Kari D. Simpson
PO Box 12014
Murrayville Square
Langley, BC V3A 9J5
Email: driveforjustice@gmail.com
Tel: 604.514.1614/Fax: 604.514.1669

Canadian Judicial Council
Ottawa, Ontario
K1A 0W8

Attention: **Chief Justice Beverley McLachlin**
Chair, Canadian Judicial Council

Via Courier, signature required

September 16, 2013

Re: ***Canadian Judicial Council*, Justice Mary Marvyn Koenigsberg**

Dear Madam Chairperson,

I write to you again in your capacity as Chairman of the Canadian Judicial Council, as prescribed by statute and the lawful obligations contained therein.

I have previously written to the CJC on August 24, 2012. That correspondence was sent to the published email address of the CJC and also sent via the CJC's published facsimile number. A copy of this correspondence is found at Tab 1.

I received no response from the CJC; so I wrote to you directly, in your capacity as Chair of the CJC, on October 6, 2012. That correspondence was sent by courier, and required a signature of receipt. A signature establishing delivery was confirmed on October 12th, 2013. To date you have not answered my simple questions about a judge, namely Justice Mary Marvyn Koenigsberg, who engaged in judicially scandalous activities that cannot be considered "good behaviour". However, it appears that you and/or your staff have chosen to engage in a game of hide and frustrate, employing the services of your SCC Executive Legal Council and the Executive Director of the CJC in an attempt to circle your increasingly rickety wagons. This is by no means acceptable conduct for the Chair of the CJC, whose mandate is judicial accountability, transparency—and, most importantly—to instil and uphold the public's trust and confidence in Canada's judiciary.

For your information, and to convenience the record of these events, I have included a copy of the October 6, 2012 correspondence I sent to you; it is found at Tab 2, and confirmation of your receipt of the October 6, 2012 correspondence is at Tab 3. At Tabs 1, 4, 5, 6, and 7 you will find the documents that were enclosed with the October 6, 2012 correspondence, including:

Tab 1 — August 24, 2012 correspondence to the CJC
Tab 4 — Correspondence to the Prime Minister, dated July 6, 2012
Tab 5 — A Summary Brief of *Simpson v Mair et al* & *WIC Radio v Simpson*
Tab 6 — Correspondence to Hon. Rob Nicholson, Minister of Justice, dated Oct 6, 2012
Tab 7 — Correspondence to the late (then B.C. Chief Justice) Donald Brenner Feb. 20, 2009 (a correspondence to which he refused to respond).

Having had no response from you or anyone else associated with the CJC, I sent another letter on October 26, 2012—this time to the attention of CJC Executive Director Norman Sabourin. This correspondence proffered a solution to the serious dilemma you face, as Chair of the CJC, in dealing with my pending complaint.

Now, I appreciate that the last thing you want is a full investigation into these matters; but as you know, I have a right to make a complaint, and to have the merits of such a complaint considered by a fair and unbiased arbiter. You also know that this is impossible, since the legal scheme and administrative structure of the CJC either failed to contemplate the possibility of your culpability as a judge in matters that may present themselves before the CJC, or they were deliberately designed to thwart such action being taken against you.

A copy of my October 26, 2012 letter is found at Tab 8. It was sent by email and facsimile to the contact information published on the CJC website, and to Mr. Sabourin's personal JUDICOM email address.

Madam Chair, please do not attempt to frustrate this process any longer. You are the only one who can answer my questions, as they now pertain directly to your knowledge—as Chair of the CJC—about events involving Justice Mary Marvyn Koenigsberg, her spouse, their fraudulent conveyance of property, and other scandalous matters that are part of the Supreme Court of BC's record, beginning in 2005 and continuing until 2008—a record details of which are found at Tab 9.

It may prompt your recollection, if need be, to be advised that this scandal made front page news in British Columbia. It may also help your recollection to be informed that your fellow CJC Board member (now deceased), Donald Brenner, former Chief Justice of the BC Supreme Court, assigned himself to preside over

the matter involving Koenigsberg J. (one of his own judges)—another disturbing fact in this sordid scandal.

CJ Brenner was certainly aware of all the details, including Koenigsberg's financial support of her spouse while he engaged in his "non-remunerative" activities, which included defamation of a prominent Jewish businessman; promotion of hate and vilification; and fraudulent conveyance—activities that, most would agree, demanded her removal from the bench; yet there she still sits. I am including for your information, at Tab 10, a copy of the 1996 news article about this scandal that occupied the entire front page of the Vancouver *Province* newspaper. It was also reported elsewhere, including Canada.com.

I am also providing you with this excerpt of a letter written to David Radler, then head of Hollinger Inc, by Justice Koenigsberg's spouse, Lubomyr Prytulak. As you well know, I believe in the right of individuals to freely express their opinions (provided such public opinion is not defamatory); but what is not acceptable is to fix a trial by assigning a judge, who finances her spouse so he can indulge in expressing such opined contempt, in a matter over which she is therefore not qualified to preside. I believe this is worth your reading. I should also remind you that I have a considerable portfolio on Mr. Prytulak; this text is only one of too many examples as to why Justice Koenigsberg should not preside over defamation cases involving influential Judeo-Christians who support Israel… among other criteria. Justice Koenigsberg's spouse states:

> ….Had the American press been free of Jewish control, then Americans would have known of Israeli crimes and would have stopped them, and thus America today would enjoy good relations with the world's one billion Muslims instead of being execrated by them, and the World Trade Center would still be standing.
>
> However, under Jewish control of the press, Jewish crimes were hidden or whitewashed — with the result that Jews found themselves enjoying impunity to commit whatever atrocities seemed expedient, and with the further result that the victims' injuries accumulated, and their righteous indignation at Jewish injustice deepened and broadened, and in the absence of any recourse exploded in retaliation.
>
> Were a man of integrity and foresight running Hollinger International, a man who did not put the world's biggest newspaper company at the service of the criminal enterprise which is Israel, a man with the wisdom to encourage Jews to return some of the real estate that they claim their Talmud has bidden them steal and to encourage Jews to cleanse themselves of the sadism to which they have become addicted, then the attack upon the United States of 11-Sep-2001 would never have taken place. Thus it is that you are among those who rank high in responsibility for bringing the rain of destruction of 11-Sep-2001 upon the United States. You are among those who are today pushing the United States, and the whole world, to the brink of destruction. It will be a

> safer world when the power that has been placed in your hands is removed, and you are put to work that falls within your capacity.
>
> Lubomyr Prytulak

With regard to the legal problems involving Justice Koenigsberg's spouse (as detailed in the Court record of the BCSC found at Tab 9), I now ask you directly: ***What knowledge do you have, and when did you obtain such knowledge, of the aforementioned matters involving Justice Mary Marvyn Koenigsberg?***

There is another matter I would like to have clarified. According to the Office of Commissioner for Federal Judicial Affairs Canada, CJC Executive Director Norman Sabourin is accountable to you. This is clearly stated in the ***Reports on Plans and Priorities*** going back as far as 2007. I have bolded the troublesome words. The 2012-2013 report states:

> The Canadian Judicial Council is made up of the Chief Justices, Senior Judges and Associate Chief Justices of Canada. The Council acts independently in the pursuit of its mandate to promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in all superior courts in Canada. **The Council is served by a small office which reports to the Commissioner for Federal Judicial Affairs *but is accountable to the Chief Justice of Canada* in serving the needs of the Council.** FJA provides administrative and financial support and advice to the Council in support of its mandate.

My question Madam Chair: ***What if someone has a complaint against you?*** As an example, let's say you, in your capacity as Chief Justice of the Supreme Court of Canada, engaged in unlawful conduct while presiding over a case—conduct that exceeded your authority as a judge by violating the right of a party to know the legal test she had to meet and acted with flagrant disregard for the facts, among other wrongdoings. Specifically, what if you and your cohorts changed the game—that is, you modified the legal test by assigning new criteria to the determining factors pertinent to the "honest belief" defence, in defamation cases? In the case I will cite, the high court was blatant in its advertisement of this fact. Justice Binnie, writing on your behalf (as well as on behalf of the High Court), stated:

> It is therefore appropriate to modify the "honest belief" element of the fair comment defence so that the test, as modified, consists of the following elements…

Now we are both very familiar with this case, and as I stated in my application for a *Re-hearing*, I believe in some matters the High Court can modify the legal test but what it *cannot* do is apply the new rule/test to the case at bar; and it *cannot*

stomp on the right of a party to know the legal test they had to meet, by making a finding based on a test nobody knew about.

'Absurd' and 'unlawful' are the most common words uttered by lawyers when discussing this case—followed by "what bullshit." You know that the lawful course—the course you *did* have authority to travel upon—was to send the matter back to the trial judge, ***to be heard under the new test***.

But you didn't do that.

Of course, at this point your troubles aren't limited to this unlawful transgression; you made matters worse for yourself: you made "findings of fact" that weren't in evidence; you lied about me; and then you deliberately vilified me. This has resulted in a proliferation of lies and mischaracterizations about me and my work—lies that continue to irreparably harm my reputation—including false references about me in books, a judge who refers to me as being homophobic, future lawyers being misinformed (as they are required to study the case); and a recent incident when I met a high profile civil rights lawyer who referred to me as "a person who would condone violence against gays." There are numerous other examples, but you appreciate the seriousness of your transgressions, one that must be, and will be, remedied. Needless to say, the harm you have inflicted by your unlawful conducts merits a full investigation.

Most troubling, though, is that you knowingly upheld a decision by a judge whom you knew was not qualified to preside over the case—a judge who had engaged in activities that demanded, at least, contemplation of her removal from the bench. What is it? Is Madam Justice Koenigsberg a friend of yours? Do you share a mutual distain for Judeo Christians? Why the special protection? Or are you just reluctant to admit that another female judge screwed up? As you well know, her conduct demands a full public investigation by the CJC.

As Chair of the CJC, you are well informed of the guidelines, found in the CJC publication *Ethical Principles for Judges*, and the breach of these principles by Koenigsberg J.

My question, Madam Chair: ***How would such a citizen, knowing that Mr. Sabourin is accountable to you, have any confidence that Mr. Sabourin wouldn't be biased in his decision-making concerning the process of determining whether or not the complaint about you had merit?***

In keeping with the growing public criticisms about judges covering up for each other—and other well-founded complaints that are growing about problems the public has with unaccountable judges—it seems we might already have the answer to that question.

Ironically, it seems your underling, Mr. Sabourin himself, provides us with the answer, in a very extreme and disturbing form of obvious bias—perhaps "hysterical bias" would best describe the desperately incriminating conduct of your Executive Director. I refer to Mr. Sabourin's letter of November 26, 2012 (Tab 11). Mr. Sabourin appears to have written to me, in part, at the behest of your executive legal council and in response to my October 26th, 2012 (Tab 8) correspondence to him. Here is where the troubling aspects of your conflicting roles as both Chair of the CJC—Mr. Sabourin's boss—and Chief Justice run into trouble.

Mr. Sabourin's gatekeeper loyalty might possibly be admirable in other circumstances; he attempted to deflect your refusal to answer my questions, found in my October 6, 2012 correspondence to you, by suggesting that such matters could present themselves before the Supreme Court of Canada. I agree. And I suspect that the matters involving Koenigsberg J., and your knowledge about those matters as Chair of the CJC, will form a legal record—a very public record; but I highly doubt that you would preside over such a case in any judicial capacity. I suspect the role you would play in such a circumstance will be a new one for you.

Mr. Sabourin references three correspondences to which he is responding: My correspondence dated October 6, 2012 to you; the August 24, 2012 correspondence to the CJC that was enclosed therein; and lastly, my correspondence of October 26, 2012 to Mr. Sabourin himself. Rather than answer my questions directly, he instead engages in a most amusing form of retort.

Mr. Sabourin rambles on about matters ***unrelated*** to my request; engages in weasel-word-play, instead of simply answering my questions—which makes you and the CJC look even guiltier in covering up this scandal; and then, disconcertingly, he makes this assertion:

> I also note that some of your accompanying materials contain broad statements of "judicial corruption" and "unlawful conduct by judges." For example, you say that "Clearly Justice Koenigsberg, Chief Justice Beverley McLachlin…. are liars and judicial cheats…" These grave allegations appear to me to have no foundation whatsoever.

Now, we both know that my assertions are true; otherwise you would have sued me by now. Judges are not above the law, and maintain no right of protection to lie about a person, to fabricate evidence, or to deny (cheat) the right of a party to a fair and just hearing. Conduct such as this is to be investigated by the CJC.

The troubling part is that Mr. Sabourin makes a conclusion that is clearly biased, and seemingly wilfully ignores the facts. But Mr. Sabourin doesn't stop there. Mr.

Sabourin states unequivocally that the power to propel a complaint from the public through the CJC process belongs to him and him alone—the man "accountable" to you. He states:

> One of my key duties under the Complaints Procedures of Council is to decide whether or not to open a file when a complaint or allegation against a federally appointed judge is received at the Council Office.

How can Mr. Sabourin be considered impartial in determining the merits of a complaint against you in your capacity as Chief Justice, when he is accountable to you as Chair of the CJC? He can't be, and his conduct in this matter proves it. Mr. Sabourin then goes on to make this bizarre assertion:

> Having considered all available information, I come to the view that your correspondence constitutes an obvious abuse of the complaint process and therefore falls within the scope of that provision. Accordingly, I will not be opening a complaint file.

I must admit that I laughed when I read this bit of hissy-fit bravado. Here's the problem: Firstly, as you know, my correspondence to Mr. Sabourin was *not* a complaint. Secondly, if it had been a complaint, a complaint that involved you, he could not be involved in any capacity in determining the merits of such a complaint, due to the administrative structure of the CJC as clearly defined by Commissioner William Brooks, the Commissioner of Federal Judicial Affairs Canada. Commissioner Brooks clearly states that Mr. Sabourin is accountable to you—unless, of course, everyone ignores legal precedent, believes that bias or the appearance of bias is a matter of frivolous triviality, and smashes their ethical/moral compass—if they have one.

It might interest you to know that I ***did*** attempt to resolve these serious matters in a more judicially respectable fashion—one that would have saved you a considerable amount of embarrassment. I invited Rafe Mair and his legal council, Dan Burnett, to jointly petition the court to void the trial, citing the insurmountable problems that result from the Koenigsberg scandal and the absence of her qualification to preside over a matter involving religious hatred, vilification and defamation—not to mention her engagement in the fraudulent conveyance of her asset.

Prudence would have valued the opportunity I offered; but instead, Mr. Burnett foolishly wrote back, retorting "old news!" in reference to the Koenigsberg scandal—thus implicating him, by demonstrating his willingness to advertise the fact that he had knowledge of her antics of bad behaviour, and is willing to breach his own oath.

It seems that the blinding effect of corrupted arrogance does, in fact, illuminate the fool.

It might also interest you to know that I offered a $10,000.00 reward, during a web-cast episode of the *Drive For Justice* series, for anyone with evidence that could support the lie you told about my supposed involvement in the Surrey Book Case. No one has attempted to collect that reward—not even Rafe Mair or Dan Burnett.

It appears that the lie Dan Burnett told the high court, during his opening salvo, fell upon wilfully gullible ears—ears that *wanted* to assume facts that were not in evidence. To make matters worse for you, the evidence actually proved otherwise. But you were also made aware of this in my application for a *Re-hearing*; so you already know this, but have chosen instead to shamefully allow your lies to stand. You might want to take a few minutes and watch that episode of *Drive for Justice*, if you haven't already done so. Here is the link for your convenience: http://roadkillradio.com/2012/12/17/drive-for-justice-26-our-ermine-clad-masters-decide/

As you can appreciate, since launching my very public campaign, I have been inundated with information about *other* cases of alleged judicial misconduct. As I stated in my correspondence to Mr. Sabourin, there appears to be a mammoth squatting upon the bench. The funny thing is that the longer is sits, the more trouble is found.

You should also be aware that I wrote to Ms. Barbara Kincaid, senior legal counsel to the Supreme Court, as I understand she is responsible for the publication of the high court's decisions—or in my case, a defamatory publication manufactured to incite hatred and contempt against me. I am beginning to wonder why we pay her and the 22 or so lawyers who work for her. Do they, like Mr. Sabourin, fear to speak the truth to you? Or do you simply use them as legal shields? Certainly there is a moral obligation for someone within your court to do their due diligence, and to review the materials before the court. You have publicly set a threshold for reporters to attain a standard of responsible journalism; at a minimum, one would think this standard should be employed by the High Court, too. Perhaps you just allow your yearly crops of law clerks to form your decisions—the clerks manufactured by university law faculties that publicly reject Christian values and beliefs, and have been deprived of the ability to hone any skill akin to critical thinking. A copy of my letter to Ms. Kincaid is found at Tab 12.

It has also been brought to my attention that certain judges of the high court manufactured evidence and lied about Mr. Bill Whatcott in their decision—a disturbing pattern, when one considers the impact of decisions of the high court in matters relating to the rights of Christians, and what disturbingly appears to be systematic judicial bias against Christians.

Christian-bashing seems to be a tolerated activity within the purview of the High Court; lying, cheating and destroying honourable reputations are acceptable practices—even though contrary to the law. This concern has been heightened in recent months, as palpable contempt and intolerance for Christian beliefs and values has been publicly displayed by the Canadian Bar Association, the Law Deans, and law students' organizations. I refer of course to the outright attacks by these organizations, targeting a Christian University—attacks that have been exceedingly troublesome. I think I speak on behalf of most civil-minded Canadians—from all faith groups—when I say, "Enough is enough!" I am reminded of the words found in a paper prepared by Daniel C. Préfontaine, Q.C. and Joanne Lee for the World Conference of Human Rights, held in December, 1998 in Montreal. I quote:

> Once citizens lose confidence in the fairness of the legal and political system, they may turn to other means to assert their basic rights, and inevitably this results in violence and loss of human life.

This same paper also quoted the legal wisdom, now so uncommon, that your predecessor, CJ Lamar, displayed in the matters relating to judicial independence, and the true impetus for our willingness as Canadians to embrace, protect and defend this foundationally crucial element within our judicial system. CJ Lamar, in writing the decision in the ***Reference re Remuneration of Judges of the Provincial Court (P.E.I.), [1997] 3 S.C.R. 3***, stated these instructive words concerning the guarantee of financial security for judges, and why the interest of the judiciary is ***secondary*** to that of serving the greater societal interest. CJ Lamar defined those societal interest goals as being two-fold: one being the maintenance of public confidence in the impartiality of the judiciary; and the second being the maintenance of the rule of law—two goals you have failed to achieve. CJ Lamar at paragraphs 9 & 10 states:

> Although these cases implicate the constitutional protection afforded to the financial security of provincial court judges, the purpose of the constitutional guarantee of financial security—found in s. 11(d) of the *Charter*, and also in the preamble to and s. 100 of the *Constitution Act, 1867*—is not to benefit the members of the courts which come within the scope of those provisions. The benefit that the members of those courts derive is purely secondary. Financial security must be understood as merely an aspect of judicial independence, which in turn is not an end in itself. Judicial independence is valued because it serves important societal goals—it is a means to secure those goals.

> One of these goals is the maintenance of public confidence in the impartiality of the judiciary, which is essential to the effectiveness of the court system. Independence contributes to the perception that justice will be done in individual cases. Another social goal served by judicial independence is the maintenance of the rule of law, one aspect of which is the constitutional principle that the exercise of all public power must find its ultimate source in a legal rule. It is with these broader objectives in mind that these reasons, and the disposition of these appeals, must be understood.

I wonder, Madam Chair: how is the goal of maintaining public confidence in the impartiality of the judiciary realized, when a judge who finances the activities of her spouse—activities that include defamation, hate, and vilification of a prominent Jewish businessman—is assigned by the BCSC Chief Justice to preside over a case that involves a media friend of his, a friend that happens to be a very influential member of the media, and a lawyer to boot, who has engaged in activities that include defamation, hate, and vilification of a prominent Judeo-Christian? I suggest that it is not served, it is mocked.

How is the societal goal of judicial independence served in maintaining the rule of law when this same judge engages in the fraudulent conveyance of a personal asset in order to thwart a legal claim on said asset? How is the societal goal of judicial independence served in maintaining the rule of law when this same judge manufactures evidence in her decision? It is not served; it is scorned—isn't it?

How is the societal goal of judicial independence served in maintaining the rule of law when the justices of the high court flagrantly disregard the rule of law by denying a party before them the right to know the legal test she has to meet? It is not served, it becomes a joke—doesn't it?

How is the societal goal of judicial independence served—that is, the perception that justice will be done in individual cases—when the Chief Justice of Canada's High Court knowingly upholds the decision of a judge whom she knows full well had no business presiding over the trial? It is not served; and the weight of your wrong-doing has undermined the very foundation upon which our judicial system once stood.

Please attend to the following:

1. With the above considerations in mind, please instruct me on how I might have my complaint, and others, reviewed by the CJC without the institutionally biased eyes of Norman Sabourin making "determinations of merit"?

2. Please also respond to my simple questions regarding your knowledge, as Chair of the CJC, about the events involving Koenigsberg J. I appreciate that it is a simple question with serious repercussions; but you need to answer them.

3. And also please instruct Mr. Sabourin—who reports to you—to respond to my letter of December 20, 2013, a copy is found at Tab 13— a must read. At Tab 14 you will find confirmation that my December 20, 2013 correspondence was received by the CJC.

4. I have one last question that needs to be answered. On page 11 of the CJC's 2012 – 2013 *Annual Report*, specific attention is drawn to the number of complaints received by the CJC. The section's title reads: "Abuse of process." The report states:

> There has been an increase in the number of files deemed by the Executive Director to be an abuse of the complaints process or "clearly irrational," pursuant to the Complaints Procedures. In this reporting period (to 21 March 2013), 34 such letters were sent as compared to 28 in 2011-12, 8 in 2010-11 and 9 in 2009-10.

My last question, Madam Chair: Were any of my letters to you and/or to Norman Sabourin included in the "34 such letters" referenced in the report, deemed either an "abuse of the complaint process" or "clearly irrational"? If so, please identify the letter, and whether or not—and if so, how—it was abusive or irrational? If not categorized there, ***where are my letters accounted for within the report?***

I am sure you understand that this is a very serious matter that cannot be ignored, nor a matter that will go away any time soon.

On a more positive note: during my last meeting with my advisors, it was suggested that you should consider the actions of Richard Nixon. Canadians are fed up with those who occupy once-honourable positions tainting and mocking those institutions with conduct that is not only unbecoming, but worthy of criminal investigations. If certain senators truly valued the stations they were assigned, they would resign. ACJ Lori Douglas is another example—the CJC proceedings in that matter make a joke of the judiciary, and mock the sensibilities of Canadians.

You will recall President Nixon's resignation. I was a young girl that day—a day when my mother summoned me from the yard to watch on TV what was certain to be an historic event—but an event that left the integrity of the office of the United States Presidency intact, and the responsibility of wrongdoing squarely on the shoulders on the man accountable. There is no greater example of taking responsibility for one's actions, and making the nation's interest the highest

consideration. Nixon, because he acted honourably in resigning, later gained a significant measure of respect.

You know that judicially, this matter is not going to end well for you, Madam Chair. You are complicit, for not only did you allow a judge to continue to sit who had no business being on the bench; but you upheld her decisions, knowing full well that she is unqualified. By continuing in this charade of justice, you only succeed in justifying contemptuous cynicism for your office and for the administration of justice as a whole. The question that now begs an answer is whether or not you place the interest of this nation and of our judicial system—especially those who honourably and justly administer justice—above your own self-serving interests.

To knowingly pervert the course of justice is to pave a sordid path where ultimately, conspiring fools will stumble, and the unjust will fall. Truth always prevails eventually—something worth thinking about, Madam Chair.

I require your answers, as Chair of the CJC, within 14 days of receipt of this correspondence.

Sincerely,

Original signed by
Kari D. Simpson

Copied and/or distributed generally to:

- The Rt. Hon. Stephen Harper, Prime Minister of Canada, via courier with a signature requirement upon delivery.
- The Honourable Peter MacKay, Minister of Justice and Attorney General of Canada, via courier with a signature requirement upon delivery.
- Dr. Andrew Bennett, Ambassador for Religious Freedom
- William Brooks, Commissioner for Federal Judicial Affairs, via courier with signature requirement upon delivery.
- Canadian Judicial Council members, additional package included with this correspondence and sent via courier with signature requirement upon delivery for distribution to Council members.
- Canadians, public interest groups and associations
- National and international Judicial and other legal associations and their members
- Elected representatives, Members of the Senate
- Various Media Outlets