



Rights and Freedom Bulletin

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It's not
just a word...
It's a way of life.**

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When Judges don't know the law

What chance do we “mere citizens” have?

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These links are provided to give you easy access to the original news story or other relevant information.

Two weeks ago I wrote about the atrocious plea bargain imposed on Ashley Thomas Brinston for threatening a woman's life, among other things. As I wrote then:

At his bail hearing the Crown Prosecutor argued that Ashley Brinston was far too dangerous to allow out in the community. Seems reasonable on its face, doesn't it? If the guy is running around threatening people and is in possession of firearms then it's probably a good idea not to have this guy on the streets.

But what about the plea bargain entered into court this week, a joint submission by both Crown prosecutors and defense counsel? In that joint submission the Crown agreed that a 120-day conditional sentence and house arrest was sufficient. Judge Harold Porter was, as he should be, disgusted with this submission.

I ended that article explaining that even though Judge Porter was repulsed by the plea agreement he was *bound by law* to accept it. That statement was untrue. The judge is NOT bound to accept a plea agreement, but even the judge didn't know that! [The Criminal Code of Canada's Section 606](#) is very clear about plea agreements, including specifically when and if the judge must accept a plea agreement.

606. (1.1) A court may accept a plea of guilty only if it is satisfied that the accused

**(a) is making the plea voluntarily; and
(b) understands**

(iii) that the court is not bound by any agreement made between the accused and the prosecutor.

When even the judge doesn't know the law... what chance to we *mere citizens* have?

Thanks to [firearms lawyer Richard Fritze](#) I have been educated on this point and hopefully Judge Harold Porter will be too.

Yours in Liberty,

Christopher

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Freedom of Speech

Where are all the hypocrites who crow about “conservation” when it counts most?

Where are all the “conservationists” when it comes time to actually do the work of conservation? The hypocrites sipping their lattes on trendy downtown streets can’t be bothered to actually do the work, so who does?

Hunters and fishermen... the same people who started practically every “conservation” group known to man.

Was it trendy urbanites who founded Ducks Unlimited? No, it was duck hunters.

There’s an absolute surety to the hands-on conservation lifestyle of hunting, fishing and trapping where you know you’re going to consume today.

--Ted Nugent

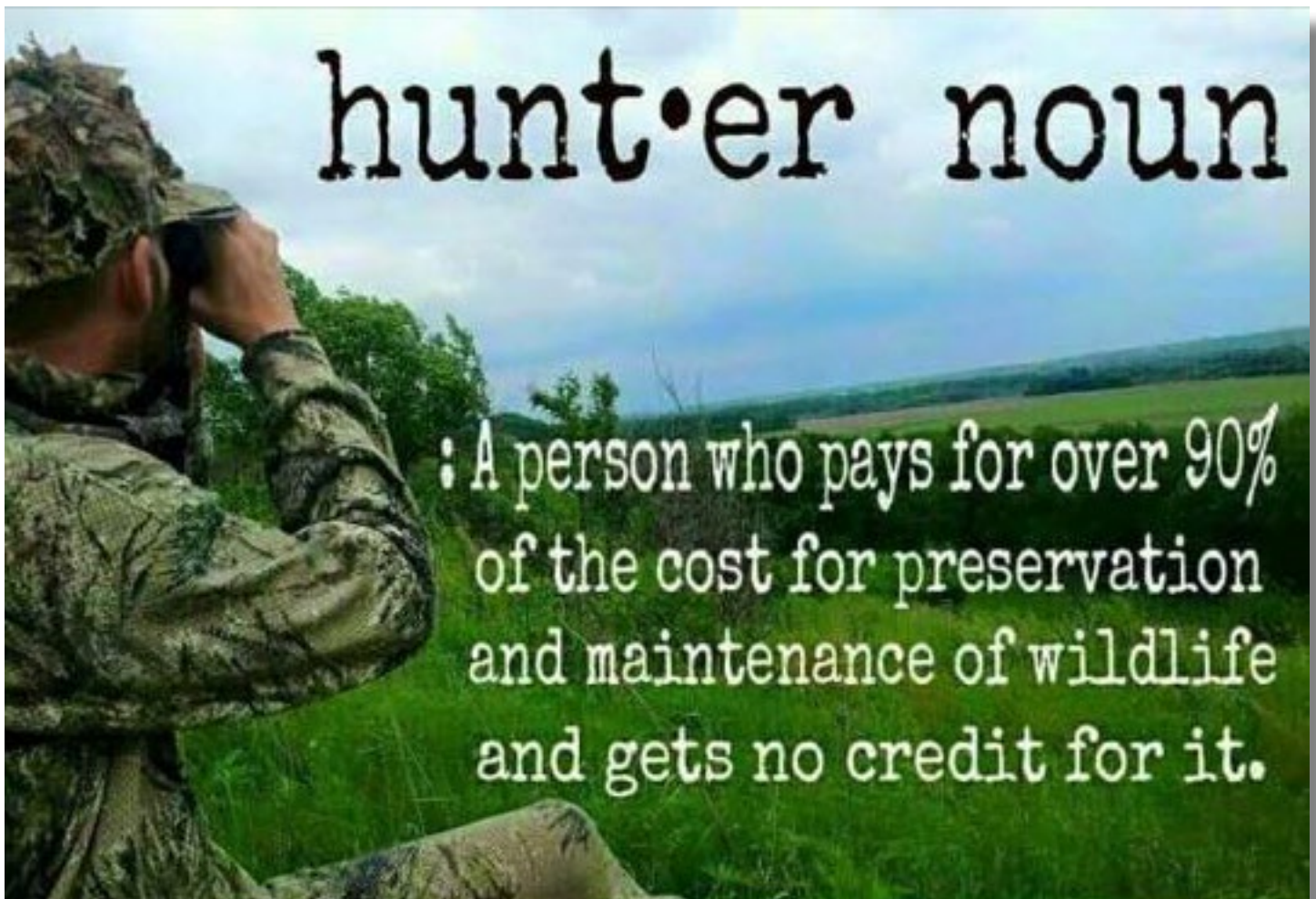
Hunters and fishers raise more money for conservation than any other group of people. Hunting and fishing licenses generate hundreds of millions of dollars every year for conservation.

Hunters were the first to recognize and then demand the need for scientific wildlife management and hunting regulations for law enforcement. Hunters were the first to fund these efforts and continue to be the primary funding source for conservation today.

And those latte-sipping hypocrites in downtown Vancouver?

They... well... they’re “concerned”... don’t you know!

Which isn’t really the same thing as getting out into the wilderness and doing the hard work of conservation or putting their money where their loud mouths are, is it?



Self Defense

The Most Basic Right is Recognized by our Prime Minister

Self Defense is the most basic right we have.

Our so-called "right to life" is utterly meaningless without the ability to protect that life, right?

You'd never know that by the recent mewlings from Windy Wendy Cukier in the wake of Stephen Harper's comments on rural residents and firearms.

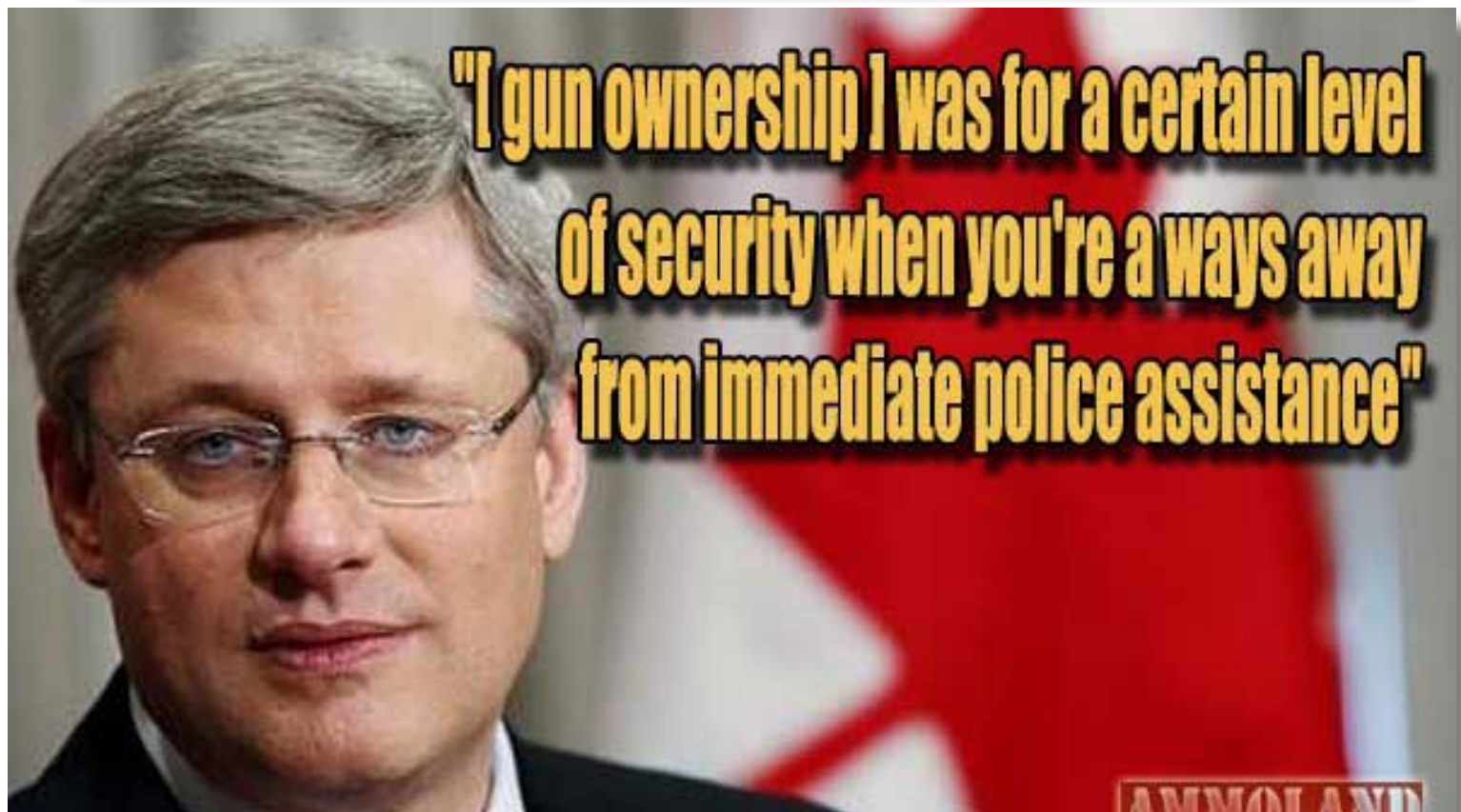
She whined the following to anyone who would listen, presumably AFTER turning off their brains:

"The suggestion that rural people have firearms in case the police cannot reach them in time is not really consistent with Canadian law on lawful use of force but smacks of American arming for self protection."

Clearly Windy Wendy has never read the Criminal Code of Canada, which makes it very clear that using force to protect yourself and your loved ones is lawful.

It's unfortunate that her fear of inanimate objects makes it impossible for her to read the most basic laws of our land. What's worse is her incessant need to spread her fear and ignorance of both firearms and the law to others.

We mere citizens who choose to live in rural areas cannot count on police to arrive in a timely manner. The most we can hope for is to can keep ourselves alive for the 30 to 60 minutes it would take for them to arrive.... and yes, that means using a firearm Wendy. Get over it.



What You Must Know Before You Carry...

Get your **Free Copy** of the Concealed Carry Report and protect your home and family before it's too late...



CONCEALED CARRY
REPORT

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Freedom of Speech

It's good enough for Windy Wendy, but not for Prime Minister Harper?

The Furor Over Prime Minister Harper's Comments On Rural Canadian Gun Owners via CSSA eNews

It's fascinating to watch the firestorm over the Prime Minister's recent comments about rural Canadian gun owners at the annual convention of Saskatchewan's Association of Rural Municipalities.

"My wife's from a rural area and obviously gun ownership wasn't just for the farm, but was for a certain level of security when you're a ways away from immediate police assistance."

Stephen Harper simply stated the obvious; obvious to his audience, at least, if not the national press.

The national press went into spin-dry hysteria, claiming Harper advocated vigilante justice and said Harper wanted to turn us into "gun-toting Americans."

The Edmonton Journal editorial board wrote

"[I]t is perfectly reasonable to worry about the minuscule chance of a home invasion in which police response times would be inadequate — but foolishly unreasonable to worry about the chance of accidents, poor storage and theft, and about the occasional soul who only appears 'law abiding' until he starts blasting away."

If the Edmonton Journal editorial board is to be believed, Canada's most trustworthy citizens, licensed firearm owners, are clearly only one bad moment away from being killers. As to backing up their position with facts? Why bother since "everyone knows" it's true.

Except that it's not true. Canada's legitimate firearm owners are statistically the safest people in our country; only 1/3 as likely to commit a violent act as a citizen that doesn't own firearms and only half as likely as a police officer. That reality doesn't fit in the "unicorn-world" of the editorial board at the Edmonton Journal though, so they content themselves with smugly vilifying honest Canadian citizens as "killers-in-waiting."

The Edmonton Journal's open-minded editorial opens with:

"Someday, it will be a matter of gobsmacking astonishment that people were still allowed to own guns in the early 21st century."

The firearms owner slam-fest continues with Wendy Cukier, president of the Coalition for Gun Control. She claimed,

"The suggestion that rural people have firearms in case the police cannot reach them in time is not really consistent with Canadian law on lawful use of force but smacks of American arming for self protection."

Apparently Ms. Cukier has never read the Criminal Code of Canada.

Then former Solicitor General Wayne Easter went even further down the waterslide, stating,

"Someone who hears that might say, 'Well, I don't need to lock my gun up. I need to have it close at hand so that if somebody sets foot on my property and I think they are trespassing,' away we go."

Ludicrous. Every breathless, spin-drenched word. Harper did not say that at all, and for the Edmonton Journal to intimate he did is not merely over-the-top spin, it is a lie.

Reality check: Rural Canadians face situations city dwellers don't have to deal with. Bears, coyotes, rabid and/or feral animals all pose dangers that need to be dealt with. Farmers need the ability to quickly and humanely put down domestic animals that are sick, lame or loco. The police certainly can't help, even if they were willing to drive out to deal with a pesky predator and fill out the mountain of paperwork that discharging a police firearm entails.

The Firearms Act even deals with this specific circumstance because police response times to rural homes is measured in half hour blocks, not minutes. Moreover, if grave danger presents itself in Canada's remote areas it is unreasonable to expect police to be able to do much more than draw chalk lines. That's certainly no slam on our dedicated police officers, it is simply a reality in our vast (and mostly empty) land.

The Firearm Act

Quebec Loses Supreme Court Bid To Retain Long Gun Registry Records

The Supreme Court of Canada upheld the right of Parliament to make laws in Canada. That's a very good thing. For all its past activism, real or perceived, today's ruling makes it crystal clear that the function of our Supreme Court is to determine the constitutionality of a law, not to make law.

*[3] We agree with the conclusions of the Quebec Court of Appeal and would dismiss the appeal. The principle of cooperative federalism does not constrain federal legislative competence in this case, Quebec has no legal right to the data, and s. 29 of the Act to amend the Criminal Code and the Firearms Act (short title Ending the Long-gun Registry Act ("ELRA")), is **a lawful exercise of Parliament's criminal law legislative power under the Constitution.***

*We add this; to some, Parliament's choice to destroy this data will undermine public safety and waste enormous amounts of public money. To others, it will seem to be the dismantling of an ill-advised regime and the overdue restoration of the privacy rights of law-abiding gun owners. But these competing views about the merits of Parliament's policy choice are not at issue here. As has been said many times, the courts are not to question the wisdom of legislation but only to rule on its legality. In our view, the decision to dismantle the long-gun registry and destroy the data that it contains is a policy choice that Parliament was **constitutionally entitled to make.***

Quebec politicians thought they could have their cake and eat it too. They didn't want to pay to collect the data, but wanted to keep it once the rest of the nation paid the bill.

The Parliament of Canada had the right to make, change or rescind laws as it sees fit, and the decision of the justices of the Supreme Court to confine themselves to answering that question for Quebec is truly a landmark in firearms law jurisprudence.

"...the courts are not to question the wisdom of legislation but only to rule on its legality."

What a refreshing change.

The entire majority ruling is very well thought out and I highly recommend you read it, if for no other reason than the insight it provides into the minds of those members of the highest court in the land.

*[33] A law creating a true criminal offence clearly has these features, but a law repealing that same offence does not; the latter does not create a prohibition backed by a penalty for a criminal law purpose. The repealing enactment, however, is clearly criminal law because the "matter" of that law comes within the same criminal law subject as did the provision it seeks to repeal. This is why Quebec is clearly right in this case not to question Parliament's authority to repeal the long-gun registry scheme, and to restrict its challenge to s. 29 of the ELRA, which provides for the destruction of the data. **The fatal flaw in Quebec's analysis, however, is that in characterizing the pith and substance of s. 29, it ignores the place of the data gathering and retention provisions in the overall scheme.***

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14713/index.do>

[38] In determining the true character of s. 29, we are not concerned with whether destroying the data is good policy, whether Canada's motives were sound, or whether the destruction of that data conflicts with the policy objectives of Quebec. We recognize that the federal government's ultimate goal may well have been to prevent Quebec from creating its own long-gun registry. We also accept that the destruction of the data is the means chosen by Canada because of its irremediable nature. That being said, these considerations are not indicative of a "colourable" purpose from a division of powers' perspective. An intention on the part of one level of government to prevent another from realizing a policy objective it disagrees with does not, on its own, lead to the conclusion that there is an encroachment on the other level of government's sphere of exclusive jurisdiction. The fact that s. 29 of the ELRA has the practical effect of making it more difficult financially for Quebec to create its own gun control regime does not, in light of the rejection of the legitimate expectations doctrine, affect the pith and substance of the provision.

The Firearms Act

Quebec Gets Nothing in Supreme Court Bid for Long Gun Registry Data

by [Ian Runkle - Firearms Law and Criminal Defence](#)

So, the decision on the Long Gun Registry is out: Quebec gets nothing. They lose. Good day, sir.

Next time someone tells you about our “activist” courts, [read them this section](#):

“We add this; to some, Parliament’s choice to destroy this data will undermine public safety and waste enormous amounts of public money. To others, it will seem to be the dismantling of an ill-advised regime and the overdue restoration of the privacy rights of law-abiding gun owners. But these competing views about the merits of Parliament’s policy choice are not at issue here. As has been said many times, the courts are not to question the wisdom of legislation but only to rule on its legality. In our view, the decision to dismantle the long-gun registry and destroy the data that it contains is a policy choice that Parliament was constitutionally entitled to make.”

Amongst other things, the court found that the principle of co-operative federalism cannot restrain the different branches of government from exercising powers within their spheres. In other words, if something is federal, then the federal government doesn’t lose authority over it just because of a brief cooperation with a province.

They also found that the mere reliance on the data by Quebec does not create any actual property interest in the data.

Further, they noted that Parliament does not have the authority to write laws (absent Constitutional changes) that bind the hands of future Parliaments. They noted that Quebec’s position would have effectively set it up so that the creation of the registry bound (“fettered”) future Parliaments to prevent them from dismantling it. This is contrary to established legal principles.

The Court notes that Quebec’s involvement was limited to licensing, and /not/ to any authority over registration, substantially undermining their cooperation argument.

Note that this also means that nothing stops Quebec from setting up their own registry. However, despite their big talk, I doubt they will. They will have to start from scratch, meaning they’re potentially taking the first bite of a several billion dollar sandwich that I doubt they will have the stomach to finish.

Note that while this is a 5:4 decision... that is really only a 5:4 split on the question of whether or not s. 29 of the ELRA was constitutional.

If we look at the question of whether Quebec was entitled to receive the data then it is actually a 9:0 decision.

None of the Justices felt that Quebec was entitled to receive the data.

Essentially, the dissent felt that s. 29 (the section preventing copies from being given out) was unconstitutional, but that the court did not have the authority to direct the government of Canada to preserve copies, or to give them to anyone. They felt that this was up to the provinces to negotiate with the feds, and that because Quebec had not worked out any such agreement in advance, they get nothing.

To quote from the dissent:

“Although it is true that the federal government cannot decide unilaterally to destroy the data accumulated within the framework of the partnership without considering the impact of such a measure on provincial heads of power, the other side of the coin is that Quebec cannot dictate to the federal government what it is “entitled” to receive when their relationship comes to an end. It was up to the members of the partnership to set out the conditions that were to apply upon termination of their joint venture in their agreements or, if they did not do so, it is up to them to agree now on the applicable terms in this regard, including the destruction of the data by the federal government. Thus, how their collaborative relationship is to be terminated is primarily dependent upon their will.” (at para 200).

So if the dissent had won, the long gun registry data would still be headed for the shredders today. And frankly it’s about time that the chipping/shredding machines owned by the CFOs got put to some prosocial uses.

The Great Nanny State

The Ugly Spectre of Canadian Political Coalition Rises Again

via CSSA eNews

As we accurately predicted three years ago, the spectre of a coalition government has reared its ugly head in the pre-election run-up.

Just a few short days ago, Official Opposition Leader Thomas Mulcair stated,

"We've always said we're ready to work with other parties. We're a progressive party. We want to get results."

Referring to the then-Liberal leader,

"We even were willing to make Stéphane Dion Prime Minister of Canada. It's the type of water we were willing to put in our wine."

An NDP insider stated that it's a strategy designed to woo voters who think they need to vote Liberal in order to avoid another Stephen Harper Conservative government. The message is designed to make potential New Democratic voters more comfortable with the idea of casting a ballot for the NDP, the adviser explained. Got that? Vote NDP – get the Liberals.

Let's cut through the political baffle-gab and take a hard look at the reality of this seemingly magnanimous statement. What he really means:

We want power and we are willing to chuck our principles, and those of our party members, in order to get it. Our lust for power is so great we were even willing to make Stéphane Dion the Prime Minister in order to satisfy the demons.

No doubt a few folks will wail, "NO, NO, Mulcair just wants to work cooperatively."

Really?

Are the NDP and Liberal parties so similar that either will sacrifice any political ideology by merging? If so, why don't they merge now and get elected legitimately?

The answer is obvious.

The Liberal Party of Canada and the New Democratic Party are different animals, with different aims and goals. Ask any supporter and they'll happily tell you the differences.

So why Mulcair's bid for a coalition?

It's simple really: it's **"power at any price."**

Why does this matter to the firearms owners of Canada?

If an unholy coalition is formed between parties of different ideologies and principles, the only items the coalition can move forward on without endangering the alliance are items of mutual agreement. Like gun control for instance? How about handgun and black rifle bans? That could work for them.

The NDP only has a couple of MPs that would resist tossing gun owners under the proverbial campaign bus, and Liberal leader Justin Trudeau has stated that although his party will not bring back the long-gun registry, he has never denied his party will accomplish its gun control goals through selective bans and restrictions.

Guess what that means in either of Canada's official languages?



Liberty

An Untitled Poem to the Lovers of Freedom and Liberty by Douglas H. Christie

I have no regret for all the wounds I've suffered,
By those who hacked and hewed and tore at my good name.

I fought for what I thought was worthy,
And I would fight them just the same again.

For soon no more remains of all my sorrow.
For once gone they can inflict no more of pain,

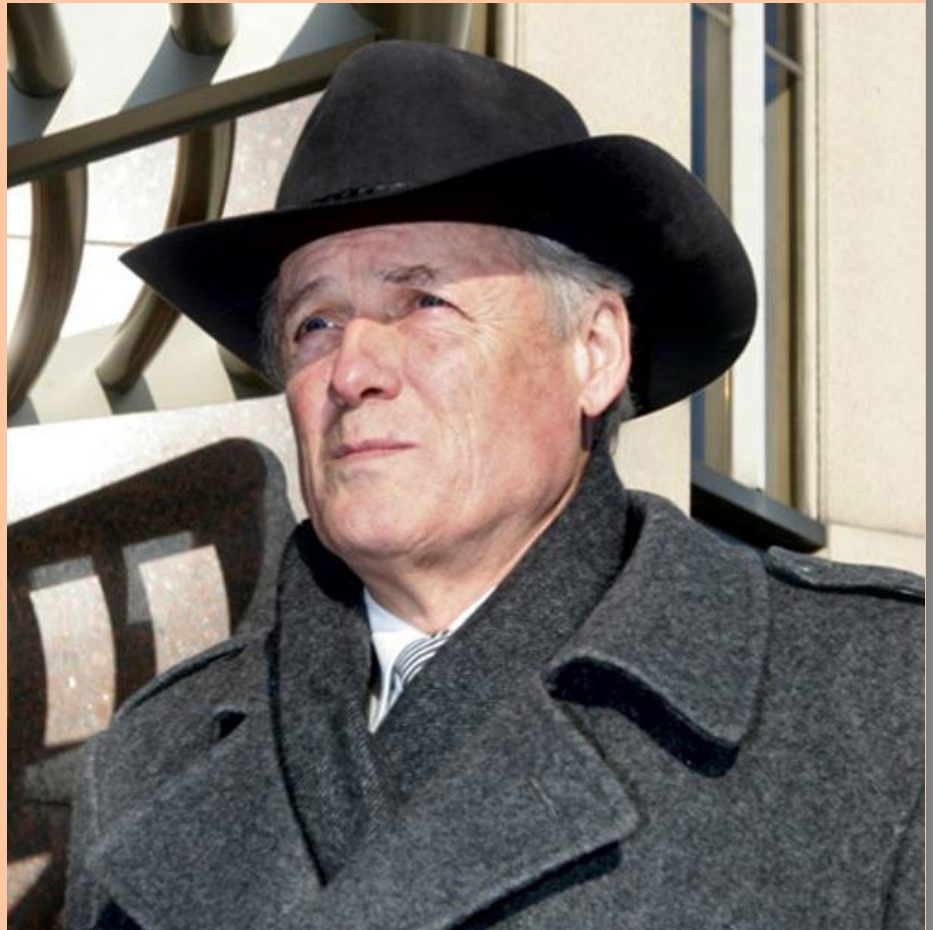
And I will count the world's contempt and sneering,
Not as a loss of hope, but as a gain.

For those who can not go upon this journey,
But must remain to battle when I'm gone,

I pray that when the struggle is too weary,
I can from beyond the rest less fury,

Stretch forth my arm and
help to make you strong.

-- Douglas Hewson Christie



Musical Interlude

Update from Celtic Rocker Leah McHenry and her New Album Kings and Queens

Hi! It's Leah here :)

How are you? The dust has settled just a little bit since the release of Kings & Queens, but of course there's always things to do still. Lots of interviews, and quite frankly, I'm always working to get my name "out there". That's all part of being independent. Trying to not be the needle in the haystack!

The really nice thing has been my partnership with Inner Wound Recordings, which is based in Sweden and they are handling all my merchandise and shipping. Such a huge relief for me, since I now have FIVE kids! I'm just slightly busy ;)

If you are on Facebook you might have noticed my announcement that the time has come for me to move most of my music contacts/fans to my official like page. I think most people understand why. It just gets hard to maintain any sense of privacy after a while. So, I just wanted to let you know it's nothing personal! And honestly, I can send you this email and you can write me back! I'm happy to stay in touch that way, and you can always contact me on my official page too.

There are so many great people, including some fans that have turned into dear friends of mine, so I think it's important that we stay in touch so we can get to know each other. One of these days lets do a Google Hangout or something and drink wine. I like getting to know you!

Did you hear that Of Earth & Angels is being re-issued? Yes, it's been updated with a new look, new artwork, additional photos and liner notes. It's being released through Inner Wound on April 10th and [you can grab that here](#).

There's also a few [limited edition Kings & Queens t-shirts](#) left with the chess design. I think they are super cool. Hopefully we still have it in your size!

And I've also added a [CD TRIO bundle](#). It's a good deal for those who want all 3 albums at once! Pass that along.

Oh, by the way -- because I give lots of music away for free and put it out there on the internet, when you buy physical merch it totally helps sustain me! Just wanted to say thank you guys again for supporting me and getting the physical stuff too. It allows me to continue doing this.

ONE LAST THING.....

I put the *Kings & Queens red dress* up for [auction on eBay](#). I wore it once for that photo shoot and it's just been hanging in my closet ever since. I started the bid at \$1. [Check it out](#). There are several days left, so if you or someone you know wants this dress there's plenty of time to bid!

What am I going to do with the \$ once it's sold?? Well, I have plans. It will involve helping me get a new instrument for making more music. You'll just have to wait and see! :)

Lots of love, and please keep in touch. I don't always have the time to get back to each person, but I'm reading, and I'm nodding my head and thanking you for the kind messages.

XOX, Leah McHenry



Firearm Training

How to Out-Think, Out-Shoot and Prevail on the Street, in Combat or Self-Defense

If your “pucker factor” doubled over this email’s subject line, don’t worry... you’re not alone.

The debate over “how big should your bullet be” has been raging since Cain was deciding on whether to use a small rock or a big rock to kill Able. :-)

So, what’s the answer?

Former Force Recon Marine and creator of the “30-10” at-home pistol course, Chris Graham, shares a story in 30-10 from a US Navy SEAL friend of his, named “Monkey”.

<http://readthis.rightsandfreedoms.org/marine-pistol-training>

Monkey was teaching a class of Federal Law Enforcement Agents and said that statistics prove out that the majority of people who are shot with a handgun (of ANY caliber) survive...

... but 100% of the ones “HE” shot with a 9mm are dead!

Now if you just read that the “9mm is the best caliber”, that’s NOT what he’s saying, so let me translate...

Stats show that the majority of people shot with a 9mm lived... but those that faced Monkey with a “9”, are dead.

This just illustrates the fact that the question of which caliber is best is usually the wrong question.

Your ability to put thug-stopping rounds into your attacker has a MUCH bigger impact than the caliber of ammo you’re using.

Unfortunately, most gun owners aren’t able to shoot as accurately “in combat” as they are down at the range.

Chris’ 30-10 at-home pistol training course was developed for Marine anti-terrorists... but it’s also ideal for anyone if you’re protecting yourself and loved ones with a gun.

Check it out here => <http://readthis.rightsandfreedoms.org/marine-pistol-training>

Chris isn’t your average instructor. He provides advanced weapons and tactics training to personnel from USG (US Government) agencies prior to deployment to high-threat zones.

More than that, he’s one of a relatively small group of guys who actually goes downrange and provides sustainment training to them while they’re in high threat zones.

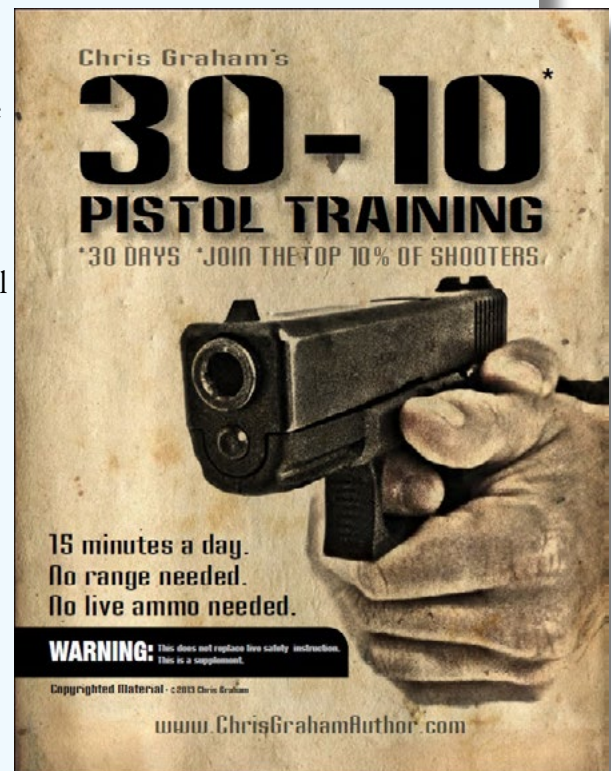
* If you’re an instructor - Chris is one of the guys who you want to be picking stuff up from to use in your own classes.

* If you’re a shooter - Chris is an instructor who is teaching based on first hand experience downrange against determined attackers. His teaching isn’t stuff that worked 5, 10, or 15 years ago...it’s stuff that he or his students have more than likely used in the last few months, weeks, or even days in real life encounters.

I want to encourage you to check out this course now by going here...

<http://readthis.rightsandfreedoms.org/marine-pistol-training>

I don’t know about you, but I’m ALWAYS looking for more and more advanced pistol training programs and Chris’ is a great find! I promise it will help you stop a threat whether it’s a 9, .38, .357, .40, .45, .22, etc. coming out the end of your barrel.



Firearm Legal Defense

Police Can and Will Charge You Even When You Haven't Broken Any Firearm Law

[Police are now laying charges](#) in situations that most hunters believe is safe storage.

Mr. Hunter took several guns with him hunting. He kept them in his pickup bed. The guns were cased, covered, but not trigger-locked and not in locked hard cases. Ammunition was carried in the bed and in an unlocked box. The pickup bed was covered with a locked cap, bolted down and an additional wire and lock held the cap door closed in addition to a lock. Mr. Hunter slept in a hotel. During the night thieves broke the cap door off at the hinges. The lock held fast and two guns were stolen.

The police arrested the thieves, impounded Mr. Hunter's truck without a warrant and seized his remaining guns and ammunition. Mr. Hunter faces criminal charges of unsafe storage of guns and ammunition and unsafe transportation for leaving his guns unattended. The police say he should have had trigger locks or locked hard cases and the ammunition should have been in a locked box.

This may sound ridiculous to you. Mr. Hunter has a good defense and should be found not guilty. The police say "let the judge decide".

Mr. Hunter's guns are seized until trial. He must hire a lawyer and travel from home to the court where the theft took place. The trial will be nine months after his truck was broken into. This is not fair but it is true. This happened in September 1998. Names are changed, the essential facts are true.

Protect yourself from this type of police harassment. If you leave your gun in your vehicle, trigger lock it, action lock it or take the bolt out and lock the bolt up. Keep your ammunition in a locked box. This is beyond what the law requires but do this to avoid becoming a test case for the police to see how far they can push the law.

Every year over 3,500 Ontario residents are convicted of unsafe storage. Many are innocent but they do not fight a wrongfully laid charge. Most charges can be fought.

Do not plead guilty. Do not surrender your rights without a fight. **Do not make statements to the police** after arrest. **Call a lawyer, get advice.** Better yet, put an extra trigger lock on your gun and a lock on your ammo box. That is a lot cheaper than a lawyer.

An ounce of prevention, a pound of cure

Worried about being charged with unsafe storage or transportation of a firearm?

Get unlimited telephone legal advice plus access to a lawyer for just \$95 a year. Click for info.

www.firearmlegaldefence.com

Enter **CRF001** to save \$10



FIREARMLLEGALDEFENCE
LEGAL EXPENSE INSURANCE FOR GUN OWNERS