *Charter* is demonstrated on a preponderance of probability to be compromised by the cessation of denials of these rights, to an extent proportionate with the extent of compromise of the objective.

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

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

A citizen of Canada who would invoke the denial of section 3 Charter rights by the Crown, in defence to a crime alleged by the Crown, without presenting an alternative legislative assembly with constant availability of section 3 Charter rights under whose governance she or he consensually abides, would be asking to have the section 3 Charter rights of all other Canadians in relation to that citizen's governance denied. In [R. v. Crawford](#), [1995] 1 SCR 858, the court held that "(a)pplication of Charter values must take into account other interests and in particular other Charter values which may conflict with their unrestricted and literal enforcement". To remedy the denial of one citizen's section 3 *Charter* rights by denying those same rights to all other citizens, in relation to any legislative process that legislates the limits on the one citizen's conduct, may not be consistent with the courts' view of an appropriate and just remedy, the ISS expects. No ISS member would expect a section 3 *Charter* defence to succeed in defence from a Crown law if the member does not adhere to ISS laws.

If, after having read this correspondence, your office agrees that it would be a violation of the Constitution of Canada for ISS members to be prosecuted for the actions described in the first paragraph of this correspondence, then I ask to be informed of this. Alternatively, if your office would intend to prosecute ISS members for these actions, then please be advised that I already "possess a substance included in Schedule III", not authorized under regulations of the Act, in contravention of section 4(1), and therefore I would ask that you commence prosecution as soon as possible.

*Controlled Drugs and Substances Act*

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

*Schedule I*

*2 Coca (Erythroxyllum), its preparations, derivatives, alkaloids and salts*

*Schedule III*

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

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

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

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

Furthermore, if I do not hear back from you, then I intend to enter the Vancouver Police Department Headquarters at 2120 Cambie St. with one hundred dollars worth of a substance containing “[c]oca (Erythroxyllum), [or] its preparations, derivatives, alkaloids and salts”, as described in section 2 of Schedule I of the Act, at 11AM on June 20, 2021, to make a confession to possession of the substance and hand it over to be used as evidence in any prosecution taken against me. If prosecution is executed under the direction of the Crown, then I intend to use the constitutional defence described herein to petition, motion, or otherwise request that the Court stay the proceedings as a remedy to the impugned denial of rights described herein.

If the stay is imposed as requested, then other citizens of Canada may wish to avail themselves of this remedy by becoming members of the ISS, increasing the size of electorate participating in the interactive electoral system. Also, some citizens may wish to become members to lobby for less dissimilarities of the laws of the ISS with laws that they favour under the Crown, another possibly comparable increase in electorate size. As the size of electorate increases, it is possible that evidence may come to light that some objective related to concerns which are pressing and substantial in a free and democratic society is in fact detrimentally impacted by the cessation of denial of these rights. This would necessitate rescinding ISS statutory jurisdiction proportionately with the extent of compromise of the objective, possibly resulting in lifting of the stay for any prosecutions which would then have been stayed before the denial of fundamental democratic rights for periods of time was demonstrated to be justifiable in a free and democratic society. Lifting the stay may thus open up the possibility for ISS members with previously stayed proceedings to be subject to prosecution under Crown laws upon the rescinding of ISS statutory jurisdiction. However, some members may feel such faith in individual enfranchisement based on their observations of the interactive electoral system thus far that they find this insufficiently likely to warrant their concern.

If you would prefer a different place or date for me to meet with an officer to provide the possessed substance for use as evidence, and for detainment if that would be the officer's intention as per your advice based on your assessment of the validity of the constitutional arguments, please let me know what would be more appropriate and I would be willing to reasonably make these changes to my plans in good faith. I will freely offer the substance and attend any judicial hearings appointed to assess any charges, but I understand that your protocols may necessitate detainment nonetheless, and I offer my respect and deference to your choice.

The BC *Constitutional Question Act* states in section 1 that "[t]he Lieutenant Governor in Council may refer any matter to the Court of Appeal or to the Supreme Court for hearing and consideration, and the Court of Appeal or the Supreme Court must then hear and consider it." The BC *Attorney General Act* states in section 2(a) that "[t]he Attorney General is the official legal adviser of the Lieutenant Governor and the legal member of the Executive Council". The matter could be decided definitively without me needing to walk into a situation where my liberty may be in peril.

If the Crown wishes to prosecute ISS members for contravention of laws asserted and continued by the ISS's statutory legislative assemblies, then the courts may agree that ISS judicial process has concurrent original jurisdiction in any such matter and therefore justice would be better disposed of in those courts, with possibility of appeal to superior provincial courts for just cause.

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

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

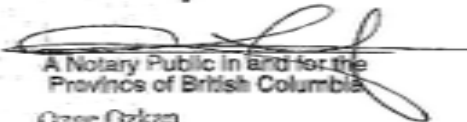


January 5, 2021

Psam Frank

the above is a pseudonym for the legal person Samuel Michael Frank, as used extensively in public elections, signing cheques etc.

DECLARED BEFORE ME at the City of  
Burnaby in the Province of  
British Columbia this 05 day of  
January, 2021.



A Notary Public in and for the  
Province of British Columbia

Ozge Ozkan  
Notary Public  
3720 Canada Way  
Burnaby, BC V5G 1G4 Canada  
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Permanent Commission



## Interactive Sovereign Society [External Legislation Registry](#)

### Canada jurisdiction

#### Controlled Drugs and Substances

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

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

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

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

- the substance is one of the following:
  - (1) Opium, as specified in section 1(1) of Schedule I of the Act,
  - (2) Coca (Erythroxyllum), 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.
- 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.