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GOOD NEWS!!

Government fails in bid to stop class action against forcing new citizens to take Oath to Her Majesty Queen Elizabeth II

The Attorney General of Canada's attempt to get leave to appeal from the decision of Judge Belobaba was denied.

As you know, we commenced a class action to challenge the constitutionality of the Canadian Citizenship Oath that requires new citizens to swear allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors.

The Attorney General of Canada applied to the court to strike out our action on the basis that it did not disclose a reasonable cause of action. In addition, the Attorney General wanted the case to be moved to the Federal Court of Canada.

In May 2007, Judge Belobaba dismissed the Attorney General's Motion. The Attorney General sought Leave to appeal the matter in the Divisional Court. That application came up on September 19, 2007 and there was standing room only as class members and supporters packed the courtroom.

The Attorney General's lawyers had argued that there was good reason to doubt the correctness of Belobaba's decision and that the appeal involved matters of such great importance that Leave should be granted.

On October 10, 2007, Judge Kiteley of the Divisional Court dismissed the Attorney General's application.

The way is now clear for us to proceed to certification of the case as a class action. However, on October 17, 2007, the Attorney General indicated that it will make a further appeal.

I am disappointed but not surprised that the Government of Canada seems bent on taking this matter right through to the Supreme Court of Canada.

With the latest decision, the odds are on our side since we now have two high court judges ruling in our favour. On both occasions, the Judges ordered the Attorney General to pay court costs to us.

The Government of Canada and the establishment believe that taking the Oath to Queen Elizabeth II is no big deal but the Plaintiffs, many of whom are long time residents of Canada, believe that an Oath is a sacred duty in which one proclaims to the world the truth and sincerity of ones intentions. It makes a mockery of one's conscience to swear or affirm to be faithful and bear true allegiance to Her Majesty Queen Elizabeth II and thereafter support the establishment of a republican form of government.

The oath has it origin in religion. If ministers of religion would speak out on the issue of freedom of conscience, I doubt the Government be so bold as to prolong this case in the courts with appeal after appeal.

I want to thank all of you who attended the Street Rallies and at the Court hearings in particular, Ashok Charles and Mike McAteer, two leading class members. A research paper prepared by Dr. Randall White proved to be a tipping point in the court proceedings. Kiké Roach, our lawyer, was brilliant on both occasions. Thanks also to Citizens for a Canadian Republic and Tom Freda, its Executive Director.

Regards,
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