

Form 13-31
(Rule 13-31)

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE PRINCE ALBERT

PLAINTIFF(S) PRINCE ALBERT RIGHT TO LIFE ASSOCIATION AND
VALERIE HETTRICK

DEFENDANT(S) CITY OF PRINCE ALBERT

AFFIDAVIT

AFFIDAVIT OF VALERIE HETTRICK

I, Valerie Hettrick, of the City of Prince Albert, Saskatchewan, MAKE OATH AND SAY:

1. I have personal knowledge of the matters and facts hereinafter deposed by me, except where same are stated to be based upon information and belief, in which case I believe them to be true.
2. I am the past President and current event organizer for the Prince Albert Right to Life Association ("PARLA").
3. PARLA is a non-profit organization, comprised of Prince Albert and area residents, which aims to promote the sanctity of life through prayer, education, community work, and political action.
4. PARLA's work includes hosting Pro-Life events such as "Celebrate Life Week" and "Life Chain", as well as other activities, such as providing aid to women and families with unplanned pregnancies.
5. The City of Prince Albert maintains a courtesy flag pole outside of City Hall (the "Courtesy Flag Pole") to fly the flag of, *inter alia*, "charitable or non-profit organization[s] to help increase public awareness of their programs and activities". See the *Flag Protocol Policy* (the "Policy") attached as **Exhibit "A"** to this affidavit.
6. PARLA has flown its flag on the Courtesy Flag Pole each year for one week for the last 20 years, from 1996 to 2016 inclusive. PARLA has flown the same flag since 2007. This flag is pink and white, with a logo of "Umbert the Unborn", a cartoon fetus. The phrases "Celebrate Life Week" and "Please Let Me Live" also appear on the flag (the "Umbert Flag").

7. On March 2017, two individuals made complaints to the City of Prince Albert Executive Council, demanding that it refuse requests to fly a pro-life flag on the Courtesy Flag Pole. During the meeting, the Mayor of Prince Albert, Greg Dionne ("the Mayor"), challenged the validity of the complaints, citing the importance of freedom of expression. Ultimately, the Executive Council decided that the matter be referred to the Mayor's Office.
8. On or around April 4, 2017, the Mayor called me via telephone, informing me of the aforementioned Executive Council decision. The Mayor raised the possibility of PARLA changing its flag. On or around April 5, 2017, the Mayor called me again, inquiring about whether PARLA would consider getting a new flag.
9. On or around April 5, 2017, I submitted a "Request to Fly a Flag on Courtesy Flagpole" application (attached as **Exhibit "B"** to this affidavit) as well as an "Invitation Request Form" (attached as **Exhibit "C"** to this affidavit) to the City of Prince Albert in order to raise the Umbert Flag and to proclaim "Celebrate Life Week", respectively. The Umbert Flag was requested to be raised from May 8 to May 14, 2017, and a Proclamation of Celebrate Life Week was requested to be proclaimed on May 8.
10. On May 4, 2017, the Mayor called me to inform me that one of the City Council members had done research and determined that the Umbert Flag was a local flag, not a "national flag" or "nationally recognized flag". Because of this, the Mayor insisted that the flag could not be flown at City Hall as per the *Policy*. Since we did not have a new flag, the Mayor indicated that no PARLA flag would be raised, but that he would still proclaim Celebrate Life Week on May 8.
11. The *Policy* does not mention "national flag" or "nationally recognized flag" as a criterion for flag raising.
12. On May 4, 2017, I sent the Mayor a letter requesting that he specify which bylaw or provision required that a flag be "national" or "nationally recognized", noting that the two terms are quite different (attached as **Exhibit "D"** to this affidavit). I received no response to this letter from the Mayor, or anyone else from the City of Prince Albert.
13. On May 4, 2017, I sent the Mayor a text message, asking him what information City Council would need to consider a flag "national". The following exchange ensued:

[Mayor:] It is a flag that is flown anywhere in the country and is the same flag in very [sic] city

[Ms. Hettrick:] And this is a bylaw or just city councillors [sic] preference

[Mayor:] This is my office trying to help your organization move forward on this issue

14. The Mayor sent me a text message replying that such a flag would be "flown anywhere in the country" and would be "the same flag in every city". When I asked him whether this was prescribed through a bylaw or simply the preference of City Council, the Mayor replied that this was his office trying to help PARLA move forward on this issue (this text message exchange is attached as **Exhibit "E"** to this affidavit).
15. On or around May 5, 2017, the Mayor spoke to the media, informing them that the Umbert Flag would never again fly at City Hall, but that he would be open to a different Pro-Life flag that does not portray a cartoon image of a fully developed fetus. See Prince Albert Daily Herald article dated May 5, 2017, attached as **Exhibit "F"** to this affidavit).
16. On May 8, 2017, I sent the Mayor a text message asking him if the Proclamation of Celebrate Life Week was to be held inside City Hall due to the cool weather. The Mayor responded that he had not scheduled a proclamation for Celebrate Life Week and was leaving for Regina. As we exchanged text messages, the Mayor conceded that he had agreed to proclaim Celebrate Life Week, but did not follow through as he believed nothing was planned because there was no flag raising (these text messages are attached as **Exhibit "G"** to this affidavit).
17. As a result of this, the City of Prince Albert did not proclaim Celebrate Life Week, contrary to what was agreed to by the Mayor, nor allow the Umbert Flag to be raised.
18. The City of Prince Albert regularly grants applications to use the courtesy flag pole and issues proclamations in support of various causes, including Falun Dafa, hunger awareness, naturopathic medicine, national public works, paramedics services, motorcycle awareness, occupational health and safety, LGBT Pride, gender diversity, transgenderism, literacy, seniors and Saskatchewan Ukrainians (see articles and webpage printouts attached as **Exhibit "H"** to this affidavit).

SWORN (OR AFFIRMED) BEFORE ME

at, Prince Albert, Saskatchewan,
this 2nd day of November,
2017.

Commissioner for Oaths
for Saskatchewan *Being a Solicitor*

A. Hettrick
(signature)