

## APRIL 8, 2010, STATEMENT IN COURT

"Your honor, I feel no longer able to represent myself. I seek the appointment of counsel pursuant to Rowbotham, which will pay for further representation, and my choice of counsel is Professor Charles Lugosi for any further litigation as proposed by the Crown in his letter to me telling me he is going to seek another 'fresh charge' of the original charge of failing to file for 2000, 1 and 2.

As a conscientious objector to the filing of income tax returns, a repeat compliance order to file my tax returns that forces me to act against my conscience is also a fresh violation of s. 2 (a) of the Charter.

Furthermore such a compliance order violates s. 8 of the Charter (cruel and unusual treatment or punishment) and s. 11(h) of the Charter (double jeopardy).

Finally, s. 238 (2) is itself unconstitutional, for it gives unfettered discretion to the court to make any order it deems proper in order to force compliance. Implicit must be limitations not to violate the Charter. For example torture and indefinite detention would be two examples that come to mind.

Also s. 238 (2) does not confer legislative authority upon a judge to substitute a judicial law to substitute for a legislative law to file a federal income tax return. To duplicate the federal statute by a judicial rule is pure double jeopardy.

Finally s. 238 (2) is simply too vague, over-reaching, and confers arbitrary unlimited authority. As such it is unconstitutional, and this court has no authority to make a compliance order, as its jurisdiction is based upon a statutory provision that is unconstitutional.

I am not a hypocrite, and my conscientious objection to taxpayer funded abortion is as strong as ever. By refusing to hear my case, the Supreme Court in its wisdom has forced me to again rely upon my Charter rights, as I will never obey a compliance order that violates my conscience and substitutes judge made legislation for one passed by Parliament.

Under the heading of Offences and Punishment in the Canada Tax Act we read in Section 238 that "every person who has failed to file or make a return as and when required by or under this Act or a regulation or who has failed to comply and where a person has been convicted by a court of an offence under subsection 238(1) for a failure to comply with a provision of this Act or a regulation, the court may make in subsection 238(2) such order as it deems proper in order to enforce compliance with the provision."

**IF PARLIAMENT PASSES A LAW THAT REQUIRES MY FAMILY TO BE LIMITED TO A ONE CHILD POLICY (AS DOES CHINA TODAY) I WILL DISOBEY SUCH A LAW THAT COMPELS ME TO ABORT ALL MY OTHER**

CHILDREN. I WILL NOT DISOBEY GOD AND COMMIT MURDER OR BE A PARTY TO MURDER. IF I AM FOUND BY A COURT TO BE A CRIMINAL FOR REFUSING TO OBEY SUCH A LAW THAT RESULT IN THE KILLING OF AN INNOCENT PERSON AND MY CONSTITUTIONAL DEFENSE OF FREEDOM OF CONSCIENCE IS REJECTED, THE COURT MAY PUNISH ME, BUT ANY PUNISHMENT IN THE FORM OF A COMPLIANCE ORDER TO KILL MY CHILDREN EXCEPT FOR THE ONE PERMITTED BY LAW WILL NEVER BE OBEYED BY ME. THIS IS WHY COMPLIANCE ORDERS ARE WRONG, FOR THEY CREATE A CATCH - 22 SITUATION, AS MY PUNISHMENT FOR REFUSING TO VIOLATE MY CONSCIENCE IS TO COMPEL ME TO VIOLATE MY CONSCIENCE.

Does this mean that a judge can order torture, or command me to kill my wife to enforce compliance? The act says so. And if I refuse to comply I am back to the Charter that defends my freedom of conscience. It is clear that when an Act gives power to a court to make such order "as it deems proper" without limitations so as not to violate the Charter, it places any Canadian who in conscience believes abortion is plain murder, for example in a position where there is no way out.

The judicial system in Canada has placed me in a Catch 22 position, my conscience remains deeply violated once more by the Canada Tax Act which itself is in breach of the Charter of Rights and Freedoms when it declares that a judge of a court may make any order it wishes in violation of my freedom of conscience.

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I must repeat what I have said in every court appearance since the beginning of this case, five long years ago. I will never file another tax return, pay any fine or co-operate in any way with this government until the law of the land abolishes tax-funded abortion. I take as my own a paraphrase quote from a brave fellow Christian, John Bunyan, "I'd rather rot in jail than do butchery to my conscience, for that is where God speaks to me in the deepest private sanctum of my soul."

God has permitted me to carry a cross of my own choosing. By His gracious mercy and wisdom I have suffered grave disappointment from bishops in my own Catholic Church. Most have failed utterly to spiritually and morally support me, my wife and my children in this non-violent mission of our family through this perilous long journey.

But one single bishop made up for all the rest. He is my beloved Bishop, J. Faber MacDonald, who supported me from the beginning in the Diocese of Saint John and who attends here with me today. Bishop Faber is a huge part of our team as a priest, a trusted brother, a wise father and a most dear friend. By Faber's mercy and God's grace we just returned from a most wonderful pilgrimage to Rome for Holy Week, where we received many blessings and consolations, from

very holy souls every where we went, from Mother Teresa's sons, the Missionaries of Charity Contemplatives, from Cardinals and Archbishops, from Secretaries to the Pope and from the Pope himself at the Chrism Mass on Holy Thursday.

Most priests have as well have remained silent or fearful when my name is mentioned; some of these priests had been close friends before I took this decision. They, like many others are afraid of Revenue Canada and the government. Others have been wholly supportive, Fr. Jim Willick, Fr. Joseph Arsenault and my priest confessors. Fr. Bernie Black, a most holy and wise priest has been a rock for our entire family. Their support and love has been a great joy and consolation to our entire family.

Many pro-life persons from all over Canada, the USA and indeed the world have been there in prayerful and temporal support from the beginning. Dan Gilardi, Vincent Ellis-Brown, Joseph Weirathmuller, Peter Ryan, Thaddee Renault and not a few others have always been there for me. My dear friend, Matthew Bomm who is now studying for the priesthood has been heroic in prayer and temporal sacrifice for our cause, my family and for our good Lord. Matthew is a great and holy man.

Sadly though most pro-life organizations in Canada, have caused grave scandal to our organization including the largest, Campaign Life headquartered in Toronto. It has a large full-time paid staff and depends solely on donations to survive. It's primary goal is to elect prolife candidates of whatever party to effect change in law. In 35 plus years they have never come close to electing any pro-life majority. The leader is unelected, and is self appointed as such since the late 70's.

Campaign Life owns THE INTERIM, the largest prolife newspaper in Canada or the US. In 2003 I started the World St. Thomas More Society after 20 years of working full time for human life in 2003. No one, including me has ever received any salary or wages from my society since its inception in 2003.

Long experienced pro-life leaders tell me, that the owners of the INTERIM were from the beginning of my risking jail, fearful of losing donations to my mission. Donations that permit them full time jobs and long held status was protected at the expense of their own integrity. Having been told in early 2005 by THE INTERIM Marketing Manager, that an advertisement that I submitted to the Interim for publication would quote, "raise more money than any other campaign in our history." He told me on the telephone, quote "I think the ad you submitted is fabulous and I will give you a great discount because of what you are risking personally." Thirty minutes after we agreed on all terms and dates of publication of this advertisement, his boss, the Editor in Chief, called me to say that they could not publish the ad saying that the editorial committee had held an

emergency meeting and decided to refuse the ad. I asked if the president of 30 years was on the committee and he answered affirmatively.

This 'president' holds great sway even now in the prolife movement in this country and it is largely at his feet one must rest the fact that I could not afford a legal team and that our family begged at food banks, used clothing stores, lost our home and were reduced to abject impoverishment. Many other prolife groups were fearful of losing their tax receipt issuing status as a registered charity. They chose also not to mention my name or this case, even though I was risking jail for a long time, because they feared Revenue Canada would take away their status as a charity which forbids support for political goals. It is sad, a tragedy really, but I believe these leaders have seriously wounded their souls for the love of money and tax receipts.

Only prolife persons who read or heard of my case in the mainstream media offered support. All communication to grass root prolife persons was thus effectively eliminated by this self interest of many tax receipt issuing prolife organizations, many of them quite large.

All this pain, grief, frustration and anguish was ironically their great gift to me. It threw me even deeper into prayer, fasting and ever longer holy hours every day. I learned suffering embraced for Christ and His Unborn children would give me even greater courage, deep confidence and trust in Christ as my brother and my Master and my dearest friend. I learned that suffering gave me peace of mind and a tranquil heart when I united this suffering, my own Cross and that of my beloved wife and children to His Passion and death and His invincible Cross which offers Eternal Life.

So, sincerely from my heart, I thank all those who allowed me to grow closer to Christ by the days, months and years of suffering which I grew to love, embrace intimately and through it all, came to a place in my heart and soul where my conscience is not just at peace but desires even more suffering for the Unborn and the entire human family, for it is by His Wounds that we may be Healed.

Despite all that has been heard by this court and the other appeal courts, my position remains unchanged. I say one last time, let us not waste time anymore, just put me in jail, for your unjust laws say I must go to jail. Charge me please Mr. Prosecutor for all the other years beyond the three of this court's conviction of 2000, 2001 and 2003. I have not filed nor will I for 2004, 5,6,7,8,9 and soon 2010. Just do what you are bound to do by this murderous regime, for whom you are employed. You are all caught up in grave complicity in this judicial system, you Mr. Prosecutor, and yes you, your Honour, in the plain murder of innocent children. My dear friend the Venerable Pope John Paul II declared on Feb. 14 1982 before a million Catholic women in Nigeria, "Abortion is the murder of an innocent child. It has to be condemned by society." He said this when I began my

full time work for the Church and human life in 1982. Those who support abortion murder risk condemning themselves forever.

One last matter. I must state for the record, that if I were to file for all these years, the government of Canada would owe me several thousand dollars. I have had a professional tax expert examine the entire ten years in question. I owe not a penny in taxes largely because I have never collected a penny of benefits for those ten years and because financial gifts from supporters are not taxable in Canada. Many people who believe in what I am doing have supported my family expenses. And a noble doctor has vowed to take care of the financial needs of my wife and children for as long as I am in jail. For those who prattle uncharitably, like Queen's Court Justice Hugh McLellan about my using Medicare, the education system and other benefits of Canada, I politely remind them that all of the money given in support of my family through these past many years has been after taxes money. In other words, a few major devout Catholic pro-life donors have already paid for all Canadian citizenry benefits for our family.

Again I repeat. I will never file another tax return until the law is changed outlawing tax funded abortion. I will die in jail if necessary. Period.

St. John Bosco died in 1888, after decades of helping the young. He had much to say about our era. He said, "The power of evil men lives on the cowardice of the good." And as my champion, St. Sir Thomas More, said in a letter from the Tower in 1534 to his favorite daughter Margaret who he lovingly called Meg, "The clearness of my conscience has made my heart hop for joy."

Thomas was beheaded by Henry VIII, on July 6, 1535. Would that I could give my life for the holy innocents who have died, 3,000,000 plus in Canada since 1969 and the 300 who will die in Canadian abortuaries this very day. I will suffer only loss of freedom from my beloved wife and children. The children in the womb suffer vicious execution at the very dawn of life. My suffering is little indeed.

Thank you, I have no more to say.