

FORM 171A - Rule 171

STATEMENT OF CLAIM

ACTION

FEDERAL COURT

BETWEEN:

Plaintiff

THE CANADIAN PEOPLES' UNION, FREEDOM 2017 INC.

and

HER MAJESTY THE QUEEN

Defendant

and

THE GOVERNOR GENERAL

STATEMENT OF CLAIM TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

November 29, 2018

Issued by: _____
(Registry Officer)

Address of local office: _____

TO: HER MAJESTY THE QUEEN

Rideau Hall,
1 Sussex Drive,
Ottawa, Ontario
K1A 0A1

AND

TO: THE GOVERNOR GENNERAL

Rideau Hall,
1 Sussex Drive,
Ottawa, Ontario
K1A 0A1

CLAIM

1. The plaintiff claims: MISFEASANCE, MALFEASANCE AND NONFEASANCE IN THE USURPATION OF THE SOVEREIGN RIGHTS OF THE CANADIAN PEOPLE, THE CITIZENS OF CANADA

PRIMA FACIE EVIDENCE: IN THE USURPATION OF THE SOVEREIGN RIGHTS OF THE CANADIAN PEOPLE AND THE INDIGENOUS NATIONS, THE CROWN OF CANADA'S SOVEREIGNTY, ITS RESOURCES AND ASSETS INITIATED BY THE CANADIAN FEDERAL, PROVINCIAL, MUNICIPAL AND BAND COUNCIL GOVERNMENTS OF CANADA.

WITHOUT FRIVOLITY OR VEXATION.

1- Whereas; The "Queen" being a concept that encompasses the whole of the Crown of Canada, and all within, to which its person, sovereignty, and power in a democratic society are held by the Canadian people as its Sovereigns, citizens, and constituents, owners of the Crown of Canada, The Corporation Sole, the Crown Corporation of Canada and its Territories.

2- Whereas: The Canadian Government through the Department of Justice states that:

- 1. The Queen has the **executive** power in Canada, but in our democratic society the Queen's powers are exercised by constitutional convention on the advice of Ministers who enjoy the confidence of the House of Commons. Together, the Prime Minister and other Ministers form the cabinet, which is responsible to Parliament for government business. Ministers are also responsible for government departments, such as the Department of Finance and the Department of Justice. When we say "the government," we are usually referring to the executive branch.*
- 2. Parliament is the **legislative** branch of the federal government. Parliament consists of the Queen (who is usually represented by the Governor General), the Senate and the House of Commons. Bills are debated and passed by the Senate and the House of Commons. The Governor General must also give royal assent to a bill in order for it to become a law. By constitutional convention, royal assent is always given to bills passed by the Senate and the House of Commons.*

3- Therefore; The Canadian Government deliberately neglected the rights of the Canadian people, the citizens, as the Sovereigns, by having transferred the Queen's power to be exercised by constitutional convention represented by the Governor General, and have purposefully not transferred the Queen's Sovereign power to the Canadian people, the citizens, as the Sovereigns, who the Governor General, the Senate, the House of Commons, Canadian Federal, Provincial, Municipal and Band Council levels of governance are to serve.

4- Therefore; By lawful right the Canadian people, the citizens, hold all Sovereign authority, and being that our politics are not justiciable, and being that nothing in law supersedes the will of the majority of the Canadian people, the citizens, as the Sovereigns, are above its Institutions and Constitution as the official Sovereigns of the Crown of Canada, and in the Right of Canada, and

in the Right of the Provinces, the Crown Corporation, and all that is within, nationally and internationally.

5- Whereas; The Canadian people, the citizens, derive their Sovereign lawful authority and democratic rights from:

1. The Statute of Westminster 1931,
2. The General Assembly's 1960 resolution 1514 (XV) — containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principle of self-determination through the free and genuine expression of the will of the peoples of the territory,
3. The International Court of Justice advisory opinion issued the October 16, 1975- disqualifying Terra Nullius,
4. The Canadian Constitution 1982.

6- Whereas; The Canadian people, the citizens, as the Sovereigns, have the right to unlimited final decision making authority above its Institutions, and the present de facto written and unwritten Constitution and Charter of Rights and Freedoms, which still do not reflect the full rights the Canadian people, the citizens, as the official Sovereigns of the Crown of Canada, the Corporation Sole and the Crown Corporation of Canada.

7- Whereas; All Rights of the Queen and all Rights of the Crown and more specifically the Rights to the Royal Prerogatives, Prorogation and to Royal ascent belong to the Canadian people, the citizens as the Sovereigns.

8- Whereas; The Canadian people, the citizens, as the Sovereigns, elected politicians who were to act in the best interest of Canada, the Canadian people, the citizens, as the Sovereigns, however over time the elected officials in our governments have not acted in the best interest of the Canadian people, the citizens, as the Sovereigns, by deliberately maintaining old STATUTES and ACTS or by acting "ULTRA VIRES ", by enacting new laws, and or agreed to International laws that have oppressed the Canadian people, the citizens their Sovereign democratic rights to unlimited final decision making authority as the Sovereigns on all issues that adversely affect the Canadian people, the citizens, and only be allowed to run for elections and to vote for politicians during elections as indicated within section 3 of the Canadian Charter of Rights and Freedoms, rendering it unconstitutional and in fact infringes upon the democratic rights of the Canadian people, the citizens, as the Sovereigns:

- ***Democratic Rights of citizens sec 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.

9- Therefore; The present Canadian Constitution is de facto and unconstitutional itself, being that the required changes have never been made to reflect the changes to the Sovereigns as "The People in Right of Canada" and "The People in Right of the Provinces" instead of "The Queen in Right of Canada" and "The Queen in Right of the Provinces".

10- Therefore; It is obvious that all levels of Canadian governance since 1982, and the Courts of Justice:

1. have not acted in the best interest of the Canadian people, the citizens, as the Sovereigns, and the Indigenous Nations,
2. have committed acts of misfeasance and malfeasance and nonfeasance against them in order to act "ULTRA VIRES",
3. have continued to instill the de facto misrepresentation within the Canadian Constitution upon the Canadian people, the citizens, as the Sovereigns, leaving them with no lawful or legal recourse for protection against their own governing bodies under the Canadian Charter of Rights and Freedoms, the Canadian Constitution of Canada and its Criminal Code.

11- Whereas; Previous court case precedents and determinations regarding the constitutional validity of the Constitution itself may have been falsely determined, based on and within either the written or unwritten parts of an unconstitutional de facto Canadian Constitution.

12- Whereas; The Canadian people, the citizens, as the Sovereigns, have never had the benefit of accepting or refuting the De Facto Doctrine, the Constitution, the representative system of democracy nor the forced privatization of Canadian assets and infrastructures, migration, globalization of our country, the sale of our natural and financial resources.

13- Whereas; The Canadian Government by not implementing the Constitutional changes required since 1982 that placed the Canadian people, the citizens, as the Sovereigns, above its Institutions and Constitution, has:

1. guaranteed itself power in making the final decisions above the Canadian people, the citizens, as the Sovereigns,
2. steered our country, the Canadian people, the citizens, and Indigenous Nations, both as Sovereigns within Canada, into adapting to a new world order through the acceptance of International laws to override Canadian National, Provincial, Municipal and Band Council laws within common law, civil law and corporate law, adversely affecting the Canadian national economy, healthcare and Canadian employment security, without consent of the Canadian people, the citizens, and Indigenous Nations, as both being Sovereigns within Canada adversely affected by the Canadian Government's decisions and deliberate actions.

14- Therefore; The Canadian people, the citizens, as the Sovereigns, have been left politically uneducated, and misled notwithstanding the education materials provided by the Canadian government in teaching the Canadian children that "*in Canada, the citizens make decisions together*". However, what is not taught is that the only decision the citizens can make together is to vote in political elections for a political party to form a government to govern over them as per the Canadian Charter of Rights and Freedoms, without true legitimate recourse by the Canadian people, the citizens, as the Sovereigns, to implement their rights to:

1. final decision making authority,
2. one hundred percent veto power,

3. their direct democracy rights to referendums on all issues affecting Canadians, our governance and the country.

15- Whereas; The Canadian people, the citizens, as the Sovereigns, should have the democratic right to one hundred percent veto power over their Institutions, and Canadian Constitution 1982 initiated before any Canadian level of governance made decisions that adversely affected the majority of the Canadian people, the citizens, as the Sovereigns, when they do not agree with the laws or decisions presently and forcefully imposed by various levels of Canadian governance without the majority consent of the Canadian people, the citizens, as the Sovereigns.

16- Whereas; The Canadian Government, its Ministers, Governor General, Lieutenant Governors, Attorney General, and Courts of Justice, having held and holding de facto titles, and possession of our governance including Parliament and the Senate have failed the Canadian people, the citizens, as the Sovereigns, in creating a new Constitution to reflect the democratic rights and will of the majority of the Canadian people, the citizens, as the Sovereigns, by enforcing de facto written and unwritten parts of the Canadian Constitution, and by placing the de facto Canadian Constitution status, governance, and immunity from criminal and civil prosecution, as the government itself has and is "usurping" control of Canadian governance above the Canadian people, the citizens, as the Sovereign's democratic rights, to determine their Constitution, laws and procedures presently in complete control and maintained by the de facto Canadian government, Canadian courts and Canadian Parliament per Section 15 of the Criminal Code "Obedience to de facto law" and within "Parliamentary Privileges Compendium of Procedure":

1. *Obedience to de facto law sec. 15: No person shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and enforced by persons in de facto possession of the sovereign power in and over the place where the act or omission occurs. R.S., c. C-34, s. 15.*
2. *The parliamentary privileges of the Canadian House of Commons were inherited without the need to overcome physical threats and challenges. At the federal level, parliamentary privileges find their roots in two parts of the Constitution Act, 1867. The Constitution allows the Senate and the House of Commons to pass laws defining their privileges, so long as the privileges claimed are no greater than those that existed at Confederation. The Parliament of Canada Act contains a provision claiming all such privileges. The House of Commons claims these privileges in order to carry out its functions without interference from the courts or the executive.*

Parliamentary privilege does not, as is sometimes thought, give special benefits or entitlements to Members of the House of Commons; indeed, privilege extends to any person engaged in a proceeding of Parliament. Parliamentary privilege refers to the rights and immunities that are considered essential for the House of Commons, as an institution, and its Members, as representatives of the electorate, to fulfill their functions.

It also refers to the powers possessed by the House to protect itself, its Members, witnesses and its procedures from interference by the courts or the executive, so that it can effectively carry out its principal functions of inquiring, debating, legislating and holding the Government to account. For example, nothing said in the Chamber may lead to prosecution or litigation in any court; neither Members of the House of Commons nor witnesses can be sued for slander on the basis of statements

made in the House or in committee. The content of debate can be limited only by the House itself, as the House has complete control of its own proceedings.

The rights and immunities usually associated with parliamentary privilege include the following:

- *freedom of speech;*
- *freedom from arrest in civil actions;*
- *freedom from obstruction, interference or intimidation;*
- *freedom from the obligation to answer a summons or be a member of a jury;*
- *the right of the House of Commons to regulate its own affairs as they relate to its debates and proceedings;*
- *the right to control access to the precinct and to exclude strangers; and*
- *the right of the House of Commons to punish or discipline anyone found to have breached its privileges or to be in contempt (i.e., for an offence against its dignity).*

The House of Commons is the protector of its own privileges, and it has the authority to punish those who breach its privileges or are in contempt of Parliament.

3. *Section 4 of the Members' Integrity Act, 1994, states that: A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest.*

17- Whereas; It is obvious that the Canadian Government, Ministers and Politicians have securely bound the rights of the Canadian people, the citizens, as the Sovereigns, by ensuring their own power and usurping complete final decision making authority and veto power over the Canadian Sovereigns as co-owners and shareholders of the Crown, and Indigenous Nations, in further creating laws to protect themselves, and to also create a false open government democracy system that is anti-democratic in regards to the true rights of the Canadian people, the citizens, as the Sovereigns, that does not guarantee the absolute veto rights of final decision making authority of Canadian people, the citizens, as the Sovereigns.

18- Therefore; We the Canadian people, the citizens, as the Sovereigns, were and are left with no other recourse to instill true justice in the protection of our country and our rights as the official co-owners, shareholders of the Crown within our governments, political system and justice system, since we cannot sue ourselves for our rights, and that the Canadian Ministers, Attorney General and the courts are in conflict of interest as being part of the Executive, Legislative and Judiciary branches of the Canadian Government, accused of usurpation and acting "ULTRA VIRES", we have had to create and incorporate a not for profit corporation as "The Canadian Peoples Union, Freedom 2017 INC. as representatives of our Union and its members being the Canadian people, the citizens, as the Sovereigns, and co-owners, shareholders of the Crown of Canada, the Corporation Sole, and the Crown Corporation of Canada in order to lawfully move forward within our rights.

REMEDY

19- Whereas; The Governor General, the Honorable Julie Payette, and all Lieutenant Governors for each Province and each Territory must lawfully represent the not for profit Canadian Peoples Union, Freedom 2017 INC. and the Canadian people, the citizens, as the Sovereigns, prorogue the Canadian Government and Parliament to;

1. immediately suspend final decision making authority from all levels of governance,
2. lawfully transfer one hundred percent veto power and final decision making authority to the Canadian people, the citizens, as the Sovereigns, through initiating a direct democracy system of governance through referendums,
3. have all levels of the Canadian Government establish a governance by the people through their absolute veto power and direct democracy rights owed to the Canadian people, the citizens, as the Sovereigns, in a manner that does not adversely affect the daily governance of the Canadian people.

20- Whereas; The Governor General is to also immediately proceed to enforce appropriate changes in the wording within the Canadian Charter of Rights and Freedoms and the Canadian Constitution, to reflect the Canadian people, the citizens, as the Sovereigns, and to immediately launch criminal investigations on behalf of the Canadian people, the citizens, as the Sovereigns, they represent within all levels of governance that have jeopardized the wellbeing of all Canadians and Indigenous Nations, until the Canadian people and Indigenous Nations have given their majority consent to either accept or refute all present and future proposed laws or agreements as follows:

1. Suspend all Federal, Provincial, Municipal and Band Council representative elections,
2. Suspend final decision making authority from all levels of Federal, Provincial, Municipal and Band Councils from the passing of new laws,
3. Suspend all acceptance of International laws that supersede our National laws,
4. Suspend privatization of Canadian public assets and resources without the people's explicit consent,
5. End the sharing of the Canadian people, the citizens, as the Sovereign's private information to private corporations,
6. End National, Provincial and International Public Private Partnerships (P3's or PPP),
7. Suspend the World Trade Organization (WTO) agreements that affect the Crown, being the Canadian people, from being sued under competition clauses for selling its own resources to itself,
8. Suspend the International Labour Organization (ILO) as this affects Canadian workers who are subjected to International laws, and destroys Canadian Labour law precedents,
9. Suspend all United Nations Agreements with Canada, whether binding or non binding until the Canadian people, the citizens and Indigenous Nations both as Sovereigns have given their majority consent to either accept or refute all proposed laws or agreements such as: The United Nations Global Compact in its entirety and specifically, the UN Global Compact for Migration.

21- Whereas; The Canadian Government, Directors and Board Members of our Crown assets are committing what would be deemed treasonous by acting "ULTRA VIRES" through the making decisions and creating laws that have further created acts of oppression and breach of trust through acts of malfeasance, misfeasance and nonfeasance against its employers, the Canadian people, the citizens, as the Sovereigns of Canada, and their personal, social and economic sovereignty, the infrastructures of the country, assets, and Territories, without the explicit consent of the Canadian people, the citizens, as the Sovereigns, through National Provincial, Municipal and band Council referendums.

22- Therefore; It is imperative that the Canadian people, the citizens, as the Sovereigns, and co-owners, shareholders of the Crown of Canada, its Corporation Sole along with the Indigenous Nations across Canada, take immediate lawful and peaceful action to stop the usurpation of the country, and rights from being eroded and removed by various levels of Canadian governance, in order to protect the country and its assets, finances and resources belonging to the Canadian people, the citizens, as the Sovereigns.

23- Whereas; Such acts being committed by various levels within Canadian Federal, Provincial and Municipal governance regarding refugees and migrants, and establishing new laws that have the potential to endanger the Canadian national security notwithstanding harming the personal security, health, wealth and prosperity of the Canadian people, the citizens, and Indigenous Nations as the Sovereigns, by bringing possible harm and offenses under public order by levels of Canadian Federal, Provincial, Municipal and Band Council governance itself.

24- Whereas; Minister of Justice and Attorney General, the Honorable Jody Wilson-Raybould, as being in conflict of interest, it is imperative that the Governor General, The Honorable Julie Payette, assign a temporary Minister of Justice and Attorney General to truly represent Canadian people, the citizens, as the Sovereigns, in order to ensure that the proper lawful channels and sound criminal investigations within all levels of Canadian governance can be made in the best interest and duty to their employer the Canadian people, the citizens, as the Sovereigns of Canada, the Provinces and Territories.

25- Therefore; The Governor General is to further implement along with a new Attorney General, the initiation of a voting system that includes a voting system for electing Senators and Justices by the peoples throughout all levels of Canadian Federal, Provincial, Municipal, and Band Council governance within a pure direct democracy system of governance and one hundred percent veto power by the Canadian people, the citizens, as the Sovereigns.

GOOD GOVERNANCE CAN ONLY COME FROM THE WILL OF THE MAJORITY OF PEOPLE AND FOR THE GOVERNMENT TO ONLY ACT UPON IT AND NEVER WITHOUT IT.

The plaintiff proposes that this action be tried at in Brantford Ontario.

November 29, 2018



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SOR/2004-283, s. 35