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FATCA FACT FINDING FORUM

15 December 2012

Toronto, Canada

Part 1 of 9

**Honourable Sinclair Stevens
Opening Remarks**

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HON. SINCLAIR STEVENS: Ladies and gentlemen, I thank you for turning out. We realise this is a very busy period, the Christmas period, a weekend, and that type of thing. But the issue that we're going to be discussing today, I think will warrant the time that you're spending with us.

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It is a very serious matter when a foreign country – in this case, United States – tries to usurp certain powers over other countries and the citizens or the people, permanent residents of those countries. That is what's before us. Now, the detail I'll leave to others to get into.

15 But I felt it might be of interest to you to give you a little background on what we call the Progressive Canadian Party.

Nine years ago this month, you perhaps recall there was a merger, so-called, of the Progressive Conservatives with the then Alliance Party. That's still under litigation. The
20 courts don't move too quickly. But we do believe it was a rigged merger and we in the Progressive Canadian Party in that December – the vote was December 6th, 2003 – and you may recall that we were fully confident that we could have a court challenge with regard to the merger sometime during December. You can imagine when I turned on the news that Sunday morning, December 7th, and learned that Elections Canada had accepted the decision
25 that had been arrived at, they said, the day before. Obviously they did it in view of the request from Peter MacKay and Stephen Harper to get on with the merger as soon as possible. Incidentally they broke the law. The Chief Electoral Officer was supposed to wait
30 30 days when a merger was contemplated before he would arrive at the decision as to whether it was a go or no go.

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But in any event, that December 7th, there was what was called a merger, and the Progressive Conservatives who were not happy with the whole process – it was virtually rigged, the vote

that was held, intended to go to court. But when we were faced with the reality of this merger being acknowledged, we decided then to take what – and our lawyer advised us what we could do – take what was remaining in the old Progressive Conservative Party and re-incorporate, if you like, the Progressive Conservative Party to carry on.

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What we found, though, is the Chief Electoral Officer wouldn't agree to that. He said we've already got a Conservative Party, we can't have you renaming yourselves as the Progressive Conservatives. And as a result, the group that was behind that – Al Gullon was one of the leaders at the time – decided to use the name Canadian, Progressive Canadian Party, with the initials PC, which the Chief Electoral Officer accepted at that time.

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So if you today will keep that in the back of your mind, we in the Progressive Canadian Party feel that we're the successors to the party that was established by Sir John A. Macdonald back at the time of Confederation. And in fact, he was the one that introduced in a letter to a gentleman called Strachan (ph.) in Toronto, introduced the concept of Progressive. He suggested they had to be a Progressive Conservative Party, and that is where the name Progressive comes from. We use the name Progressive Canadian in the sense that, I think, it's very appropriate today. Canada needs representation at the national level.

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And what you are considering today – and I'm looking forward to some of the experts that are here to discuss it – is the fact that a foreign nation is attempting to levy taxes against people who are still technically citizens of the United States – and there are over a million of them in Canada – and we say that's just wrong. It's just inherently wrong not to acknowledge the sovereignty in this case of Canada.

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And to that extent there will be three headings that you will be told about today. But the heading that I'm most interested in is the *Canadian Charter of Rights and Freedoms*. I was in Parliament when that was passed in 1982. I remember the debate. I remember the

significance that was felt, not only in Parliament but throughout the country, that we were getting our own Charter, a Charter that would identify what is uniquely the Canadian rights and freedoms.

5 Now, the reason it's relevant to today, as I've indicated what we're living with is this threat from the United States, who wish to become extra-territorial in the sense of tax collection. I think it's interesting to bear in mind some of the wording of the *Charter of Rights and Freedoms*.

10 In order that there is no doubt that a permanent resident of Canada has a say and it must be protected, I would refer you to s. 6 of the text of the *Canadian Charter of Rights and Freedoms*. It says, "Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right" and that section deals with certain things.

15 But the most significant section of the *Charter* is s. 15(1), and put yourself in the context when I say "individual," put yourself in the context of a US citizen, according to the Americans, being referred to. That section says:

20 "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and in particular without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

That catches the so-called US citizen. Certainly if he's been here longer than six months, 25 he's a permanent resident. And this *Charter* – and coming out of today, if you agree, we will be making a representation first to Finance in Ottawa, who have requested comments on this subject. We will be making a representation among other things pointing to the need to obey the *Charter of Rights* that is thirty years old in Canada.

I thank you for coming. I hope to hear your input as we go ahead. But by all means, you are doing a great service for Canada and the citizens and permanent residents of Canada.

5 Thank you very much.

THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT
OF THE PROCEEDINGS OF THE FATCA FACT FINDING FORUM
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Mary M. Walls
The Isaac Brock Society
24 December 2012

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