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March [xx], 2021

**VIA [METHOD OF DELIVERY]**

[name]  
[title]  
[address]  
Phone:  
Email:

Dear [name],

**RE: Proponent Testimony on Senate Resolution House Resolution 194 - 134th General Assembly to add Canada to the Special Watch List for Violations of Religious Liberty**

I write in support of the above Resolution. I was the attorney for Pastor James Coates of GraceLife Church in Edmonton, Canada for approximately eight months, and I remain his friend. Pastor Coates' story is explicitly referenced in Resolution 194.

I advised and represented Pastor Coates in 2021 when he was arrested, charged criminally, handcuffed and shackled, denied bail because the presiding court failed to order his release, and jailed for 35 days, 14 of which were spent in 23 hours per day solitary confinement. All because he declined to sign an undertaking that he would, in effect, only hold church according to the prescriptions of the government instead of the prescriptions of Christianity as stated in the Bible.

I spoke several times with Pastor Coates and his wife while he was in jail. We naturally discussed the similarity of his situation to that of pastors in communist-controlled China, who are regularly jailed for extensive periods of time.

I was also one of the attorneys for GraceLife Church when it was seized and barricaded by the Alberta Government in the late winter of 2021. I advised the GraceLife leadership while they met secretly for nearly three months, always taking great care to evade detection by government officials, who were indeed attempting to hunt them down.

Further still, I was the attorney for Pastor Timothy Stephens of Fairview Baptist Church in Calgary, Canada when he was arrested twice in 2021 for, like Pastor Coates, holding normal church services. I've reviewed the videos of his arrests, taking place each time in front of his eight children. I've

listened to the cries and pleas of his children as he was handcuffed and taken away. He too spent several weeks in jail while his congregants met in open fields because the locks on their church had been changed by government officials.

In April 2022, I will be in court in Edmonton, Canada defending Pastor Tracy Fortin of Church in the Vine, charged with three counts of obstruction for not permitting entry to a public health inspector who demanded access to the church sanctuary during Sunday morning worship services.

I ask the obvious rhetorical question: does this sound like a nation where religious liberty is alive and well? What if you had not heard of Pastor Coates and I had not told you where the events above occurred? Would you have supposed it was Canada? Of course not. Canada may have a history of individual freedom and upholding the rights of religious minorities, but, at present, that history has been replaced such that Canada now looks more like authoritarian regimes around the world that oppress religious minorities.

The Canadian Constitution may guarantee “freedom of religion” in word, but those words are most often rendered meaningless by Canadian governments that arrest pastors, close churches, and persecute Christian schools, and courts that refuse to hold rights-violating governments accountable. Canadian judges do this by either absurdly ruling that no violation occurred, or finding that any violation is “justified” under section 1 of the *Canadian Charter of Rights and Freedoms*.

Those familiar with both the American and Canadian constitutions are aware that, unlike in the freest nation in the world—America—there is no absolute legal protection in Canada for fundamental rights such as religious freedom and free speech. The structural flaw that is section 1 of the *Canadian Charter of Rights and Freedoms* is now being revealed like never before as the rule of law in Canada gives way to the autocratic rule of public health bureaucrats and politicians with a penchant for tyranny, such as Prime Minister Justin Trudeau.

The current political and legal reality in Canada is that you cannot enter the legal profession if you attend a Christian law school that adheres to standards of Biblical sexuality;<sup>1</sup> you cannot host or attend a church service if public health authorities think it is a bad idea because there’s a cold with a 99.95% survival rate going around;<sup>2</sup> you cannot street preach without receiving ticket after ticket and having your property stolen by police;<sup>3</sup> you cannot peacefully protest in support of free speech near

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<sup>1</sup> *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33.

<sup>2</sup> *R v. Coates*, 2021 ABQB 179; *R. v. Coates*, 2021 ABPC 162; *Gateway Bible Baptist Church et al. v. Manitoba et al.*, 2021 MBQB 219.

<sup>3</sup> Dale Malayko, a long-time street preacher in Edmonton who was ticketed eight times over several years. All the tickets were dropped until finally a trail occurred in 2020 whereat the author was the attorney for Mr. Malayko and he was acquitted.

abortion centers without being arrested;<sup>4</sup> and you cannot openly discuss Biblical sexuality as a pastor or counselor without risking criminal charges.<sup>5</sup>

As a Canadian attorney who attempts to defend religious liberty in Canada and witnesses on a regular basis the disregard for religious liberty in both the political and legal spheres, I urge you to vote in favour of the Resolution to add Canada to the Special Watch List of countries where the government engages in violations of religious freedom. Such a step is reasonable, justified, and needed to respond to dramatic decline of religious liberty in Canada.

Respectfully Submitted,



James S. M. Kitchen, B.A.(hons), J.D.  
Barrister & Solicitor  
Liberty Coalition Canada Chief Litigator

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<sup>4</sup> 83 year-old priest Father Tony Van Hee was arrested in Ottawa in 2018 for holding a two-sided sign that read “The Primacy Of Free Speech/Cornerstone of Western Civilization and “Without Free Speech/The State Is A Corpse”. He was inside of a so-called “Bubble Zone” around an abortion clinic, which often extend for scores or hundreds or yards from the abortion clinic property.

<sup>5</sup> Bill C-4: *An Act to amend the Criminal Code (conversion therapy)*, which came into force on January 8, 2022.