



NATIONAL CITIZENS INQUIRY

Vancouver, BC

Day 3

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EVIDENCE

Witness 2: James Kitchen

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Shawn Buckley

Our next witness is joining us online, a lawyer by the name of James Kitchen who has visited us before. James, can you hear me this morning?

James Kitchen

Yes, can you hear me?

Shawn Buckley

We can hear you. So we can hear you and we can see you. I want to first ask if you could state your full name for the record, spelling your first and last name.

James Kitchen

My name is James Kitchen, J-A-M-E-S. Last name Kitchen, K-I-T-C-H-E-N.

Shawn Buckley

James, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

James Kitchen

Yes, I do.

Shawn Buckley

You are a member of the Law Society of Alberta. You practise in the area of constitutional law, trying to protect our Charter rights. You practise in the area of administrative law and criminal law. You have been involved in a number of challenges at the Justice Centre

concerning issues like passports and churches being shut down and people losing their jobs. You've literally been out in the trenches for this entire COVID pandemic.

James Kitchen

Yes, yes, I have.

Shawn Buckley

I can tell by your expression that it's been tiring. Because what some people don't appreciate is that these cases, especially important ones involving rights and people that are suffering, they take their toll on counsel, don't they?

James Kitchen

They do. Because it's hard to continue going when you feel like the system is unfair. It's not what it represents itself to be. It's not what your clients thought it was before they came to you because they thought they lived in a country that wasn't entirely corrupt. So that takes its toll. There's a physical toll of the work. But that takes its "morale" toll. My morale is not shot; I'm going to keep going. But that is tough at times.

Shawn Buckley

I think I can speak for many that people are very thankful for all the work that you're doing.

You're here today to talk about a couple of issues, and one is about the oppression of the Christian community. I'm wondering if you can share with us your thoughts about that.

James Kitchen

Sure. I just want to give a couple of stories of some of the stuff that I've done. Some of it might not be known to people who even follow the stories. And just give my thoughts, not an analysis, but just my thoughts on the significance of that.

First, obviously, temporally, would be the James Coates case and the GraceLife Church case. I had the pleasure of being the first person to speak to Pastor Coates, who researched the Justice Centre. We started talking in October/November 2020, and he was trying to figure out what he was going to do. Very intelligent man, so he asked me questions like, "Could I get arrested? Could the Church be seized? Could we get hundreds of thousands of dollars in fines? What can happen to me?" And I said, "Yes, you could be arrested; yes, you could rot in jail; yes, the Church could be seized."

I was always very, I think, pessimistic compared to most people, even amongst the civil liberties lawyers and the people who were awake to what was going on. I was considered a Debbie Downer, especially. But actually one of my predictions, I think, have come to be true, as dire as they were. And so, that was really shocking for him. But I think it was really, really good. In fact, I think he would have had a much harder time being as resolute as he was if I had not prepared him.

I tried to explain, you are looking at what it's like to be a pastor in China and if you're not prepared for that, then when it hits you, you might not be able to withstand it as much as you want to. For every week, we talked about this leading up to when me and him, all of a sudden, became famous in February because he got ticketed and arrested. So I prepared

him for that and we went through that process. And then when the time came, he was ready. God bless him, such a man of conviction. When it was time to sign those conditions that he would basically prioritize the State over Jesus Christ, he said, “No, I’d rather rot in jail for Christ.”

Shawn Buckley

So James, can I just slow you down. Just so that people listening to you can understand. Basically, it had gotten to the point where James had been arrested and for him to be released from jail, he would have to sign bail conditions that would prevent him from preaching Jesus Christ. I’m just wanting people to understand. He’s actually been arrested, and a condition of his release would be to agree to these conditions you’re speaking about.

James Kitchen

Yeah. Just as a little bit of background: He’s holding church at GraceLife. At this point in time, you’re not allowed to have church unless you’re maybe 20 or something people in the sanctuary, which is, compared to churches like GraceLife that have hundreds of members, it’s sort of practically pointless.

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But it’s also violative of commanded scripture for the entire church to meet; at least, this is what biblical Christians believe. Obviously, liberal Christians maybe not. So he’s continuing to hold church. It’s a deliberative decision. He’s made that in counsel with me; he’s made that in talking to his elders of the church. He’s going to hold church.

So the conditions are basically, if I can put it in plain language, you must not hold church anymore. So some other pastor could hold church at GraceLife. But he wouldn’t be allowed to. If he signed that condition, then he did, he’d be facing criminal charges for contempt and not following conditions. So he decided, “Well, I’m not going to sign that condition because I know I will not do it. In fact, I cannot do it. Like Peter, I must obey the Lord, and the Lord’s command is to hold church right now, regardless of your fearmongering about COVID.”

So, yeah, those were the conditions. Don’t hold church, essentially. So that’s what put him in jail, I think it was for about 35 days. You have to think about this. At any point, he could sign that condition and then he could come out. And so, it really was—at any point, you can just bow down to the statute and you won’t have to remain in jail. I’m referencing here, Nebuchadnezzar’s gold statue. It was literally a choice for him. Who is my God, the State or Jesus Christ? All you got to do is bow down to the State just once: I just got to sign that condition and go off and not hold church and I’m free. I can be back with my wife. I could be back with my 18-year-old son. I just missed his 18th birthday. I can be out of here. And so, for 35 days he said, “No,” and, eventually, there was a resolution with the Crown and we got things figured out. We got different conditions and he got out and that’s when Leighton Grey got involved at that point.

I just wanted to remind people of that story and give them details maybe they haven’t heard about before. He was, in fact, in shackles around his feet. So not just around his hands, which could be normal. But around his feet, as if he was going to run away. Obviously, he wasn’t. The people who made the decision to put him in shackles did it knowing he was not a flight risk. So you have to ask yourself, “Why did they do it?”

Here's another part that I want to comment on this story. As we know, he came out of jail. GraceLife continued to meet. And then in March, the Church was seized, physically, literally, seized. There was three layers of fence put up around it. Various law enforcement, I think, the RCMP and Edmonton Police Service were involved in taking the Church, taking physical control. Nobody could get in; nobody could get out. It was locked down by the state, by police forces. Which is shocking, of course. This is, again, Canada, not China. Or at least it used to be. So, this is unprecedented in the literal meaning of the word.

So then what happens? Well, I have to sit down with the leadership of GraceLife every week and talk about the secret meetings that they're going to do. So they immediately decide, "Well, we have to keep meeting; we're going to keep meeting; we're going to go underground." And so every week, I'm sitting down literally advising this church, helping this church to meet secretly, to evade the authorities. As if I'm a civil liberties lawyer in China. So they move around from week to week to week to week. And there's like 500, 800 of these people. So an enormous effort to hide that many cars, to hide that many people. So they're finding all these locations way out in the middle of nowhere in rural Alberta and some barn somewhere, and they're holding church services. They did this Sunday, after Sunday, after Sunday, I think for six or seven Sundays. Every week I'm meeting with them; we're talking about it; we're strategizing.

What you have to understand: technically, I am helping this church break the law. I'm aware of what I'm doing. I know that what I'm doing is—depending on how you look at it—unprofessional conduct because I am helping the church break the law. But I fundamentally fully believe the law is unjust, and it is my moral and ethical duty to help this church break this unjust law. So I'm doing that. I'm not reckless; I know what I'm doing. It was a really surreal experience for me, and I was very honoured to do it. In fact, they were able to successfully meet, I think, every week or almost every week during those periods of Sundays when they did not have their church building and they were being sought out. They met two times in a row in one location. And there was a van and a canine unit that showed up on the third Sunday that they would have been in that location had they not switched to a new location. So it was real.

Shawn Buckley

Did you say a canine unit?

James Kitchen

Yeah, there were some images of— When I say canine, I just mean the dogs. They had these German Shepard dogs.

Shawn Buckley

No, but were they supposed to track down the church members hiding in the fields?

James Kitchen

You know, when I was at Tim Stephens' church, and that's the next example, we met out in the open. It wasn't really so secret. We met out in the open in a provincial park, right beside the city of Calgary. I wasn't able to attend every Sunday at the time I lived in Calgary. But, unfortunately, on the Sunday I wasn't able to make it,

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I got reports from everybody that there was a helicopter that was circling around the congregation quite low and for almost the entirety of the service, watching them as they were sitting in this field. There's a little tent. Tim Stephens is there preaching and the 400 people are just sitting on lawn chairs in the field. They're having this church service, and there's this helicopter circling overhead, quite obviously surveying them.

It's something we can't forget about as a nation—the persecution of these churches and how unjust it was. How silly it was because it was motivated by this supposed public health crisis. It's really quite phenomenal because the funny thing is, is that we do actually have a constitutional structure that is supposed to, or was designed to, protect against that. And it completely failed. And, of course, I talked last time a little bit why that happened, why the courts failed. But it really, really failed in a very practical way.

Pastor Stephens got arrested twice. This is Tim Stephens of Fairview Baptist in Calgary. Once, right after church, in front of his kids, in front of people at the church. A second time at his house, again in front of his kids.

An interesting story about the second time he was arrested. I was his lawyer at the time. The police called me to tell me they were going to be at his house to arrest him in approximately an hour. They did not tell me why they told me that. It doesn't make any sense that they called me to tell me that. They have no obligation to call me to tell me that. They weren't calling me to tell me to tell him to stay put. In fact, that's one of the reasons why you wouldn't call the lawyer, so the lawyer wouldn't tell his client to run. I still, to this day, have no idea why that conversation happened. But it immediately occurred to me, well, the thing I have to immediately do is call all the media I can to get them down there.

I immediately called Sheila Gunn Reid and thank goodness they had a cameraman in Calgary, and he was able to get down there. He got down there a few minutes before the police showed up. Which is the only reason, I think, today that we have the footage of that second arrest at his house. It was the Rebel cameraman who was able to get down there because I called Sheila, because the police called me to warn me they were coming. No idea why that happened, but I just thought I should share that as an interesting tidbit. I'm glad it happened; that needed to be exposed. We needed to catch that on film, as gruelling as it was to watch.

The last story I just want to talk about briefly is the story of Church in the Vine in Edmonton. This story didn't get as much coverage, but this is with Pastors Tracy and Rodney. They kept out a public health inspector who wanted to come in during the actual ongoing active service. She didn't just want to come into the church; she wanted to come into the sanctuary. This is more of a charismatic church and when they have a worship service, it's a big deal. For them, the Spirit of the Lord is there, and it's not something to mess around with. It's a joyous time, but it's a divine, sacred, serious time. And to have somebody in there who's in there for the purposes of gathering information to shut down that service, that's disruptive on a practical level but also on a spiritual level. Clearly, somebody who's coming in there to do that does not have the right spirit to be in there, if you believe in that sort of thing. I mean, I do.

So I can understand where my clients are coming from. You go to a church service; the last thing you want is a government official who's basically your enemy, ideologically and spiritually your enemy, who wants to come in and prevent your ability to worship the Holy God in that sanctuary. That person is obviously carrying a bad spirit into the sanctuary. You don't want that person in there, obviously. This was the position of the pastors at this church.

We go to trial on this. What I do is I tell the Court—the church was ticketed for not letting the inspector in; they were ticketed with obstruction—so I say, “I’m going to make arguments about how this is a breach of 2(a),” which is pretty well religion in the Charter, section 2(a). What happened is the prosecutor said, “We’re going to apply to the Court to not let you even make that argument. Because even making that argument is a waste of court time.” So it’s one thing to make the argument and have the Court say, “No, it’s not a breach.” Or “No, it is a breach, but we’re still going to allow the ticket to proceed for whatever reason.” In that case, section 1 doesn’t apply, so it would have to be some other reason. I actually expected that.

What I didn’t expect was the Court to say, “You know what, it’s a waste of our time for you to even argue that freedom of religion may have been violated in this case. It’s so obvious that it isn’t violated that we’re not even going to let you waste the Court’s time by making that argument.” Even for somebody as cynical as me, I found that really shocking. I’m actually at the Court of Appeal of Alberta next week

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to ask for that decision to be appealed. I have to ask for permission to appeal it to the Court of Appeal—to then ask the Court of Appeal to send it back for us to have a real trial where I can actually argue section 2(a) of the Charter.

I think it’s a real travesty that really goes to show just how hollow and empty and meaningless section 2(a) of the Charter has become. How useless freedom of religion is in this country. It’s not that you can argue it and then lose. You’re not even allowed to argue it anymore. I need people to realize that’s how bad it’s gotten. I know it’s a bit technical. But you have to understand that there’s a problem when the Court says, “Look, you have a constitutional right, sure, on paper. But not only are we probably going to rule against it. We are so certain, even before hearing the facts and the arguments that we’re going to rule against it, we’re not even going to allow you to waste our time to rule against it.” We’re in a dark spot when it happens.

The last thing I’ll say is two last things. One, I don’t care how non-Christian you are. You have to care about this if you want to have a hope to have any type of freedom at all in this country. Maybe freedom of religion is irrelevant to you because you’re just never going to have any kind of belief. Well, let me tell you, you don’t keep free speech if you don’t also have freedom of religion. They go together, okay? You’re not going to keep your right to protest, freedom of assembly, if there’s no freedom of religion. They go together.

The reason we have section 2 of the Charter subdivided up into four separate sections—2(a) is religion, 2(b) is freedom of expression—is because they are interwoven fundamental freedoms. You cannot keep one and get rid of the other. It just will not happen. I mean, you can theorize about it, sort of how you can theorize that socialism means we’re going to have utopia. But in reality, it’s never going to happen. You’re not going to keep your free speech as an atheist if meanwhile the Christian doesn’t have the freedom to practise religion. It’s just not going to happen. You can look at history. You can look at totalitarian societies around the world. So you need to care about what happened with COVID and Christians in particular.

The last thing I’ll say is this, just to give you a comparative example of what this should have looked like if we had a functioning legal system.

Some of you may be familiar with John MacArthur. He's a famous preacher in the U.S. His church is in California. So you're talking one of the darkest places of the U.S. when it comes to the rule of law and tyranny and the oppression of rights and freedoms, et cetera. Probably the most Canadian area in America is California, maybe New York, as well. So there's these threats to John MacArthur's church because, like GraceLife, they wouldn't shut down.

But notice what happened. John MacArthur is not arrested; the church is not seized. The church goes to court to get the public health authorities in California off their back and they win. Because the legal system still somewhat functions in America. There is tyranny there but less so because the forces that hold it at bay still have some power. There are still some judges with moral integrity and moral courage and conviction about the rule of law, and the system itself, although broken, still functions. The state down there still has some regard for their limitations. And so, they don't just randomly arrested pastors and seize churches. They actually have some healthy fear that they may not be able to get away with that.

There is no healthy fear amongst governments in Canada. There was no fear that they would not get away with seizing GraceLife and arresting Pastor Coates. Sure enough, the courts were all over—Judge Shaigec and the judge that gave Pastor Coates a tongue-lashing and increased the fine from what even the prosecution suggested. These judges had nothing but contempt and loathing for this church and this pastor. And nothing but admiration for the government. And so, all that does is tell the government you can get away with whatever you want. It's not like that in the States. We need to keep that in mind as a comparison.

Again lots of things about America are broken. But we need to keep that in mind as a comparison, where there is a place in the world that's not as unfree as Canada is. We need to use that to remind us just how unfree we've become. Because it's easy to forget. It's easy to acclimatize. It's easy to get used to it. There was a huge uproar about the arrest of Pastor Coates. It was much smaller about the arrest of Tim Stephens, even though it was publicized. Why? We acclimatized. It was now normal: it became normalized for pastors to get arrested in Canada. Now Derek Reimer is arrested and he's thrown in jail. We're upset about it, but we are not freaking out like we should be, like we did with Pastor Coates because we've acclimatized to it. That's dangerous. Sorry, that was a bit long.

Shawn Buckley

Well, no, it's interesting. You're talking about Pastor Stephens and how you're showing up in court. What people don't understand is to succeed on a Charter breach, the side alleging there's a breach has the onus to prove the breach. And then, the onus switches to the government for that abomination, section 1 of the Charter,

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which then allows the government to argue, "Well, the right was breached, but it was demonstrably justified in a free and democratic society."

The thing that surprises me, James, is that for shutting down a church, I would assume that the opposite would have happened—that the Court would have said to you, "Okay, clearly freedom of religion has been breached. Let's determine now what we do under section 1." That's what I find so shocking as a fellow lawyer. I think it speaks volumes of where the court is. But what also speaks volumes is this issue of the Department of Justice that always

argues against Charter rights. I expect that the Department of Justice lawyers attended, ready to argue that freedom of religion was not violated, am I correct?

James Kitchen

Yes. It's a rare thing that they concede that. They conceded that in the main BC case, the Beaudoin case, if I'm saying it right. They actually conceded it there. That's rare. They usually come in arguing that the breach was trivial or insubstantial, which is just part of the language, in two ways, internal limitation in it.

Yeah, it is disheartening to see that because it's hard to think that this lawyer doesn't have contempt for Christianity. Reading the argument, the facts are so obvious that there is a breach. And you think, how does this lawyer not hate freedom of religion, at least, and maybe Christianity itself? The contempt in the written submissions from the Crown prosecution lawyers is palpable for someone like me reading it. Yeah, they're constantly arguing that. It's really sad.

Shawn Buckley

Right. It's quite spectacular for us to hear you describe, basically, Canada to China. Because there was a time, I think, when Canadians were shocked hearing that pastors would be arrested in China. And here, they're being arrested in Canada and nobody's reacting.

James Kitchen

That's what happens, right? That's the boiling of the frog. That's where we're at now. It's so much harder to get the freedom back after COVID because we've just gotten so much used to it. With each passing decade, a generation of Canadians who lived so much more free than we can even imagine dies off. It's hard for us to even conceptualize what it was like to not just be a little bit more free but a lot more free 25, 45 years ago. Because we just get used to the temperature being turned up on us.

Shawn Buckley

Right, the boiling frog analogy. Now you're also invited to speak to us about Christians being declined religious exemptions from the mandates. Can you share with us your thoughts on that?

James Kitchen

Yes, so this goes to the heart of whether or not Canada is actually a tolerant society that actually cares about diversity and actually honours equality or equity, pick your word. Because it doesn't.

The human rights law, if you will, is if you fall into a protected ground, a characteristic, right—the famous ones are sexual orientation, gender identity, race, but there's a few others. Obviously, religion is one of them; in fact, religion was one of the original ones. The motivation originally for human rights, a lot of it across the country, was the terrible persecution of blacks and Jehovah's Witnesses, particularly in Quebec. That was part of the motivation back in the '60s and '70s when these laws came out.

And so, if you fall into one of these protected grounds, if you make a complaint to the Human Rights Commission, whatever the body would be, you have to show that you were

discriminated against. The other side then has an opportunity to show that that didn't happen, or it did happen and they can justify it.

So part of the section 1 thing—it's different terminology—we use undue hardship. So if it's undue hardship to accommodate somebody, then you're actually permitted to discriminate. So a buddy on the oil field gets his hand cut off and says, "I still want to work there." The oil patch can say, "Well, we'd like you to work here, but look, you need two hands." And he says, "Well, you need to accommodate me; that's a physical disability." And the oil patch would say, "It's undue hardship. We can't accommodate you. It would be too unsafe. You have to have two hands to operate this equipment if you don't . . ." Et cetera, et cetera. So it's actually permissible to discriminate on the basis of physical disability against that oil worker.

So what happened in COVID is you have a large number of Christians, not only Christians. I had a couple Jewish clients; I had a Baha'i client. But mostly Christians who said, "Because of my religious beliefs, I cannot take this. It would be a sin before God Almighty. Abortion is implicated; I can't take it because of that. It's a dangerous, synthetic manmade substance that's going harm my body, which is the temple of the Holy Spirit. I'm called to not harm this. It's why I don't have extramarital sex. It's why I don't drink excessively. It's why I don't smoke. It's why I don't do hard drugs," et cetera.

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And various other reasons. Christians are very much about resisting tyranny, being free. They're supposed to live in the freedom of Christ, not in fear of man. That's part of the reason why Shadrach, Meshach, and Abednego said no to King Nebuchadnezzar. I know they were Jews, but it's the same idea. So that's very big for Christianity.

So the shot itself, Christians said, "Well, I can't participate in the shot itself, but I also can't participate in it now, even if I was okay with the shot, because now it's mandated. So now there's tyranny; now there's coercion; now there's violation of bodily autonomy and human rights. As a Christian, I cannot participate in that." And actually, my one Baha'i client, that was her issue: "I can't participate in this because now you've mandated it. If it wasn't mandated, I'd take it. If you gave me the choice, I'd take it. If you've taken the choice away, my beliefs say I cannot participate in that coercion and tyranny."

Here's where it gets interesting. What you would expect, as a lawyer who knows this area of the law, is for everybody to say, "Look, I'm so sorry. I know you have these religious beliefs. And you know what, we would accommodate you if we could. We don't want to discriminate against you. We want to be tolerant of Christians and inclusive. You're part of the diverse part of Canadian society. But look, if we accommodated you, grandmas would die. There'd be undue hardship; everybody would get sick. You'd spread COVID and everybody would die. It would be terrible and that would be unsafe. We just can't do that."

I never heard that argument. That's what the rational lawyer expects to hear in this case. I didn't hear that. One part of it makes absolutely no sense: why in the world wouldn't I hear that?

The other part of it makes complete sense: well, if the darn things don't work, which they don't, then you can't make that argument and get away with it. I mean, probably you can, because the courts are just going to rule in your favour anyways because they subscribe to the narrative. But let's assume you have an unbiased decision-maker. You're not going to win on that argument because the darn things don't work. So there is no undue hardship.

Because if there's no difference between the vaccinated and the unvaccinated, it's not undue hardship to accommodate an unvaccinated person: We can't take it because of a protected ground in the Human Rights Code.

What I heard invariably— I had scores of these cases, I probably had around a 100 throughout 2021 and 2022. Some of them are in litigation now; a lot of them got resolved. What I heard was “Your beliefs are not Christian enough. We don't believe that you actually believe them. We think you're just an anti-vaxxer who is scared of the shot, and so you're putting up all these Christian beliefs as sort of a shield of that.” That's what I got. It was eerie how similar all the responses were. Everybody seemed to be playing from the same playbook. It actually seemed to be driven by the lawyers.

Now, at first, I thought, this is a coincidence. Now I have to wonder how much the lawyers were actually running this. I'll give an example.

I sued a hospital in Ontario that refused to accommodate a Christian woman there, who had been there for almost 20 years. She was an occupational therapist in the hospital, non-unionized. You can read about this case, by the way, on the Liberty Coalition Canada website. This is a public case. I'm publicly litigating this case.

I was in discoveries on Tuesday. I discovered that everything was being driven by the lawyer. The HR person who seemed to be making the decisions and who I was questioning in discovery, she was doing everything at the direction of the lawyer for the hospital. I found that disturbing, interesting but disturbing. All the language that I asked, “Why did you choose this language?” “Well, that's what counsel gave to me.” All the decisions were made for her. It was all given to her by counsel. Then she told me—this is interesting, I don't have a copy of this yet, I've asked for it—she said the hospitals in the Toronto area, they had a bit of a cheat sheet for religions for all the people that asked for accommodations, various religious beliefs. This cheat sheet would list a bunch of religions, and there'd be a box beside it: Does this religion support vaccination? Yes or No. The decision-makers would actually use that to make their decision.

So this is a complete violation of the law. I don't have time to explain Amselem, which is the 2004 Supreme Court of Canada case. But it's an utter violation of that Supreme Court of Canada case for freedom of religion. You are supposed to judge people's beliefs on the beliefs that they give you, not on what you think the religion is or what it should be. So she said that in that cheat sheet or that checklist, Christianity would have a check “Yes” beside it for supporting vaccination. It didn't even break it down into COVID vaccination, just vaccination. And then, she said, she had to go to a committee to make a final decision on whether not to deny or grant the accommodation request.

By the way, the request was drafted by me. It was a request that definitely triggered the duty to accommodate. Her and I worked together. She gave me her beliefs, and I put it into a legal framework and it was solid.

The committee decided to deny her accommodation request because some guy came in, who was the spiritual care adviser for the hospital, who said Christianity believes that vaccination is good and it believes in caring for the sick and, so, we should deny her request. They didn't even consider her beliefs.

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It's a blatant disregard of the law. That's the exact opposite of what the law says to do. I believe that's what happened all across the country, tens of thousands of times, for the Christians that were denied accommodation. It's a complete rejection of the Supreme Court of Canada on freedom of religion. It's a complete rejection of what the human rights commissions have paraded for years about how they're diverse and tolerant, and they want to fight against discrimination and they want to support all religions.

Shawn Buckley

James, can I just slow you down for a second? So you're explaining to us, basically, what they communicated to deny these claims. I do want to touch on those.

But I'm just curious if you have any thoughts as to why they did it. Because they're not giving you the health reason: you're expecting them to say, no, we're buying into this being really dangerous, and we don't want to accommodate.

So that people understand—it's not enough for them to just say it's dangerous. They have to explain, "Well, yes, but it's going to put other people in harm." But they have a duty to reasonably accommodate—so maybe it's not a lab class that a student could attend virtually, type thing. So they're not giving you what you're expecting. They're basically saying, "No, this isn't a valid belief." And you're saying this was virtually in every case.

Do you have any thoughts as to why this happened? Because it seems to be almost the same message from different institutions in different provinces, which itself is very surprising.

James Kitchen

Yes, yes, the consistency was astounding. And because I had so many cases, I was able to confirm this consistency across all kinds of different areas. I can only speculate that the personal contempt for both the unvaccinated and for Christians in general was driving this. Maybe there's some sinister force behind it, telling everybody what to do. I don't know. Because it does make sense to me. I saw the contempt for the unvaccinated and I was familiar with the contempt for Christians because, of course, I've been doing freedom of religion litigation for years now.

I don't know what else to chalk it up to other than personal contempt, amongst elites, amongst a lot of typical Canadians in positions of power. I'm sorry to say it, but I think it's just true. I mean, it's not the typical Canadian that's at the NCI right now; sadly, they are reflective of the better part of Canadian society. I know that's probably offensive and depressing. But Canadian society, I think, is really in bad shape. It's the personal contempt for the unvaccinated and the Christians together. So now you have extreme personal contempt.

They have some awareness of the law and you have to think before COVID, they had some respect for the law. They weren't completely morally depraved people. I mean, most people are not completely morally depraved. So what would drive them to do something so hateful and so destructive? What would drive them to tell somebody that you're going to lose your job because I don't believe you're a good enough Christian. There has to be an extreme level of contempt for somebody to rise to that level. Your story in the beginning, it almost brought me to tears, too, because the level of contempt that you have to have harboured in your soul to be able to pull the trigger on that gun.

This is different. We're not talking people dying here, except for the suicides. We're talking people losing their jobs. But that is how it starts. So it's one thing and then the next, eventually. But you have to have—growing on that level of contempt towards unvaccinated people and Christian people—be able to say to them, “I don't think you're Christian enough and you're fired over this whole thing.” That's all I can chalk it up to is just moral depravity in all the people making these decisions. Maybe it's fear. I don't know. It could just be that they're so scared of getting COVID and dying themselves that they're not rational anymore. Could be that as well. I don't know. You'd have to ask Peterson because this is beyond me as a lawyer to understand how people psychologically get themselves to a point where they can be this cruel to other human beings.

Shawn Buckley

Now, can I ask James, did you have a single client that you were able to get an exemption after the initial refusal?

James Kitchen

Very few, except for one good story I have is the University of Calgary. There's a large Christian student community there and maybe around 200 or so asked for religious accommodation. They were all universally denied. They were all given the same form letter, no reasons, no explanation; just one line, you were denied. All given the exact same letter, I know because I saw it. So a dozen of them found me, and I don't know what happened to the ones who didn't. I think a lot of them got kicked out, it's really sad. But a dozen of them, or maybe a little more, found me in the fall of 2021.

What I would do is I would appeal these initial denials of religious accommodation to the Provost's Office, and every single one of the appeals I made was granted. So initially denied, but when I appealed it, it was granted. No reasons, but immediately granted

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every single time with every single case I had, which of course is completely arbitrary. That is the archetype of arbitrariness. I had one client, a grad student, who had paid over \$6,000 to another lawyer who had fought for weeks and weeks and weeks and weeks to try to get her accommodation. She found me because they all found me; they got talking to each other.

I put in the same appeal request to the Provost's Office that I'd done for all the other ones, and it was immediately granted. Even though she'd been fighting for weeks with another lawyer, it was immediately granted. I'm not saying this to say, “Oohh, I'm amazing.” I think it was just completely arbitrary. Nobody cared about the law. All they cared about was, will Mr. Kitchen make me have a bad day? And he probably will. I don't want to deal with him. So fine. I'll grant his 12 clients accommodation because I can get away with denying the rest.

And so I guess it's both a good and a bad story. It's good that my 12 clients were able to get through them. I'm in touch with a couple of them still now. They graduated. I mean, praise the Lord, they graduated. My goal when I did all this in the fall of 2021 was how many Canadians can I save from taking the shot and still keep their job and go to school. I didn't get very many, but I got those students. And that meant a lot to me to be able to save them. I had several clients who, they lost friends. Their spouses took the shot and they were crying on the phone with me about it. That was hard. And I was happy to at least help those 12

students. It was arbitrary. It was cruel. They didn't grant it to me because they wanted to follow the law, just because apparently, I—

Shawn Buckley

James, I'm just going to rein you in because we've got some time constraints.

James Kitchen

Sorry.

Shawn Buckley

I'm going to ask Commissioners if they have questions for you.

James Kitchen

Sure.

Shawn Buckley

And there are questions.

Commissioner Drysdale

Good morning, Mr. Kitchen.

James Kitchen

Good morning.

Commissioner Drysdale

Can you tell me what role, if any, the press played in the case with James Coates and initially how the press reacted to what he was doing? What were the commentary when he went to jail? And was there any assistance there?

James Kitchen

I don't tend to watch much mainstream media. I watched and listened to enough to know that certainly amongst the more hard-left media, there was a lot of slime-balling him. A lot of "He's dangerous. He's endangering people. GraceLife is endangering people; they're just these religious wackos."

I was encouraged that there was some moderate mainstream media that— Because I think they were just shocked that he was arrested and still put in jail and the church were arrested. Not so much that they disagreed with the narrative but just shocked that it went that far. They gave some coverage. I know that he was listening to the radio in jail at times and some of the media coverage was actually decent. But at least, it was covered. I'll say this: it was covered a lot and that was actually part of our goal, and even though the coverage was bad, that's to be expected. I was encouraged that it was covered a lot, a lot more than the Tim Stephens one.

So no, I wouldn't say the media was holding the government accountable to what happened. The alternative media was, but the government doesn't care for those. They ignore the Western Standards and the Rebel News. No, the mainstream media, they don't care about freedom of religion; they don't care about holding the government accountable. None of that's on their radar.

Commissioner Drysdale

So was there much coverage or any assistance from the media when he was— How did the media describe it when he was refusing his bail condition? Was that fairly represented? Did they offer any assistance or anything?

James Kitchen

No, I certainly can't say they offered any assistance. I think there was a lot of confusion around that, so I don't think it was fairly covered most of the time. But I don't know if that was intentional. There's so much confusion around this; there's just so much ignorance of how the law works. And the media is all about the shazam—so what's fascinating is this picture of him in shackles, not so much his principle of resistance to the conditions.

Commissioner Drysdale

Are you aware of any other cases where the court refused to hear a Charter argument?

James Kitchen

Yes, it happens all the time. In normal situations where somebody is driving drunk and they want to allege section 7, 8, or 9, which is privacy or liberty or unlawful detention, these are the criminal rights in the Charter. There's thousands and thousands of these cases every year. So there'll be applications to argue Charter rights in defending these very standard charges. A lot of times those are actually dismissed without even being argued by the Court

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because they've heard it a hundred times. So at that point, you really are actually wasting judicial resources because we know what the outcome's going to be. We've just done it a hundred times, and we're just not going to do that. That's why that whole process exists. It can be good. Like anything, it can be abused, but it can be good.

So of course, in this case, this was completely unprecedented because I was making a 2(a), making a freedom of religion application. There are no cases where people were ticketed for something—were alleging a breach of freedom of religion, actually had a reason for it—and then had that dismissed. There were no precedents for that: that doesn't happen. Because we just typically don't go around arresting pastors in Canada prior to 2020, there are no cases on that. So the Court decided to do that, in my case, without the benefit of any precedent that would indicate that that's actually appropriate to do so.

Commissioner Drysdale

In your testimony, I thought I heard you mention that someone asked you about your clients, and you said that you had certain other religions represented in your client base. Are those synagogues or mosques or whatever else they might be, were they closed down and attacked and their rabbis or their imams arrested?

James Kitchen

I know the Jewish church faced some persecution in Ontario. The only Jewish clients I had were clients who didn't want to take a shot. So they were individual clients and it was about trying to stay in school or keep their job. I didn't have any Jewish synagogues as clients. I just know that they did face some persecution from the Ford government in Ontario.

I never heard any stories of any persecution of the Muslim church or the Muslim faith. That may have happened. I'd be one of the ones to hear about it if it did. So I have to guess it probably didn't, but I can't confirm that. There certainly did seem to be a disproportionate persecution of the Christians, which I think is somewhat likely because of the fact that Christians are very out there. Not for the sake of being out there, they're called to be public about their faith. Muslims tend to be, in my experience, a little more, I guess, smarter about that in the sense that they're very devout, but they're just a little bit quieter. They're paying attention a little more about when to be quiet and when not to be quiet. They tend to have a better relationship with governments. Whereas Christians were fighting up against governments because they believe in limited government. That's just part of the theological heritage.

So I'm sure there's all kinds of reasons why it tended to be the Muslim churches were just— Governments just kind of looked away, and then, there was this unspoken truce. Because they get along. Whereas Christians, the government can't stand Christians because Christians hold them accountable publicly all the time. So naturally there's going to be that ire. I'm sure there's more reasons, but I think that's part of the reason. I think that's predictable. If we have something like this happen again, I think it'll be a similar thing. It'll be the Christians that take the brunt of it. And then, some of the other religions will get hit a little bit.

Commissioner Drysdale

I'm going to put you on the spot here a little bit. Can you tell me what the Charter actually says about freedom of religion? Do you know the words? Have you got them handy or do you know them off the top of your head, what it actually says?

James Kitchen

It protects freedom of religion and conscience. It's quite short. 2(a) is very short, whereas 29(b) is a bit longer because it's freedom of expression, thought, opinion, media, et cetera. Within 2(a), there's what we call an internal limitation, which is to say that 2(a) doesn't protect absolutely any religious belief in being infringed at all. The breach has to be significant. It can't be trivial and insubstantial. So in other words, the government is allowed to say to the church, "Okay, you have to get a permit to serve food on Sunday mornings." "Okay, that's not freedom of religious expression. It's annoying. We have to pay money; we have to go through the process." It is a small infringement, really. It is saying you have to get approval from the government to do this thing. But the way the law is designed is to say, "No, it's not a breach because it's trivial and it's insubstantial." And so there's that line between what's trivial and insubstantial and what's significant.

So stuff like, interfering with the connection with God, causing you to sin. Obviously, that's serious and significant. But what the prosecution always does is argues that even those most serious violations are merely trivial and insubstantial. They demean the religion in order to do that: Sin, what's the big deal? What? There's nothing going on in the sanctuary. It's just a bunch of hoodoo with these weird people that believe in this God.

Because we live in this sort of post-Christian, post-religious society, we're able to chalk these people up to being spiritual, crazy people.

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And then what happens is that you're able to import actual serious breaches into this—"Well, it's just trivial and insubstantial because we think it is." Again, that goes against what the Supreme Court of Canada said in 2004 when there was still some respect in our society for religious beliefs. So that's what it says. It doesn't really matter what it says. It's all about what the Supreme Court does with it. Because the Supreme Court has given so much latitude to interpret a right and then to violate it with section 1, it comes down a lot more to what judges have to say.

This is the whole living-tree doctrine in Canada. We have a living-tree Constitution—not one that's stable—which means it grows the way the judges and the politicians want it to grow. In the U.S., it's set: the job of the judge is simply to interpret the Constitution and to apply it, not to guide the way it's going to grow. That's the fundamental problem with this doctrine in Canada of living-tree. The better doctrine of the Constitution is what it is in the United States. We're seeing the practical impacts of that. This living-tree doctrine means that churches can be seized. It takes 40 years, but that's what it actually means. That's why this idea about what constitutionalism means is not just some ivory-tower thing. When the crap hits the fan and COVID, it's going to matter because pastors are going to get arrested if you don't figure out how your society should run.

Commissioner Drysdale

The reason I ask that is because I believe you said it has freedom of religion and conscience. So what you're telling me is we have government officials now judging what your conscience is. I'm asking, isn't that completely—make the whole provision useless?

James Kitchen

Yes, yes, it does. Yes, exactly, it does. It is useless in Canada. Freedom of religion is essentially useless.

Commissioner Drysdale

Can you also comment on the practicality of all of this? What I mean is we've heard testimony that whether you have a right written down in the Charter or not, and you get arrested, you have to spend money and you go to court. And you lose, you have to spend money. And you go to appeal, if you can get appeal, and you spend money. And then, if you go to the Supreme Court, you spend money. And 10 years has gone by, and you've spent how many millions of dollars. Isn't that also an impediment against a regular Canadian from standing up for any right, just because they have limited resources and the government has unlimited resources?

James Kitchen

Yes, it's a serious problem. That's why, if you don't have a small army of civil liberties lawyers who are supported by donations, you can say goodbye to your rights and freedoms in a matter of years. One of the reasons that civil liberties are more robust in the United States isn't just because they have a good constitution, isn't just because they have better judges with more moral integrity. It's also because they have a small army of civil liberties

lawyers who are funded through organizations like Alliance Defending Freedom, Liberty Council, et cetera, who have million-dollar budgets because people donate to them. And so they're able to litigate these cases that wouldn't otherwise be litigated. That's exactly why the Justice Centre exists. That's exactly why the organization I work for, Liberty Coalition Canada, exists. Because of the obvious thing that you just said.

If there are not lawyers who know what they're doing and who are funded, crowdfunded, and therefore independent from government, none of these rights will ever be defended. None of these cases will ever be litigated. And just by mere atrophy, just merely by not exercising the muscle, you will lose the muscle. If you don't exercise the rights and then litigate over them, you will lose them. That's a serious problem in Canada because I can fit in my living room the number of lawyers in this country who do what I do on a regular daily basis, and there is very little funding.

There's the Justice Centre, there's Liberty Coalition Canada, there's the Democracy Fund. That's about it. And maybe a couple of other small organizations. That's it. It's a country of 40 million people, and there's maybe a 100, on a good day, of people that are doing what I'm doing. I think probably 50 is a more accurate number. That's not enough. I mean, how are you going to hold the line? The movie *300* comes to mind. You're just outnumbered. I'm outnumbered and outgunned: I mean, 50:1, and I know that. And the other side knows that. That's part of the problem.

If people want people like me and if you want more people like me and you want people like me to keep going, they're going to have to donate. A lot of people have done that, I know. But I'm just saying that's a call to donate to all organizations, not just mine, but to all organizations because they are the thin line between you and tyranny. People don't have the money to do it on their own. And even if they did, why would they sacrifice all their savings? Because in the end when you defend rights and freedoms you don't get any money back. You might get the court to agree with you and uphold your rights. You're not going to get damages. You're not going to get the 80 grand you just spent back. It's a huge practical problem.

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Commissioner Drysdale

Historically, what happens in a society where the people can't get justice in the courts? Have you got an opinion on this?

James Kitchen

Violence. Well, violence and/or tyranny. The only way that we peacefully resolve disputes in a way that practically matters is through the courts. So what will happen as the courts continue to fail us in that regard— They're deluding themselves if they think they can continue to do that and, eventually, we don't end up in violence and/or tyranny. We could just get tyranny and skip the violent stage. Or we could get a violent revolution from people who have spent decades and millions of dollars peacefully following the rules and trying to uphold their rights through this peaceful resolution system we call the justice system, and they say, "I've had enough, I'm getting my gun."

So you could get a quiet revolution into tyranny, or you could get a violent one. Or you could get some sort of civil war where the tyrants aren't able to take over and now you just have unbridled violence because this nonviolent adjudicative system we have, has failed. I

don't think people usually talk in terms that stark, and we're not there yet. But that's where we're going. If our justice system continues to fail at upholding the rights of regular, everyday Canadians who are trying to defend themselves against their tyrannical government, it will end in violence and/or tyranny. It has to. That's just human history.

Commissioner Drysdale

Thank you, sir.

Commissioner Massie

Thank you very much, Mr. Kitchen. I have two questions. Just to understand what you mentioned about the story when the pastor was arrested, and you were warned ahead of time that this was going to happen in an hour, and you didn't quite know what to make of it. I'm just trying to understand one possibility you have not mentioned—whether you think it's a hypothesis to explain what actually happened, which is the following. As soon as you learn about it, you had an hour. You called the media, and then this thing was actually known, which on one hand, with aware people, that this can happen. But on the other hand, it also makes people aware that this can happen and it could send a chilling message to anybody who might want to do the same thing.

So what's your thought on that?

James Kitchen

Who knows, maybe it was a trap. Police all know who I am. Maybe they called me because they wanted me to do, precisely, that. Because, okay, "Mr. Kitchen's going to call the media. The media will capture the arrest of Tim Stephens. It'll scare people. It'll have a chilling effect. That's exactly what we want." Could have been that. Maybe it was a trap and I fell for it. I made the decision I made, hoping that it would cause more uproar and people to actually take a stand than it would scaring them into compliance. Maybe I was wrong. I hope I wasn't, but it's an interesting analysis. It could be bang on, could have been a trap.

Commissioner Massie

My other question has to do with the religious exemption that failed one after the other, and you are very happy after fighting them that one was finally successful. And again, I'm wondering there, based on what you've said, that it was unclear to you what process would actually involve you being successful. I'm just wondering whether having one religious exemption accepted was not to send a message to the population: In theory, you can get it. And see, we give it once in a while. Therefore, we are following a due process. The one that was not successful is because they were not qualified according to our due process.

So what do you think of that?

James Kitchen

I think it's a possibility. I personally don't think that's what happened. I think it's a possibility. But I do think you've hit on a true point.

There was a really strong public messaging effort that I noticed. All these employers and these organizations and these public bodies and these universities, they were all constantly saying in their policies and in their oral discussions—"We will give accommodations; we

will follow human rights; if you can't take the shot because of your religious beliefs or some other protected ground in the *Human Rights Act*, we will accommodate you." In every single one of my cases, that's in the record somewhere that somebody had said that. So there was a lot of lip service to human rights, as there is in this country.

There's a lot of lip service to human rights. But unless you're one of those favoured groups, it doesn't really exist. It was just manifested in COVID in a more extreme way. We're going to pay lip service to human rights and diversity and inclusion and equity and all that. Meanwhile, we're going to kick the Christians in the unvaccinated face because we don't like them. That's how this works in this uncandid society. So I think that's an important point to keep in mind: There was this public face of, "Hey, we're going to follow the law."

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But, privately, they didn't.

Again, usually, you can get away with that because it's not like you have lawyers like me going around and publicizing their cases. I'm very, very unusual in that. Of course, a large number of my cases haven't been publicized. But the fact that I'm even publicizing some of them is very unusual. So normally, if you put on your good public face and you go and then kick somebody in the teeth privately, you can get away with it. Because it's not being publicized and the media is not going to cover it. Nobody's going to know. Nobody's going to care. That's part of the reason why I do what I do with publicizing my cases. And why I talk about them publicly here is because otherwise, there's no accountability.

Commissioner Massie

Thank you.

Commissioner Kaikkonen

Good morning, Mr. Kitchen. Thank you for your testimony. I have several questions. When the Government of Canada, our authorities, violates the Constitution; violates the supremacy of God in our nation; violates the rule of law; violates hard-working Canadians' freedom of religion, opinion, thought, conscience, belief; violates the underlying principles of justice as we presume to be our Canadian roots and historical foundations as the framers and founders of Canada believed, can we consider those mandates to be unlawful orders?

James Kitchen

It depends how you define unlawful. Unjust, immoral, unethical, yes. As a lawyer though, if I'm giving a technical answer, well, unfortunately, what defines lawful or unlawful is the courts. So if the courts find them lawful, then they're lawful. But as we know from the Germany of the 1930s and '40s, you can have lawful laws that are unjust, immoral, unethical, and destructive and murderous. That's what I think a lot of the COVID laws were. They were unethical, they were unjust, they were immoral. They caused human suffering; they caused human death. I certainly regarded it as a moral imperative for me to knowingly disobey some of those laws, the ones that I was confident were, in fact, just— I didn't care whether they were lawful or not because the authority that decided that was an authority that I morally and ethically often disagreed with.

Commissioner Kaikkonen

If I go beyond constitutional law, when the church is set up as non-profit in Canada, the federal government provides them with choices. For example, they can advance education or advance religion. I think there's two others, which essentially means that the proposed organization, in this case, churches wanting to advance religion, government approves that application. Once it's confirmed, no man can disannul that application other than the church themselves. But if I think of this as a contract, it wasn't the church who closed the church, but government who closed the churches across Canada. And then fined ministers for defying mandates, and as you allude, jailed ministers as well. Government did not just alter the contract and sever the contractual agreement, but didn't they also break the contractual agreement that they had allowed for that non-profit to be set up? This may not be your forte, but I just thought—

James Kitchen

Well, I guess, I don't think of it in those terms. You're referring to the requirement to get charitable status.

Commissioner Kaikkonen

Yes.

James Kitchen

Right. Which some courts explicitly reject because they want to be so pure in their allegiance to Christ only and not to muddy it with an allegiance to the State. So I guess I don't think of it in those terms.

Is there a breaking of the social contract? Yes. Is there a breaking of the constitutional and the democratic contract with all parts of society but particularly the Christian community and the churches? Yes. I think there's a lot of breaking of contracts, written and unwritten. I just didn't think of it in that way.

I think the removal of charitable status is a problem in the country, and I see that happening. So for example, you're going to get churches over the next five years that are going to say no to the transgender narrative. And you will see, I think, eventually, arrests and fines but also the removal of charitable status from those churches. That's work I expect to be doing over the next five years.

Commissioner Kaikkonen

If I take that same argument a little bit further to businesses that were bankrupted because of the government mandates. So government, in my sense, would be breaking the contract. Do these businesses have judicial recourse when agencies like CRA, for example, come knocking, looking for funds that they assume should have been paid over the last three years, but it was the government who broke that contract?

James Kitchen

No, I did some work in this area.

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One of the problems with our socialist mindset in the country is that we regard property rights as not a good thing. We regard them as somehow bad because it makes rich people more rich and will oppress the poor and all that Marxist nonsense. So we don't protect property rights. Section 7 of the Charter protects the life, liberty, and security of the person. That the Supreme Court of Canada has said.

I think they were quite smug and proud about saying that that does not protect property rights. Which means there is no constitutional protection for property rights in Canada. There's some due process protections, so the government has to check off some boxes before they can take people's property away. But that doesn't really mean anything in practical reality, which is what you saw: a lot of livelihoods and businesses completely destroyed by idiotic government policies, and there really is no legal recourse because, unfortunately, in Canada, laws are allowed to be stupid. They can't be unconstitutional, but they can be stupid.

Of course, now what we've seen over the last three years is what counts as unconstitutional is exceedingly small; it's exceedingly narrow. The government can almost impose just about any idiotic law they want, wreak havoc with people's lives. There's no legal recourse because there's no freedom of religion; there's no protection for property rights in the Constitution. And, of course, you lack the moral integrity and courage amongst judges to enforce what is left. So, no, there is no legal recourse. A lot of businesses, I think, have tried to sue the government, and it just hasn't gone anywhere. A lot of them, I think, have known that they can't do anything. So they don't sue, and they just have to somehow get on with their lives. Meanwhile, their lives have been ruined by the government. There's no recourse.

Commissioner Kaikkonen

When I think of, in 2015, Trudeau categorized Christians; he said Christians need not apply. He did not define Christianity. You spoke a little bit about this, about how Christianity is a broad stereotype across this country. He didn't define it. We look down to the lesser magistrates who are saying that Christian materials cannot be disseminated—through their policies, they're saying this—on school property. Yet the lesser magistrates, so I'm thinking specifically school boards here, are not defining Christianity, either. It just seems to be everybody has this anti-Christian view, but they don't actually define. How do we re-educate the public that Christianity is broad and also that our country was founded on Judeo-Christian principles?

James Kitchen

Oh, that's a tall order. I only have time for one thing. I've said this ever since people started listening to me publicly. Don't self-censor. The biggest harm we do to the inability to communicate things to our fellow human beings is we do this [puts his hand over his mouth] because we're scared. Don't self-censor. Talk.

You can't change the world on your own. Not all of us have this big media platform, and not all of us are like me and have people that want to listen to them publicly. But you all have a sphere of influence; you all have people that will listen to you and you need to speak your mind. If you have hundreds of thousands of Canadians that individually speak their mind, they'll do more than any other force can for communicating ideas, for encouraging morality, for the pursuit of truth.

Individuals need to stop self-censoring. That's a cultural cancer amongst Canadians, the fear to speak out. If you want to know what this looks like, go spend a month in Texas or South Dakota or Idaho and see what it's like. It's completely culturally different. People are just speaking their mind all the time, and you might be offended once in a while. But trust me, that's a better price to pay than all the self-censorship.

Commissioner Kaikkonen

My last question is, do you have any recommendations on how we can re-educate the Canadian public that this country was founded and reaffirmed in 1982, founded under the supremacy of God and the rule of law and that those are the primary underlying principles that founded this nation? It's not just the Canadian public, I guess. We should extend that to our judicial system, as well, that they should be re-informed on what they have let lax over the last, say, 20 years.

James Kitchen

Two things. The protection of parental choice in education. The public system will never do that. The public education system cannot be saved, the primary education system. So the more you protect parental rights and choice in education, the more people will have the ability and the courage and the confidence to pull their kids out of the public system and educate themselves or send them to a private school where they will maybe receive that education. So that's one. That's big in the long term in this country.

The other thing, I think, is developing and funding and supporting

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organizations that try to reach people where they're at, at that cultural level. Regular university is an example. They make all these videos with regular people, trying to reach regular people. Some of those are very, very effective. I've even seen it. I've seen normal people get—I think the cultural term is “red-pilled” because they get exposed to these different ideas in a way that they find accessible from an organization that's trying to reach them where they're at. Instead of this super intellectual way that I might, for example.

Those organizations are very, very important, and I think we undervalue those. They need to be independent and well-funded, and they need to be able to reach the populace. Now, of course, we've got new legislation that is intended to prevent that kind of thing, so it's going to get increasingly hard as we slide further down this path towards tyranny in Canada. But theoretically, that, I think, is one of the ways that we do it.

We have to take the reins ourselves as individual Canadians, take what's left to us and completely cut out government from the picture and on our own initiative develop our own organizations and fund them and try to reach other normal people in a sort of normal way. Try to sort of unplug them from all the government propaganda and all the crap that they believe. Because what the government and the mainstream media tells them, it does work. There's lots of people running around, I've met a lot of them. They believed in COVID for the first year and a half, that somehow—

Shawn Buckley

I'll ask you to focus just because of time.

James Kitchen

Sorry. These are broad questions. That's my suggestion. Those are my two suggestions for your question. Choice in education and organizations to reach people that are completely unplugged from government.

Commissioner Kaikkonen

So a parallel community of some form. Thank you very much. I really do appreciate your testimony.

Shawn Buckley

And, James, there being no further questions on behalf of the National Citizens Inquiry, we sincerely thank you for coming and sharing with us today.

James Kitchen

You're very welcome. I really do appreciate your indulgence with my time.

[01:07:11]

Final Review and Approval: Margaret Phillips, August 25, 2023.

The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an "intelligent verbatim" transcription method.

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