



Justice Centre for Constitutional Freedoms

February 17, 2021

Hon. Jason Kenney
Premier of Alberta
Legislative Assembly of Alberta
10800 - 97 Avenue
Edmonton, AB, T5K 2B6

Dear Premier Kenney,

Re: religious persecution in Alberta and the release of Pastor James Coates from jail

Last night, February 16, 2021, a bail hearing for our client, James Coates, was heard before a Justice of the Peace. Bail hearings, as you know, are hardly unusual. Mr. Coates, however, is not a thief, vandal, drug dealer or murderer. He has no history of criminal offences or arrest. He is, by all accounts, a peaceful citizen.

Instead of simply agreeing that Mr. Coates should be released on his own recognizance, the Alberta Crown prosecutor, Karen Thorsrud, insisted that Mr. Coates be held in jail until his trial, which will not take place for several months.

“Show cause” or bail hearings are typically reserved for accused persons with lengthy records, and those charged with serious violent offences who pose a danger to society. The law presumes innocence until such time as the Crown has proven guilt beyond a reasonable doubt. Accused persons are typically released pending trial.

There have been many firsts under your watch as Premier of Alberta:

- By far the worst restrictions of civil liberties in a century.
- The decimation of the economy, caused not by any virus, but by your government’s policies.
- The loss of hundreds of thousands of people’s jobs and livelihoods.
- The loss of thousands of small family-owned businesses while big box stores were allowed to operate as usual.
- Peaceful protestors being slapped with \$1,200 tickets and arrested.
- Family dinners and visitors to one’s own household being outlawed.
- Houses of worship subjected to restrictions that are typical of communist and other repressive regimes.
- Children deprived of healthy social interactions, team sports, graduation ceremonies and school plays, while being taught to live in a permanent state of fear.

And now another first. For the first time ever, Alberta has arrested and incarcerated a Christian minister for the “crime” of holding a church service.

For the past eleven months you have permitted Dr. Hinshaw to rule unilaterally over the citizens of Alberta. You have initiated no legislative review of Dr. Hinshaw’s Orders. When suffering Albertans contact you with their stories of extreme hardship and business losses, and outrage at lockdowns, your excuse is that your hands are tied. You have stood idly by while Dr. Hinshaw closes businesses and churches, and holds daily briefings to scare everyone about a virus which the data unequivocally shows has only a negligible impact on life expectancy in Alberta.

And now, a pastor is in jail awaiting trial because he has chosen to hold church services for people who are suffering under the oppressive, *Charter*-violating decrees of your Chief Medical Officer of Health. The proposed terms of his release require him to obey the terms of the Order that violate his conscience and religious beliefs.

Alberta’s elected representatives no longer determine government policy. The politically appointed Chief Medical Officer now makes laws on the fly, none of them voted on or approved by our elected representatives. Citizens have no say in the content of ever-changing health orders that violate our *Charter* freedoms on a daily basis.

You violate Canada’s Constitution by handing over vast and broad law-making powers to the Chief Medical Officer. Democracy is on life-support when duly elected representatives are nothing more than an advisory council.

Your government refuses to post on its website the specific evidence that might justify restricting our *Charter* freedoms, and refuses to answer questions about lockdown harms. You refuse to explain what science, if any, is behind your fearmongering April 8, 2020 “Modelling” that predicted that 32,000 Albertans could die of Covid even with lockdowns in place.

We write to ask the questions that are on the minds of hundreds of thousands of Albertans: how long are you going to permit Dr. Hinshaw to run the province of Alberta to the detriment of the *Charter* rights and freedoms of Albertans? How long are you going to permit her to persecute Christian churches? How long are you going to allow Alberta to be a medical dictatorship?

Further, why are restaurants’ capacities set at however many people they can fit inside, but churches are limited to 15% capacity of the fire code?

Why are fines being levied against stores who are accused of non-compliance, while a pastor accused of non-compliance is in jail?

Why is Pastor Coates in jail today, as opposed to being home with his family?

Section 176 of the *Criminal Code of Canada* states that it is a criminal offense to arrest a religious officiant upon his return from his performance of religious duties, yet the RCMP’s actions directly violate this section. This is also a first in Alberta, where the very public bodies who are employed to protect citizens from crime are directed to act in violation of the *Criminal Code*.

Pastor Coates and his congregation have a constitutional right to assemble for worship in accordance with the dictates of their conscience and religion. That is their obligation to God, and they are going to continue to obey their conscience and religious convictions when Dr. Hinshaw's Orders come into conflict with the requirements of their God.

We remind you, since it is apparent that you need a reminder: the Constitution is the supreme law in Canada, not the Orders of Dr. Hinshaw.

Once citizens are able to show that their *Charter* rights have been violated, the onus shifts to the government to justify its violation of those rights. Again, this burden is on the government— not the citizens—and is intended by the *Charter* to be an onerous one.

The *Charter* is intended to prevent governments from infringing the rights and fundamental freedoms of Canadians. It permits infringement of those rights and freedoms only in exceptional circumstances, and only to the extent that a government can show such infringements to be “demonstrably justified in a free and democratic society.” Dr. Hinshaw's differential treatment of churches compared to restaurants does not meet the *Charter*'s requirement. It is inconsistent, arbitrary, and tyrannical.

The *Charter* envisions a “free and democratic” society. Under your permissive watch, Dr. Hinshaw has been permitted to turn Alberta into a police state where neither freedom nor democracy are apparent.

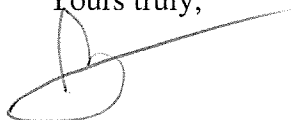
It is past time for the Alberta legislature to review all of Dr. Hinshaw's Orders. And it is far past time for your government to cease its religious persecution.

We are calling for the immediate release of Pastor Coates, and the rescission of Dr. Hinshaw's tyrannical orders against Alberta's churches.

We hope you will no longer continue to hide behind the decisions of others, and, instead, fulfill your duty to uphold the fundamental freedoms of Albertans.

I look forward to hearing from you.

Yours truly,



John Carpay, B.A., LL.B.
President
Justice Centre for Constitutional Freedoms

cc. Dr. Deena Hinshaw, Chief Medical Officer of Health