

The Isaac Brock Society

Liberty and justice for all United States persons abroad

IsaacBrockSociety.ca

Maple Sandbox

A gathering place for people fighting FATCA,
FBAR and US citizenship-based taxation

MapleSandbox.ca

OPEN LETTER TO CANADIAN FINANCE MINISTER JIM FLAHERTY

November 25, 2013

The Honourable James Flaherty, P.C. M.P.
Minister of Finance
House of Commons,
Ottawa, Ontario
K1A 0A6

RE: FATCA: Canadian Rights vs. Foreign Demands

Dear Minister

We write to you today asking a simple question: *Do all Canadians have the same rights under Canada's laws and our Charter of Rights and Freedoms?*

Your government is quietly negotiating a new tax information sharing agreement with the United States that we fear will remove those rights from Canadians whom the U.S. wants to claim as their own. We would like your assurance that no such removal is being contemplated.

There are at least a million people in this group, with another two or three million family members who will be affected by any agreement with the U.S. that compromises their rights.

We are law-abiding, responsible, tax-paying Canadian citizens and residents, many of us here for decades or our entire lives. We live from Atlantic to Pacific to Arctic. We have studied, worked, retired, earned an income, owned homes, raised Canadian-born families, volunteered, voted, participated in our communities, donated to Canadian charities, saved, invested, planned for our children's education, their and our own disabilities and our retirement and diligently paid our federal, provincial and municipal taxes.

But now we are suffering as a foreign government tries to financially terrorize us. There have been many sleepless nights. Marriages have been strained. Health and careers have been affected. Some have even contemplated suicide.

Our Canadian citizenship certificates describe us as: "... entitled to all of the rights and privileges and bears all the responsibilities, obligations and duties of a Canadian citizen." We have met our

obligations, and we now respectfully ask you, and the government of Canada, to meet your obligations to us.

As you are fully aware, the U.S. Foreign Account Tax Compliance Act (FATCA) demands Canadian banks, credit unions and other financial institutions provide information to U.S. Internal Revenue Service – either directly or through the Canadian government – on our accounts with them.

This is a nightmare for us, and it should be for your government. Those accounts are often held with Canadian-born spouses and children. Those assets were earned, saved, invested and taxed entirely in Canada. Income was reported to Canada Revenue Agency and taxes paid. If we refuse to provide consent for transmission of our information to a foreign government, FATCA expects our banks to declare us “recalcitrant” and close our accounts.

FATCA violates Canadian banking, privacy and human rights laws and Canadian Charter of Rights and Freedoms. Yet, under foreign threats, Canadian banks and financial institutions may violate those rights – possibly with help from your government through the imposition of an Intergovernmental Agreement (IGA).

Mr. Flaherty, you yourself wrote “Canada is not a tax haven. People do not flock to Canada to avoid paying taxes.” You called FATCA “unwarranted” and “extraterritorial.” You insisted FATCA would “turn Canadian banks into extensions of the IRS and would raise significant privacy concerns for Canadians.”

Nevertheless, your officials are negotiating in secret with American officials for a “solution both countries will find agreeable.” There should be no negotiating fundamental Canadian rights. It should be clear. Canadian laws and the Charter protect all Canadian citizens and residents. Anything less makes us second class Canadians and surrenders Canada’s sovereignty to a foreign power.

So, again, the question is simple. Do Canadian citizens and residents born in United States or with some bizarre past U.S. connection have the same rights as all other Canadians?

We implore you to answer now. This nightmare has dragged on too long.

This letter is the collaborative effort of Canadians across Canada - most are active participants in the Isaac Brock Society and Maple Sandbox blogs. Many do not want their names revealed now because of an impending betrayal of their financial privacy rights by their government and by their banks. They fear the unprincipled predatory financial attack by the U.S. helped by that Canadian betrayal.

Lynne Swanson, lswanson@execulink.com

Administrator, Maple Sandbox

Peter W. Dunn, petros@isaacbrocksociety.ca

Administrator, Isaac Brock Society