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ESTABLISHED 1995

February 8, 2022

Our File No. 99000

Via email steven.johnston@gov.ab.ca

Steven Johnston
Alberta Crown Prosecution Service
6th Floor, 10356 – 97 Street
Edmonton, AB T5J 3W7

Dear Mr. Johnston:

Re: Criminal Charges concerning the Wilful Promotion of Hatred by Prime Minister Justin Trudeau pursuant to s. 319(2) of the *Criminal Code of Canada*

Please be advised that I have been asked to write you on behalf of S/Sgt. (Ret.) Eddie MacDonald, formerly of the RCMP, with regard to his Complaint with regard to the wilful promotion of hatred by Prime Minister Justin Trudeau.

We have reviewed your correspondence and respectfully disagree with your analysis. It is clear that the issue of a *prima facie* case being made out against Prime Minister Justin Trudeau is separate and apart from any determination on your part as to whether S/Sgt. (Ret.) MacDonald was correct or incorrect in his views with regard to vaccine approval.

As made out in the Criminal Complaint filed with the Calgary City Police by S/Sgt. (Ret.) MacDonald, it is clear that Prime Minister Trudeau deliberately promotes hatred against an identifiable group in Calgary wherein he stated that the unvaccinated should not allowed to sit next to vaccinated people on airplanes.

I would like you to consider whether you would take such a dismissive attitude towards this charge had Prime Minister Trudeau stated that in his view, blacks, Jews, or aboriginal Canadians should not be allowed to sit next to white people on airplanes.

These comments were clearly designed to promote hatred and contempt against an identifiable group, specifically the unvaccinated, as part of an electoral strategy that was more in keeping with Germany in the 1930s than Canada in the second millennium.

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As to your assertion that the Alberta Human Rights Commission's findings that being unvaccinated is a choice and cannot be characterized as a disability under Canadian Human Rights law, we would refer you to the decision of *Quebec (C.D.P.D.J.) c. Montreal (Ville)* [2000] 1 S.C.R. In this decision, the Supreme Court of Canada stated as follows at para. 48:

“Whatever the wording of the definitions used in human rights legislation, Canadian courts tend to consider not only the objective basis for certain exclusionary practices (i.e. the actual existence of functional limitations), but also the subjective and erroneous perceptions regarding the existence of such limitations. Thus, tribunals and courts have recognized that even though they do not result in functional limitations, various ailments such as congenital physical malformations, asthma, speech impediments, obesity, acne and, more recently, being HIV positive, may constitute grounds of discrimination: . . .”

To the extent that the Canadian Government itself has made vaccination a requirement for air travel, border crossing, truck driving, Federal civil service employment (to name a few), it is clear that the Federal Government itself considers being unvaccinated to constitute a form of disability under Canadian law.

To do as the Alberta Human Rights Commission suggests, by characterizing this as a choice, that empowers governments to discriminate has the effect of flipping the *Charter of Rights and Freedoms* and the *Constitution of Canada* on its head. The Supreme Court of Canada made it clear in *R. v. Morgentaler* and numerous subsequent decisions that the right to security of the person under s. 7 of the *Charter* includes the right not to have one's bodily autonomy infringed through coercive medical treatments or procedures being forced upon an individual without their consent.

It is clear that the doctrine of consent is the bedrock principle of medical ethics in Canada and around the world and that our Courts have routinely held that any medical procedure undertaken against an individual without their consent constitutes an assault. Accordingly, to suggest that a decision not to be assaulted in accordance with the Criminal Code of Canada and the *Charter of Rights and Freedoms* constitutes a “choice” that would allow Prime Minister Trudeau to direct hatred and contempt against his fellow citizens is perverse.

With the greatest of respect, as a prosecutor, your duty is to apply the criminal law of Canada fairly and without favour. I am deeply concerned that your refusal to prosecute Prime Minister Trudeau for his hateful comments directed at unvaccinated Canadians constitutes a clear violation of your ethical obligations as a prosecutor.

I respectfully request that you re-visit your decision on the basis of the law as opposed to your own personal fears or prejudices in regard to charging a sitting Prime Minister for criminal conduct perpetrated in plain sight in a manner that was intentional and designed to provide him an electoral benefit on the basis of directing hatred and contempt against an identifiable group as a means of obtaining electoral success.

Regardless of whether Prime Minister Trudeau's criminal conduct resulted in his election by the 33% of Canadians that share his odious and hateful views, you are obligated to do your duty and instruct

the Calgary City Police Service to properly investigate all of Prime Minister's Trudeau's hate speech and to bring him to trial in the same way that would be done if someone were directing those comments at an identifiable ethnic group in the Province of Alberta as was done in the case of *R. v. Keegstra*.

Prime Minister Trudeau's hateful comments directed at the unvaccinated are directly comparable to the hateful and ignorant comments made by James Keegstra with regard to members of the Hebrew faith that resulted in his conviction. Similar to Mr. Keegstra denying the Holocaust, Prime Minister's Trudeau's vile comments directed at the unvaccinated are a clear denial of science for his own political gains. Specifically, at the time those comments were made and onward, Prime Minister Trudeau knew or should have known that vaccines do not stop the spread of COVID-19 and that the vaccinated are as equally capable of spreading COVID-19 as the unvaccinated.

Prime Minister Trudeau's current circumstances provide direct proof of the scientific ignorance underlying Prime Minister Trudeau's hateful comments. Notwithstanding the fact that Prime Minister Trudeau has held himself out as the poster child for isolating, social distancing, masking, vaccinating and boosting, Prime Minister Trudeau was diagnosed last week with COVID-19. It is highly unlikely that given Prime Minister Trudeau's personal prejudices that he would have allowed himself to have been in contact with an unvaccinated Canadian and that Prime Minister Trudeau's recent illness was a result of the "pandemic of the vaccinated" that has been the direct result of Prime Minister Trudeau repeating the false and malicious view that only the unvaccinated spread COVID-19 in our society.

I would note that under s. 318(4) of the *Criminal Code of Canada*, "*identifiable group*" means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability."

I would further note that given the ignorant and sweeping nature of Prime Minister Trudeau's comments directed at the "unvaccinated", his hatred and contempt is directed equally at Canadians who are unable to be vaccinated because of underlying psychological trauma arising from post-traumatic stress disorder being a "mental disability" or persons who are unvaccinated on the advice of their physicians because of underlying health conditions that make them susceptible to death or injury from these "vaccines".

In this regard, given the blanket nature of the hatred and contempt that Prime Minister Trudeau directs at the unvaccinated, his comments direct hatred and contempt at people who suffer mental or physical disabilities preventing them from being vaccinated, as well as people who are not able to be vaccinated because of their religious beliefs.

To simply adopt the view that every unvaccinated person against whom Prime Minister Trudeau has directed his hateful comments, are unvaccinated as a matter of choice, is a clear demonstration that you have not seriously considered S/Sgt. (Ret.) MacDonald's Criminal Complaint or your duty to direct the Calgary City Police Service to lay charges against Prime Minister Trudeau.

I trust this clarifies S/Sgt. (Ret.) MacDonald's position with regard to this matter. Please advise at your most immediate convenience as to your intentions in this regard. Failing your advice that you

intend to do your duty as a member of the Alberta Crown Prosecution Service, we will instruct S/Sgt. (Ret.) MacDonald of the need to file a Private Information on the basis of your dereliction of duty.

I look forward to your prompt response to this communication.

Yours very truly,

RATH & COMPANY

A handwritten signature in blue ink, appearing to be 'Jeffrey R. W. Rath', written over the printed name 'RATH & COMPANY'.

Jeffrey R. W. Rath, B.A. (Hons.), LL.B. (Hons.)
Barrister and Solicitor

cc: S/Sgt. (Ret.) Eddie MacDonald (via email ssgteddie@gmail.com)
Honourable Sonya Savage, Interim Attorney-General (via email minister.energy@gov.ab.ca)