

A Personal Declaration of Opposition to The Abuse of Our Charter of Rights and Freedoms by The State

I believe there are more instances of the abridgement of the freedom of the people by gradual encroachments of those in power than by violent and sudden usurpation. -James Madison

I am writing this because I feel an obligation given that I am the last living First Minister who help craft the Constitution Act 1982 and The Charter of Rights and Freedoms that forms part of it.

Secondly, I am doing it because I must speak on behalf of those deceased First Ministers, the majority of whom, would advance the views that I am advocating now.

And thirdly, I am doing it on behalf of many Canadians who feel they have no voice; those who have love ones who have died as a result of the vaccines and others who have been injured as a result of the vaccines; and then those who have love ones who have died or have been injured as a result of the undemocratic lockdowns.

Who would have thought it would come to this???

In Christmas Season 2021 Governments across Canada made orders to diminish our democracy by limiting our rights and freedoms guaranteed under the The Charter of Rights and Freedoms, and engage as little as possible the 14 Parliaments of this nation.

It has been, for all intents and purposes, an assault in two ways: one political and legal and the other, scientific.

A. The Science

Quote: 'The task of understanding the trajectory of a virus through a population falls within the purview of a few specific scientific fields. Lockdowns, in contrast, impact all aspects of our society. So, what we have here is not a singular, specific problem, to be tackled by a small group of "experts" with domain-specific knowledge and skills. Instead, we face a vast web of interrelated problems, demanding many different areas of theoretical and practical expertise.'

Professor Mathew Ratcliff,
Professor of Philosophy, University of York
writing on the website [Collateral Global](#),

It has been known for many months that the restrictions that have been placed on our rights and freedoms do not work. The Great Barrington Declaration of Oct 4, 2020 should have alerted Governments that their approach was wrong. This declaration was instigated by three world class medical scientists: Dr. Martin Kulldorf, Professor at Harvard University , Dr. Sunetra Gupta, Professor at Oxford University and Dr. Jay Bhattacharya, Professor at Stanford University. Here is part of what that declaration says:

'The most compassionate approach that balances the risks and benefits of reaching herd immunity, is to allow those who are at minimal risk of death to live their lives normally to build up immunity to the virus through natural infection, while better protecting those who are at highest risk. We call this Focused Protection.'

This declaration has been signed by over 45,000 medical practitioners and over 15,000 medical and public health scientists.

Additionally, numerous studies have shown the folly of wearing masks; yet our Governments continue to invade our person. The [Swiss Policy Research](#) has detailed 39 studies and their conclusion is:

‘So far, most studies found little to no evidence for the effectiveness of face masks in the general population, neither as personal protective equipment nor as a source control.’

To pick just one of these studies:

‘A Danish randomized controlled trial with 6000 participants, published in the Annals of Internal Medicine found no statistically significant effect of high-quality medical face masks against SARS-CoV-2 infection in a community setting.’ Source : March 2021: Annals Of Internal Medicine.

Then there are The PCR tests: a flawed procedure not even meant for the purposes now used. Even the American CDC is phasing out their use in the Covid context. And the cycle threshold used in this country is so high that there is about a 5% reliability. It averages over 30, and some Provinces over 40, when 25 is said by experts to be the most effective cycle.

The following study is instructive.

‘The research group of French professor Didier Raoult shown that at a cycle threshold (ct) of 25, about 70% of samples remained positive in cell culture (i.e. were infectious); at a ct of 30, 20% of samples remained positive; at a ct of 35, 3% of samples remained positive; and at a ct above 35, no sample remained positive (infectious) in cell culture ([see diagram](#)).

This means that if a person gets a “positive” PCR test result at a cycle threshold of 35 or higher (as applied in most US labs and many European labs), the chance that the person is infectious is less than 3%. The chance that the person received a “false positive” result is 97% or higher.’

On November 30 Dr. Paul Elias Alexander (former Professor at McMaster University, former advisor to the US Government, former advisor to WHO) wrote the following on the Brownstone website:

[‘More Than 400 Studies on the Failure of Compulsory Covid Interventions](#)

‘What follows is the current totality of the body of evidence (available comparative studies and high-level pieces of evidence, reporting, and discussion) on COVID-19 lockdowns, masks, school closures, and mask mandates. There is no conclusive evidence supporting claims that any of these restrictive measures worked to reduce viral transmission or deaths.

Lockdowns were ineffective, school closures were ineffective, mask mandates were ineffective, and masks themselves were and are ineffective and harmful.’

Dr. Douglas Allen of Simon Fraser University in British Columbia has done a [study](#) showing the cure is worse than the disease. Part of abstract to his study states:

‘An examination of over 80 Covid-19 studies reveals that many relied on assumptions that were false, and which tended to over-estimate the benefits and under- estimate the costs of

lockdown. **As a result, most of the early cost/benefit studies arrived at conclusions that were refuted later by data, and which rendered their cost/benefit findings incorrect.'**

Where are the Governments and Our Courts on all this independent science? It's not like its being hidden! One click of the mouse!

Sadly, it is being deliberately ignored.

And it is this faulty science that forms the basis of these unconstitutional measures and some early faulty Court decisions.

AND, the Governments and Courts deny what has happened in Florida, Sweden, and Uttar Pradesh , India. This later state of over 200 million people has been able to reduce medical problems by early treatment and have less deaths and so called cases than other states that implemented lockdowns. AND THEIR VACCINATED RATE WAS SIGNIFICANTLY LESS THAN 50%.

Most tragically, Governments have denied the medical repercussions of lockdowns —the delayed surgeries and death, the delayed and cancelled specialist appointments , the increased depression and suicides .

Furthermore, they have deliberately downplayed the value of vitamin D, Zinc, Vitamin C and Quercetin in reducing hospitalization and the severity of the disease and the value of treatments used early such as , Hydroxychloroquine and Ivermectin . Dr. Peter McCullough, a world renowned researcher in the field has persuasively shown that early treatment could reduce hospitalization by up to 85%.

Prevention, once the hallmark of Public Health Policy is absent from the narrative. Why is this?

Additionally, Governments have narrowly focused their efforts ignoring the Emergency Planning agencies on which they all have been spending millions of dollars over many years. [Lt. Col. David Redman](#), an outspoken critic of the present approach , and former Emergency Director with the Alberta Government, has a very effective way to describe sound Emergency Management:

'Let me give you all a new concept.

Think of Emergency Management in terms of an orchestra.

The Public is the audience, filling a hall.

At the front is the conductor. That is the Emergency Management Officer (EMO).

The EMO is not a violinist, a drummer, a woodwind player, or a brass player. The conductor does not specialize into one section of the orchestra. The EMO stays a part and leads the whole. The conductor knows each group in the orchestra, knows what they do, how they contribute to the whole, and knows how to get the best out of each section. Most importantly, the conductor knows how to get all the sections to work together to produce not just a good piece of music, but the best piece of music with the skills present. The conductor also knows what this orchestra is missing and where to go get those missing elements.

In the String section - let us call them the doctors - we have different types of violins, cellos, violas, etc. each with a lead (Cancer, Heart Disease, Diabetes). The Medical Officer of Health (MOH) is a

generalist for Stringed Instruments, not one of the specialist leads. The MOH is promoted to be the leader of the String section.

Now, let ' s imagine the orchestra conductor (EMO) is not available or is sent out of the auditorium and is replaced by the leader of the String section. This leader (MOH) is put in charge of the entire orchestra, in place of the conductor. The String Instrument leader is not trained on how all the other sections play, the methods for best use of their instruments, or if other sections even have a part to play.

Over in the drum section, we have a lot of instruments that keep the entire orchestra in tempo and coherent. Let's call them the power grid, water supply system and the food system. The String Instrument leader just assumes that they will always be there, so ignores them.

The real Conductor, now ordered out of the room, would never ignore them.

The Brass section has been told by the String Instrument leader to stop playing, period, because the violin conductor does not think they are essential for the music. Let's call them small business, tourism, air lines, etc. The Brass section members start to develop resentment, mental health issues, drug issues, and they sell their instruments because they have no income and need livelihood.

You see where I am going.

The EMO who is the conductor for all emergencies is sitting in the lobby and the orchestra collapses, the public covers their ears and starts to have social and mental health issues from the noise.

The audience agrees they never want to see this performance again, but there is no other show in town.

The media throughout has been extoling how great the new Stringed Instrument leader is, regardless of the music.

The Stringed Instrument leader continues to believe they are doing a great job, and it would have been worse if they were not in charge.

The public needs to understand we are going about this all wrong.

We knew better and chose to ignore all Lessons Learned from all previous Pandemics and ignore the pre-existing plans that were written from these Lessons Learned.

As an old army friend constantly says about what we are doing.

WE ARE LOST, BUT MAKING GOOD TIME.'

And now a new study has just been produced by The Canadian Covid Care Alliance detailing the many flaws in Pfizer's first months of trials entitled "[More Harm Than Good](#)", showing more problems from their vaccines than they prevent.

B. Legal and Constitutional Issues

THE JUDGE MUST SOMETIMES DEPART THE CONFINES OF HIS LEGAL SYSTEM AND CHANNEL INTO IT FUNDAMENTAL VALUES NOT YET FOUND IN IT—JUDGE AHARON BARAK-ONE TIME PRESIDENT OF THE SUPREME COURT OF ISRAEL.

SAVE AMERICA—CLOSE YALE LAW SCHOOL—BUMPER STICKER

Governments have forged ahead with infringements on our freedoms like it was just another day in the park. The blatant ignorance, and casual approach regarding this is breathtaking. The arbitrary implementation of these measures is the greatest assault on individual freedom in the forty years that the Charter of Rights and Freedoms has been in effect.

- A. Let it be recorded that The Charter of Right and Freedoms is the Supreme Law of Canada. So says Section 52 of the Constitution Act 1982. All laws in Canada involving Governments are subject to conforming with this Charter.
- B. Let it be recorded that the first words of the Charter are : **'Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:'**
- C. Note that a colon punctuation comes at the end —that is that everything that follows is in this context.
- D. Present Government covid measures violate the Charter, especially Section 2, 6, 7, and 15.
- E. Section 2 describes the freedoms individuals have relating to conscience, religion, expression and the press. Additionally other freedoms described are freedom of assembly and association. Today across the nation individuals are prevented from association and assembly.
- F. Section 6 talks of Mobility Rights; the right to travel anywhere in Canada and leave Canada . Additionally, it describes the right to 'to pursue the gaining of a livelihood in any province.' As we speak people are losing their jobs , thousands of them across the country , it being alleged that their health status is inconsistent with Government edicts.
- G. Section 7 describes a person's rights to 'Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.' Right now our life and liberty are being violated and the coercion is rampant in violating our 'security of the person.'
- H. To top it off is Section 15 —'Every 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.'

Presently I, and many thousands, do not enjoy equality before the law because we are prevented from going certain places that others can go.

Governments believe that they are immune from these protected rights and freedoms.

I contend they are not!

Section 1 of the Charter says:

'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.'

This section does not apply to the present circumstance.

When this was being written it was in the context of a serious threat to the state, a war, insurrection, a clear and present danger. A virus whose recovery rate is 99% and fatality rate is 0.08% (source, The Justice Centre For Constitutional Freedoms quoting Government documents) surely doesn't qualify as a threat to the state.

Consider: the country took 114 years before it had a written charter of rights and freedoms. America had one in 1791. And it was clear to everyone in 1981 when the Charter was being negotiated that a further opening of the Constitution was unlikely for many decades, generations away, if not more. Its already 40 years. Hence, what we were doing then was very, very important. And long lasting.

We were not negotiating fundamental freedoms and rights to be in the Constitution to see them easily taken away, especially by highly questionable science at best, and downright wrongdoing by many of the stakeholders at worse. And even then, four tests would have to be met to override those freedoms and rights.

You see, if these rights and freedoms can be taken away in this circumstance, where the science is against what is being done, where more effective alternatives are medically available, where alternate approaches like the Redman approach are available, and where deaths and injuries from the so called 'vaccines' are more than from all other vaccines combined in the last 30 years, then the Charter becomes diluted, peoples rights and freedoms sacrificed on the altar of fear and convenience; that means, then, future serious circumstances will be easier to justify violating our rights and freedoms using this present falsity as a precedent to bypass the Charter all over again.

The permanence we thought we achieved for individual freedoms and rights in the Constitution becomes a fleeting concept floating hither and yon in the shifting winds of political expediency, fear and faulty science and faulty approaches, not the bedrock of a secure democracy as we had thought.

That's why this is all so wrong——

OK, for argument's let's assume that Section 1 applies to the present circumstance. There are four tests to be met:

1. Demonstrably justify
2. By Law
3. Reasonable Limits
4. Consistent with a free and democratic society

Has any Government in Canada met these tests?

Where is the 'demonstrably justify?' Nowhere to be seen! One would think that such harsh measures, denying personal liberties, people's jobs eliminated, would require a cost benefit analysis, a report, a study. None exists.

Reasonable limits. There are no reasonable limits but arbitrary edits, reissued over and over again, most often with no parliamentary oversight.

By Law——one would think that this would require a new law, requiring The Parliament, the peoples' house to open and be intimately involved. When people's rights and freedoms are being taken away is this not a matter for the peoples' representatives? If not, what is? In the Case of Section 33, the so called notwithstanding clause, in order for Governments to override Sections 2, 7, and 15 the Parliament must be opened and a new law proposed and passed before any change can occur. And then with a time limit.

In a free and democratic society. This validates the previous point. How can a Government be consistent with the concept of a free and democratic society without the Parliament being intimately involved? If in fact it was such a big issue as the Governments daily pronounce, then let the people speak through their elected representatives.

Furthermore, Many Governments are using existing laws that were in place long before this present circumstance existed. A new law is needed for a new circumstance, not hiding behind existing laws for other circumstances.

And so even if Section 1 applied, which I contend it does not, the Governments have failed these tests and therefore their actions are unconstitutional.

And then the Courts so far have failed us and abused the Charter.

I. Sins of Omission and Sins of Commission

Perhaps no where is the fatal flaw (error in law) of the various court judgements concerning the Charter of Rights and Freedoms more blatant than in the omission of consideration of the first words of the Charter itself:

'Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Note the grammatical use of the colon. Everything comes after this!

All considerations of the Charter must be in 'the context of, 'under the umbrella of' these important concepts.

One does not have the luxury to pick and chose what parts of the Charter are to apply in a given case. The totality of the Charter must be considered, applied in any rendering of judgement concerning the Charter.

Nowhere in the judgements I have read considering the Charter in this circumstance has consideration being given to this important part of the Charter, its introduction, that is obviously to guide the rest of the Charter and its interpretation.

What does 'supremacy of God 'mean ?

Is it a stretch to consider unalienable rights?

Does it not mean justice and fairness at the very least?

One is reminded of the US Declaration of Independence, A document very much a part of the jurisprudence of North America.

'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'

What does 'rule of law' mean?

Does it mean following the law as written, consistency and justice?

Robert H. Bork writing in his book 'Coercing Virtue' states:

'One of the indispensable institutions of Western civilization is the rule of law. That rule is central to democratic government, a vigorous economy, and individual liberty. A functioning rule of law requires that law be understood to have force and moral of its own, a force and weight independent of the political and cultural struggles the moment.'

I submit that all the judgements rendered that involve interpretation of the Charter must involve consideration of all the relevant parts of the Charter. Failure to do so renders these judgements incomplete and hence invalid.

In the present context the recent judgements interpreting the Charter are invalid because they err in omitting consideration of the first words and concepts of that very charter, concepts that are suppose to guide the subsequent interpretations of the court.

The ruling by Chief Justice of the Queen's Bench of Manitoba for example makes this statement in his conclusions:

CONCLUSION

There is no constitutional or any legal basis for invalidating the impugned provisions of the PHOs as argued by the applicants. Section 67 of the PHA represents neither an unconstitutional nor an undemocratic delegation of power.

This omits any consideration of the context in which this decision should have been made, that is the other relevant parts of the Charter!!

A judge does not have the authority, I contend, to arbitrarily decide what parts of the Charter to consider in deciding a case based on the Charter. If so it makes a mockery out of the concept of Justice. The Charter's words mean something, all of them, and must be interpreted in the light of all the evidence submitted.

Additionally, the Judge omits any reference to the substantial scientific information submitted by the litigants.

Finally, sacred individual freedoms and rights that took 114 years to form part of the Constitution are not to be swept away by ignoring the concepts that were to guide the Charter of Rights and Freedoms and form its context: the supremacy of God and the rule of law.

Similarly, other relevant cases bearing on the present circumstance recently heard in the Supreme Court of BC, *Beaudoin v British Columbia*, 2021 and *Klassen v British Columbia (Attorney General)* 20121 fail to include in their consideration of the Charter the first concepts introduced which are suppose to guide in the deliberation of the Charter .

Tangentially, the Manitoba case just referenced, the Judge did not carry out his obligation and rule using all relevant law, based on the evidence, but rather he bowed to an unelected bureaucrat stating that he, the judge, was not an expert in health matters, as if in all his other judgements he has made involved him being an expert on all the various subjects that came before him. Are we to deduce that this is how judges decide these days? Not on the law interpreted through the evidence presented but on the views of one set of experts. This is an abdication of duty.

Let me describe a little of my views concerning BC First case, *Beaudoin v British Columbia*

While the judge recognizes the importance of the Charter in point 56 in his ruling, although without specifically referencing ,like he should have , the concepts of the supremacy of God and the rule of law, he goes on to essentially not recognize it in the manner in which he deals with the violations of the Charter later in his judgement .

Nowhere in this judgement is there evidence that the Province ‘demonstrably justified ‘ their multiple actions to restrict the freedoms and rights of the people Often one finds an over emphasis on the words ‘reasonable limits ‘ and less emphasis on the words ‘demonstrably justify’ . In any plain reading of Section 1 it is about demonstrably justifying, by law, within reasonable limits consistent with the values of a free and democratic society. None of these tests have been clearly established in the Judge’s ruling.

In October the Government and/or the Judge knew or ought to have known that many of the statements of the previous year by the Provincial Department proved to be incorrect. The incidence of receipt and transmission of the virus by the vaccinated being one dramatic example. In other words, the very reason for the vaccine to prevent contracting the virus, proved blatantly wrong. And data from around the world was readily available about the incidence of cases rising after lockdowns were introduced. This is not rocket science and was available in independent publications of which there are many.

The framework of the Charter is contained in the opening sentence of the Charter. This in not mentioned anywhere in the Judge’s decision and renders incomplete a full assessment of the application of the Charter.

The Government and/or the judge knew or ought have known that their/his slavish reliance on the now well know faulty science of the Provincial Department of Health (Section 118) was a big problem. Reference Sections 122–125 also refer.

The Government of British Columbia and/or the Judge knew or ought to have know of the significant health problems caused by the Government’s measures, delayed surgeries causing death and injuries . Public information was readily available where Government had delayed surgeries, delayed critical specialist appointments . Many know someone damaged by these lockdowns or who died.

We are talking about life and death and it behooves the Government and/or the judge to ensure they have the most relevant information. A full year previous, the Great Barrington Declaration was issued. Results from the Governments of Israel and the UK were readily available, real data showing the Provincial Government narrative to be flawed. And data from the US and Europe Government Agencies

showing deaths and injuries from the covid vaccines to be more than all the deaths and injuries from all vaccines for the past 30 years.

And in the Judge's own backyard at Simon Fraser University, Burnaby, BC, Dr. Douglas Allen published a paper in April 2021 a full six months before his decision entitled '[Covid Lockdown: Cost Benefits: A Critical Assessment of the Literature](#)' in which it was revealed that most of the data relied upon by Governments like the Government of British Columbia was unreliable and much of it false. 80 studies were examined.

Surely this information should be at least sufficient for a pause in what was being implemented.

The other aspect of this sad tale is that the Government of British Columbia has a obligation to bring all the latest scientific information to the Judge's attention—as the Judge and the Government keep saying—IN THE PUBLIC INTEREST. The Premier and Minister of Health take an oath to conduct their affairs with integrity.

The Courts of Canada have a solemn obligation to interpret the Charter of Rights and Freedoms as written especially those concepts that undergird its very existence: The Supremacy of God and the rule of law. 'Constitutions' as Bork said, 'speak for permanent values.'

Summary

- A. The science is not present to justify the draconian, arbitrary measures being used. Many times the cure is worse than the disease.
- B. The measures violate the Charter of Rights and Freedoms. The bar has not been met to allow Governments to violate basic individual rights and freedoms. A 99% recovery rate sure does not pose a threat to the nation.
- C. Section 1 of the Charter does not permit the Governments license to implement their measures. And even if it did the Governments have not passed the four tests necessary to take such action.
- D. Early court decisions err in their judgements, failing to invoke all the relevant parts of the Charter and examine all the scientific information that was readily available.
- E. The reason for putting the Charter in the Constitution in the first place was to protect it from easy change. Constitutions represent permanent values. Trying to 'square' a virus outbreak with a 'round' Section 1 just doesn't cut it.

Conclusion:

This is all an affront to our Democracy, an abuse of our Constitution by selectivity and law making rather than interpretation; a mangling of the scientific method and the abandonment of reason.

It is up to the higher courts of this land to rectify this injustice and restore the Charter of Rights and Freedoms to its rightful place protecting the freedoms and rights of individual Canadians against the false claims of Governments who are attempting to usurp it.

Appendix/Sequel:

The Four Horsemen of the Modern Era

If the above is not enough, we have the Four Horseman of the Modern Era circling over us like massive locusts, ready to pounce on any deviation in behaviour by the people to the Government edicts.

Consider the power of the media. They formed their falsely named Trusted News Initiative that essentially blocks all news that is negative to their narrative that all is well and that the lockdown destruction is not real, and the hundreds of thousands of deaths from the vaccines is untrue. They play on attacking alternate views by playing the conspiracy theory card, up to now keeping the masses in check. Meanwhile, in Canada they take \$600 million from the Federal Government, this, the very group that is suppose to expose conflicts of interest in high places, be independent ———now fallen on their own sword.

Our governments have become too big and undemocratic. The Parliaments of this nation should be meeting regularly and oversee what is happening. The people are shut out and a small coterie of people in one discipline are running the show, completely ignoring the Emergency Measures that are in place ready to give the weight of of the many disciplines needed to properly manage the situation. The Prime Minister is acting like a President or Monarch; the power has shifted from Parliament to The Prime Minister's office by passing even the Cabinet. There are over 1400 working directly for the PM in the Privy Council Office and the Prime Minister's Office(this info a few years ago, current stats were hard to come by) consuming an annual budget of \$150,000,000. Yet, there are over 7000 other executives working for the Government. For a full examination of this dire situation let me recommend ' [Democracy in Canada—The Disintegration of Our Institutions](#)' by Donald A. Savoie.

Big Pharma have their tentacles everywhere —from the local hospital purchasing agent to the Cabinet Room. The intermingling of people on Govt regulatory Agencies and Big Pharma is a prime example of the rot that has set in. These are the people who will not stand behind their product yet reap billions of dollars from the masses with its use; an experimental product whose long-term effects are completely unknown. Pfizer has had to settle out of court for billions of dollars as a result of charges brought against them; \$175 million because of experiments on Nigerian Children, \$2.3 billion to settle false claims that the company gave to Governments, , and \$300 million regarding Chantix. And now the recent study by the Canadian Covid Care Alliance that exposes their unethical behaviour in the conduct of their clinical trials on their covid vaccine. Note: 'The claim was that the inoculations were safe and showed 95% efficacy 7 days after the 2nd dose. But that 95% was actually Relative Risk Reduction. Absolute Risk Reduction was only 0.84%.'

Big Tech is perhaps the most dangerous, hiding behind their portals to commit all manner of wrong doing and double speak. Their friendly ties with China, excusing many of the horrific abuses there, to gain their twenty pieces of silver and market access is well know. Acting as judge and jury to gain access to their sites smacks of corruption to which Governments seems powerless to act , given that many politicians receive substantial sums of money (fronted through false so called non profits and other nefarious entities) from these tech behemoths.

This is now the nature of our western society, corrupted from within and without by these horsemen.

Hon A. Brian Peckford P.C.
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