



NO JUSTICE FOR
ITALO-CANADIANS

I, JOSEPH CONFORTI, CAN
PRODUCE DOCUMENTED
EVIDENCE TO PROVE THAT
I WAS FRAMED IN THE
ONTARIO SUPREME COURT
CASE DECIDED BY THE CHIEF
JUSTICE AND COVERED UP
BY ATTORNEY GENERAL'S
DEPARTMENT.

30 John Best Ave.,
Weston, Ontario, M9N 1C5,
Sept. 24, 1987.

The Honourable Chief Justice G. Hickman,
of The Newfoundland Supreme Court.

Dear Sir;

I wish to congratulate you and your fellow jurist on your inquiry into the justice system, that is long overdue. I am sure your findings will be of historical value. I would point out in a democracy only a Judge can punish an innocent person and only a Judge can save an innocent party.

In my case a dishonest Judge conducted an illegal trial and misled the jury, taking advantage of the fact, I was not represented by counsel. I accused him in writing, of having framed me, if I was wrong, why was I not charged with contempt of Court. I have court documents to verify these statements. I hope your endeavour to bring justice back into the Court is successful.

Yours truly,
Joseph S. Conforte

Copies of the attached two letters were delivered in person to the offices of the Premier of Ontario, the Hon. David Peterson and the Attorney General of Ontario, the Hon. Ian Scott on Monday April 28, 1986.

On this same date, copies of the attached two letters were also handed out to the public in front of the offices of the Attorney General's Department.

The enclosed pictures are a sampling of many that were taken at the Parliament Buildings at Queen's Park on Wednesday, May 7, 1986 between 12:10 - 12:30 p.m.

Played out over a loudspeaker at the same time pictures were being taken was a taped recording of the attached letter which begins "I, Joseph Conforti...".

A QUESTION FOR THE CHIEF JUSTICE OF ONTARIO,
THE HON. WILLIAM G.C. HOWLAND.

What did I do to deserve the arrest of my wife with our nine months old baby in her arms, the illegal and forceful entry of my home, the assault of my four children ages 7, 10, 12 and 13, my illegal Voir Dire kangaroo trial and my imprisonment to cover up this dastardly deed.

What did I do?

A handwritten signature in cursive script that reads "Joseph S. Conforti". The signature is written in dark ink and is positioned above the printed name.

Joseph S. Conforti

IS CANADA A FASCIST COUNTRY?

I, Joseph Conforti, 71 years of age and born in Toronto have Court documents to prove I was deliberately framed and sent to prison by Judges in the Supreme Court of Ontario for no apparent reason, other than my ethnic background; in violation of my civil rights, contrary to the Bill of Rights and Criminal Code and in violation of the Constitution and Judicature Act. I, Joseph Conforti defy any Judge or Judges in the Supreme Court of Ontario and the Attorney General of Ontario to disprove this statement in an open court of law.


Joseph Conforti

MAGNA CARTA - CHAPTER 4.

TO NO ONE WILL WE SELL, TO NO ONE WILL WE
REFUSE OR DELAY, RIGHT OR JUSTICE.

CHIEF JUSTICE OF ONTARIO
THE HON. W.G.C. HOWLAND

"IF RULE OF LAW ISN'T MAINTAINED IN A
COUNTRY, ALL ELSE IS NOT TOO IMPORTANT."
--TORONTO STAR FEB. 10, 1982

CODE OF JUDICIAL CONDUCT
CANON 4

A JUDGE MAY ENGAGE IN ACTIVITIES TO
IMPROVE THE LAW, THE LEGAL SYSTEM,
AND THE ADMINISTRATION OF JUSTICE.

ATTORNEY GENERAL OF ONTARIO
THE HON. IAN SCOTT

ONE OF HIS JOBS AS ATTORNEY GENERAL OF
ONTARIO IS "TO PROTECT OUR COURTS FROM
CONTEMPTUOUS BEHAVIOUR OR WORDS."
--TORONTO STAR FEB. 15, 1986

EXCERPTS FROM A WRITTEN DECISION
HANDED DOWN BY THE SUPREME COURT
OF CANADA

...WITH US EVERY OFFICIAL, FROM THE PRIME
MINISTER DOWN TO A CONSTABLE OR A
COLLECTOR OF TAXES, IS UNDER THE SAME
RESPONSIBILITY FOR EVERY ACT DONE WITHOUT
LEGAL JUSTIFICATION AS ANY OTHER CITIZEN.
--PG 25

IT IS THE SETTLED LAW OF THIS COUNTRY,
APPLICABLE AS MUCH TO IRELAND AS TO
ENGLAND, THAT IF A WRONGFUL ACT HAS BEEN
COMMITTED AGAINST THE PERSON OR THE
PROPERTY OF ANY PERSON THE WRONGDOER
CANNOT SET UP AS A DEFENCE THAT THE ACT
WAS DONE BY THE COMMAND OF THE CROWN.
THE CROWN CAN DO NO WRONG, AND THE
SOVEREIGN CANNOT BE SUED IN TORT, BUT
THE PERSON WHO DID THE ACT IS LIABLE IN
DAMAGES, AS ANY PRIVATE PERSON WOULD BE.
--PG 25

JOHN F. KENNEDY

"ALL IT TAKES FOR EVIL TO EXIST IS THAT
GOOD MEN DO NOTHING."

Italian American Civil Rights League

1460 Pennsylvania Avenue

Brooklyn, N. Y. 11239

642-9527

642-2180

September 26, 1983

The Right Honorable
Prime Minister P. E. Trudeau
House of Commons
Parliament Buildings, R 309-S
Wellington Street
Ottawa, Ontario KIA OA6

Dear Mr. Prime Minister:

We have recently received a request from Mr. Joseph Conforti, of 30 John Best Avenue, Weston, Ontario, to assist him in lodging a complaint in the World Court, alleging that his constitutional rights and fundamental freedoms were violated by the Toronto Police and the Canadian Judicial System.

He specifically alleges the police conducted an unlawful search of his home which terrorized him and his family, false arrest, manufactured evidence, the unlawful and arbitrary detention of his wife and child, the denial by police to allow his wife to retain counsel without delay, an unfair trial, the right to be presumed innocent until proved guilty, the right to an impartial tribunal, abuse of judicial discretion, ethnic discrimination, defamation, cruel and unusual punishment, false imprisonment.

He further alleges that the trial judge intentionally influenced the outcome of the trial because his statements, opinions and rulings were unfair, illegal and prejudicial. Further, he was severely sentenced not because of the gravity of the alleged offense, but because the trial judge demonstrated anti-Italian bias and violated the due process clause of equal protection under the laws.

I am a social worker for the League; in that capacity I investigate allegations of discrimination, defamation, and civil rights violations regardless of race, religion, or creed.

Permit me to state at the outset that no discrimination is intended or implied by the officers or members of the League. We are investigating Mr. Conforti's allegations to determine whether or not he is justified to make such allegations.

Mr. Conforti has documented evidence that he has not been able to retain legal counsel to redress this grievance in eighteen years; nor has he received any meaningful replies from countless pleas made to persons in trusted positions of authority in government, and those in charge of adjudication. It would appear that the legal profession and elected officials are covering up his complaint and denying him his civil liberties that you, Mr. Prime Minister, so strongly espouse.

Because all legal channels are closed to Mr. Conforti, he has requested assistance from the Italian American Civil Rights League to bring these allegations to the attention of the World Court and the Italian Canadian community. We intend to show that the case against him was maliciously assembled, and how his Italian origin was used in such a manner as to ruin his reputation and character and to be severely sentenced and imprisoned because he is an Italian Canadian. We will also show how the trial judge relied on unsubstantiated hearsay, which was not related to the charge, to enhance Mr. Conforti's sentence. Mr. Conforti's constitutional liberties and freedoms were in jeopardy before the judicial system of Canada. Perhaps the inscription above the portals of the Courthouses in Canada should read: Italians, enter at your own risk, the law may be hazardous to your health and fundamental right to liberty!

Permit me to call your attention to an article that appeared in the Toronto Daily Star, February 2, 1968:

TRUDEAU SAYS ALL ENTITLED TO LAWYER
Ottawa — Does the phrase "equality before the law" mean that everyone in Canada should have the services of a lawyer whether he can afford it or not? Justice Minister Elliot Trudeau, chief author of the proposed Charter on Human Rights, seems to feel that it does, but doesn't know how the lawyer would

be supplied. The Charter proposed "equality before the law" without defining it.

Surely, Mr. Trudeau, in fifteen years you should be able to define "equality before the law," and how one man, Joseph Conforti, who can afford to retain a lawyer, has not been able to do so, or how the legal profession can provide legal aid to those who can't afford to retain a lawyer?

Our great nations have been built upon certain principles which recognize the dignity and rights of the individual. These principles are set forth in our Constitutions and they are guaranteed in the Bill of Rights. Among the most important of these are the principles of equal justice under law and the right to a fair trial.

In other words, our laws acknowledge that "might does not make right." Yet, even while we condemn tyrants abroad who do not share our beliefs, we need not go to foreign soil to see how the mighty defy these rights by a homegrown variety of "legal tyranny."

I give you as example the case of Joseph Salvatore Conforti. Since 1965, this man has not been able to retain legal counsel to represent him in a civil suit to redress a legitimate grievance, nor has he received meaningful responses from the Canadian Judicial System. This case appears to be a cover-up of the man's complaint because he can't retain counsel nor will the Attorney General, the Minister of Justice under whose jurisdiction this matter falls, deal with his complaint in a just manner. I would think that a judge has the independent duty to investigate the truth.

The four major issues of the Conforti case are:

(1) The Toronto police falsely and maliciously conspired with paid informers to set Joe Conforti up to sell liquor on a Sunday and to charge him with bootlegging. His false arrest led to a trial in which he was convicted and falsely imprisoned. The police were negligent in failing to use appropriate standards in determining if there was

probable cause for arrest and search. They were negligent because any follow-up investigation would have shown that there was no basis for the charge of bootlegging.

(2) The Toronto police conducted an unlawful search of his home. Their refusal to produce the warrant in front of five witnesses, three of whom were uniformed police officers summoned by a member of the Conforti family, corroborates his allegation that the search warrant was not officially signed by a Justice of the Peace at the time it was being executed—otherwise the officers would have gladly shown the warrant to the five witnesses, two of whom were Mr. and Mrs. Edwin Bradley, sister and brother-in-law of the accused.

The arrest then, was fatally tainted fruit of an unlawful search, arrest and arbitrary detention of Mrs. Conforti with her infant child, and the physical force used by the police against Mr. Conforti. The family was terrorized and they suffered great physical, mental, and emotional pain, humiliation and anguish as a result of the search and arrest.

(3) The judge showed certain kinds of partisanship at the trial. Joe Conforti was tried first on the assault charges which were not laid until three weeks after he was charged with keeping liquor for sale. The fact that he was tried on the assault charges before the legality of his arrest had ever been established was a clear violation of his right to a fair hearing and the right to be presumed innocent until proved guilty. Mr. Conforti was subsequently found not guilty of the liquor offense; therefore, how could he be guilty of the assault when he was protecting his rights to life, liberty, security of person and dwelling.

(4) The Court of Appeals obstructed justice by affirming his conviction in the face of incontrovertible evidence of improprieties of the police officers, and legal errors made by the trial judge as well as the judge's lack of impartiality. The high court should have set aside the conviction because "no more elementary statement concerning the judiciary can be made than the conduct of the trial judge who must be characterized by the highest degree of impartiality."

It is my opinion after reviewing the trial transcript that a serious departure from these high standards occurred. The appearance as well as the actuality of impartiality on the part of the Trier is an essential ingredient of a fair trial. The record in this case discloses a situation which inevitably raised in my mind a suspicion as to the fairness of the court's administration of justice.

Of course any legal errors made by a trial judge are reviewable by the Court of Appeals. But my research on appellate courts has uncovered some revealing remarks: The appellate courts "are prepared to twist the law and the facts beyond all recognition to avoid reversing a conviction." It is a fact that appellate courts rarely overturn "findings of fact" by a district judge except in extraordinary situations. Most appellants lose their appeals because "the trial judges know how to tailor their fact-finding to tie the hands of the appellate court and prevent reversals of their convictions." "Trial judges personalize the appeal; they feel that they, not the defendant, are the subjects of the appeal." "Many defense lawyers have been reminded by judges that they have never been reversed."

It is not surprising, therefore, that the public is beginning to demand that the rights and liberties of all people be truly protected by impartial judges. Please note enclosed articles covering current controversy in Canada regarding their accountability as judicial servants of the public.

In addition, I have gleaned comments such as: Appellate courts "avoid casting serious aspersions against the integrity, honesty, and decisions made by trial judges. They will ignore or cover up by upholding convictions." "When one considers how rarely appellate courts throw out convictions on constitutional grounds, every decision to do so should be rendered a victory for the constitution."

How then, Mr. Trudeau, are judges accountable, if the judicial system will engage in cover-ups of judicial errors or misconduct in the name of defending society? On the contrary, is society not threatened by such practices? Is it not time for the judges to be reminded that what they are doing is cheating the public of their constitutional rights from the bench in order to protect governmental corruption. Judicial corruption denies citizens constitutional guarantees

to life, liberty, and freedom. It also indicates that the judges are in effect encouraging defiance rather than compliance of the Bill of Rights. "A judge's conduct is never the basis for disciplinary charges. No disciplinary body will want to chastise a judge who is on or has left the bench," as Mr. Conforti has discovered. If Judge Sirica of the U.S. had not performed his duty, "Watergate" would never have been exposed. Most defense lawyers will decline cases when the fight concerns the integrity of the police, prosecutor, or judge. They are not willing to challenge their conduct because they fear discipline or disbarment. Is there any wonder that Mr. Conforti cannot retain a lawyer to represent him, because he would be making a serious attack on governmental misconduct. At his trial in 1965, Mr. Conforti was unable to retain a lawyer who was willing to charge the police officers with brutality and conducting an unlawful search — thus making a false arrest.

Would you agree Mr. Trudeau, that it is better that ten guilty defendants go free on technicalities than one innocent person be convicted? It is essential to disclose police brutality and official lawlessness — for the protection of society and to preserve the Constitution. Many people cry out to "punish the guilty"; but very few are concerned to clear the innocent. It is the duty of the presiding judge to do so.

A judge's office is by no means an easy one, not when you are dealing with the lives of human beings. Only by guaranteeing individuals a fair trial can a judge make his or her own small contribution to the preservation of human rights and human freedoms. A judge is the one person at a trial who must insure fairness. It is his duty to protect the sanctity of human life and liberty; to see to it that every legal precaution is taken to guard a person's rights; to see to it that there was no false or mistaken testimony presented against a defendant. Only then, if a jury decides a person is guilty, can he pronounce sentence with a clear conscience. "No matter how shocking the indictment, every defendant deserves a fair trial." No judge worth his salt will sit quietly by and permit police officers to manufacture evidence or lie under oath to secure a conviction. He is there to see to it that the facts are fully and clearly developed so that the jury may make an intelligent decision in the case.

In this case, there were interesting discrepancies in the police officers' testimony — the kind that creates reasonable doubt. Judge Bruce MacDonald, who presided at Joe Conforti's trial, told

the jury that only if they "totally disbelieved the police officers completely could they acquit Mr. Conforti. He excused all inconsistencies in the police officers' testimony (the kind that create reasonable doubt) as "honest errors" not intending to mislead the jury.

It has been said that, "Convictions secured through police perjury and given a seal of approval by a trial judge may be part of the judicial system of a communist country, but they have no place in a democracy." Since the policeman is the first line in the judicial defense in a community, he should always move in an atmosphere of justice. From the readings of Lewis Nizer, Alan Dershowitz and F. Lee Bailey, one gathers that it is a most unfortunate fact that many judges are "prepared to close their eyes to police perjury; to distort the truth, all in the name of defending society." "Police perjury, and the way some segments of the judiciary encourage it, is a fact of life that most criminal lawyers cynically accept as they accept that most defendants will also lie but will not be believed." Irving Younger, a retired New York State Criminal Courts judge has written about the problem of perjurious policemen:

"Every lawyer who practices in the criminal courts knows that police perjury is commonplace. Policemen see themselves as fighting a two-front war — against criminals in the street, and against 'liberal rules of law' in court. All's fair in this war, including the use of perjury to subvert 'liberal rules of law' that might free those who 'ought' to be jailed. And even if his lies are exposed in the courtroom, the policeman is as likely to be indicted for perjury by his co-worker, the prosecutor, as he is to be struck down by thunderbolts from an avenging heaven. It is commonplace for judges to protect other governmental institutions. Judges often have a cozy relationship with 'their policemen'."

Unknown by Mr. Conforti at the time, Judge MacDonald was Chairman of the Ontario Police Commission. Mr. Conforti represented himself; therefore, he had a fool for a client. However, as was previously mentioned, he was unable to retain a lawyer who would charge the police

with "official lawlessness". He dared to challenge the veracity of the police officers in an unprofessional manner; he made repeated statements of charging them with perjury and cries of liar. The record shows that Judge MacDonald reacted personally and became angry by the litigant's assertiveness. Since Conforti was not an experienced trial lawyer he conducted his own defense in an unprofessional manner. In his indignation, he was unable to expose each and every fissure in the police officers' testimony without calling them liars. A skilled cross-examiner would have known that there is a "marked distinction between discrediting the testimony and discrediting the witness." The discourtesy to the police officers irritated the trial judge so that he would not only make erroneous rulings, he would also display his prejudice to the jury to influence them to convict Conforti. At first the judge allowed Joe Conforti a "great deal of latitude" in cross-examining the police officers, but then — as Mr. Conforti began exposing the weak parts of their testimony in an impolite manner — he aroused opposition on the part of the judge. We must remember and allow for the fact that Mr. Conforti was not a capable trial lawyer, and he was doing the best he could at the time to defend himself. Surely there are ways that an experienced trial judge could have protected the police officers from Mr. Conforti's cries of "liar" without having to retaliate with unfair rulings, and injecting his own personal opinions and views of the facts and evidence.

All testimony is entitled to benefit of doubt, including the testimony of police officers; however, the trial judge left the jury with the impression that Mr. Conforti's witnesses had an "obvious interest in the outcome so their testimony was subject to doubt..." Now, on the other hand, "one would hesitate to believe that a police officer would ever depart from the truth to get a conviction, or to put facts before a jury in any other light than the actual truth."

A careful perusal of the record will show that numerous inconsistencies in the police officers' testimony were misleading. There also were instances where falsehoods were told and exposed. For example, the police officers, who were roughly dressed and not in uniform at that time, testified that they read the warrant to Mr. Conforti in the moving police car. A uniformed policeman testified that when he arrived at Mr. Conforti's home the detectives told him that they showed Mr. Conforti the warrant "upon first entry of his home." After review of the trial transcript I cannot say that there was nothing in it to

support Mr. Conforti's allegations. I do not believe that the jury's verdict could not have been possibly affected by the judge's instructions, inferences, and opinions which indicated that he believed the police officers and not Mrs. Conforti or Mr. Bradley who testified for the defense. Neither did he properly place Mr. Conforti's self defense theory before the jury to induce reasonable doubt. To the contrary, his last words to the jury were that only if they "totally disbelieved the police officers completely" could they acquit Mr. Conforti. At this crucial stage of the trial the judge improperly substituted the phrase total disbelief for reasonable doubt. Although it is difficult to speculate about what the jurors did in "finding of facts", the inference can be drawn that the judge went out of his way to convince the jury that Mr. Conforti was guilty of both the liquor charge (which was not being tried in his court) and the assault charges.

The biggest hurdle in an appeal is the "finding of fact" that a jury's verdict could not have been affected by a judge's rulings and conclusions. However, in this case one would feel safe to conclude that the judge so altered the juror's perception of the police officers' credibility as to remove any reasonable doubt about Mr. Conforti's innocence.

At the trial Mr. Conforti argued that the government had acted improperly by conspiring with a paid informer who was an acquaintance of Conforti's to set him up, or entice him into committing a crime. The informer called Joe Conforti on Sunday, April 25, 1965, and asked Joe to lend him a bottle of liquor. When Conforti acquiesced and brought the liquor to the informer's house he was arrested for bootlegging. Right here, there is a plausible entrapment argument. (Entrapment is, of course, a legal defense under which a criminal defendant can be acquitted if the idea of the crime "originated" with the police — if the government created the crime.)

Mr. Conforti contends that the government compounded its impropriety by allowing the police officers to lie on the witness stand regarding the production of the warrant; also that the judge misdirected the jury by telling them that the police held up the warrant and read it to the accused and that they did not have to produce it at his home in front of eyewitnesses because they had produced it on one reasonable occasion to prove it was a legal, valid search warrant.

Judge MacDonald's charge to the jury was calculating and manipulative. He starts out by making fair statements regarding the charges, facts, and evidence, and ends up discrediting Mr. Conforti's witnesses and self defense theory. It is not accidental timing that the judge's charge to the jury follows the summation of both sides, notes American jurist Louis Nizer:

"...the law recognizes the stormy emotions which skilled advocates may stir, and contrives to have the calm and objective instructions of the judge precede the jury's retirement for deliberation. It is as if the law in its wisdom sought to neutralize passion with reason. The charge is not only a 'legal' education of applicable law, but it should be a model of impartiality and inspiration to do justice without fear or favor, sympathy or prejudice."

A judge advises a jury that they must not try to guess his views of the facts. It has to be their recollection of the facts...which is to guide them in their deliberations. The Conforti jury would have had to be autistic not to pick up on the inferences and opinions of Judge MacDonald. I give you a few examples of Judge MacDonald's 'fair, impartial' conduct:

Accused Conforti objecting to the judge's charge--

- (pg. 506) Joe Conforti: "You apparently convicted me on the liquor charge. You told the jury you thought I was guilty."
- (pg. 506) The Judge: "There is plenty of evidence you were, let's not waste time."
- (pg. 506) Joe Conforti: "But I am not being tried on the liquor charge."

Did Judge MacDonald forget the basic premise of law that a man is presumed innocent until proven guilty? Joe Conforti was not being tried for the liquor violation, he was in court to be tried for assault. But if he appeared to be guilty of a liquor violation, then he had no self defense theory that he was lawfully objecting to the arrest and search of his home.

The Judge said to the jury (page 494):

"From the very beginning Conforti realized he had been caught out on a liquor offense, and needless to say he wasn't happy about it."

(Page 486) "Now officer Starrett says that they were in the police car and he read the warrant to the accused because he might try to destroy it and the accused said don't be too sure you're going to search my house, I have friends there. You got me on a small beef why the big production?"

These two statements are hearsay; we do not know if Conforti made these statements. Why did the judge repeat them to the jury just before they retired to deliberate?

The Judge repeated several statements that the police said Conforti made:

(pg. 487) "These cops have no right to be here."

(pg. 487) "Get these effing cops out of here."

(pg. 485) "I'm in the organization. The next time you go home you will find your wife in bed with a .38 in her head and your kids too."

(pg. 485) "I think this is something you can bear in mind as to whether the officers were apprehensive of the situation."

By repeating these unsupported statements the judge unfairly shifted the burden of proof from the prosecutor to the defense to prove that Mr. Conforti threatened the officers or that they requested police protection for their families — which they never did; nor did they request detention for Conforti, or place him under surveillance, if such was their fear.

(Page 494) The Court:

"When he got in the house he was shown the bottle of liquor and whether he intended to hit the officer

or destroy the evidence we don't know, but whatever he did, it was to destroy the evidence. If he was trying to destroy the evidence he was not only obstructing him, he was assaulting him."

(Page 477) "The officers produced the search warrant in the car. It is not necessary, I suggest to you, for officers to constantly produce a warrant and show it to people for a capricious reason to examine it.

"Now if your recollection of the evidence is different than mine, rely on your recollection. I am giving you what I recall according to my notes and it comes largely from the evidence of the two constables because Bradley was the only other person whose assistance we have had in regard to what took place."

The Judge erred in bringing to the attention of the jury the fact that Mr. Conforti failed to testify in his own defense. Mr. Conforti's defense was that the warrant was never produced on "one reasonable occasion," specifically in his home before five witnesses. Instead the officers read it to him in the car. The fact that they refused to show the warrant should have created reasonable doubt as to its legality. Here is how the Judge removed that doubt (bearing in mind that a signed warrant produced eleven months later at the trial did not render it legal at the time it was enforced).

(Page 479) The Court:

"I see no evidence to contradict Mr. Bowles the Justice of the Peace, and Constable Starrett that the warrant wasn't signed on that day. And they say it was a proper warrant in every respect; one would expect it was valid despite what Mr. Conforti has suggested. It is for you to determine, but I suggest to you that there is no evidence upon which you can make such a finding."

(Page 480) The Court:

"Having procured a warrant, the officers set out to make a liquor purchase from a suspected bootlegger to prove he did keep liquor for sale. I might tell you there is nothing unlawful about this method. There is one thing certain about it, that if a person isn't disposed to sell liquor, and he isn't in the business, he's not going to fall for any of this, and you are not likely to be getting evidence against innocent people."

Without hearing any of the evidence fully developed, the Judge told the jury if Conforti wasn't a bootlegger he wouldn't have fallen for the bait. Is it not conceivable that this very same thing could happen to anyone. An acquaintance calls and asks for the loan of a bottle of liquor; when you bring it to his home you are arrested for keeping liquor for sale. According to Judge MacDonald, if you are not disposed to selling liquor you would not fall for this sort of thing?

Now I ask, Mr. Trudeau, did the judge go about his sacred mission as a minister of justice to fight wholeheartedly for the protection of this man's basic rights? "Are not the criminal courtrooms the battlefields where these rights are to be protected?" A trial judge should have the same sense of responsibility to his profession that a great doctor has. It has been said. "Criminal law is undoubtedly the most back-breaking branch of the profession and demands Trial Court talent of the first order."

Mr. Conforti did not receive skillful legal representation because he wanted to charge the police with brutality. Defense lawyers shy away from such cases when the fight concerns the integrity of the police, because they want to remain on the good side of the prosecutor's office. The defense attorney must be able to deal and negotiate with the prosecutor "who can make his life 'pleasant' or 'miserable' in many ways, by agreeing or opposing continuances; by waiving or insisting on technical requirements; to negotiate during plea bargains; or by denigrating the attorney to prospective clients."

Mr. Conforti was not fit for the responsibility he assumed or familiar with legal ethics and he must be excused if he made

allegations of impropriety to the police officers at the trial. If one goes into a large city hospital, one will see many indigent patients who can't afford to pay for the services of even the youngest inexperienced doctors. Nevertheless, you will see the finest, most experienced doctors administering medical care. The point is just as a charity patient needs the best doctor possible, a defendant in a courtroom needs the best counsel possible.

Certainly you would agree that next to life itself, liberty must be the most precious thing humans own. Mr. Prime Minister, the deprivation of justice is a serious matter. Is it only this one man who is interested in the truth?

Mr. Conforti has written to political leaders who have chosen to remain silent. He made several attempts to contact the media. Thus far they have been unwilling to focus public attention on this case. But crimes committed by Italians are cause for sensational news reporting. The media has always found that exploitation of the Mafia myth is lucrative. Character assassination of Italians as criminals continues unabated. But when an Italian cries out to correct an injustice of defamation, or discrimination, the media is not interested.

Dr. Richard Gambino, a professor at Queens College in New York City wrote: "Although it may seem melodramatic to state in these terms, we are forced to confront the slander of us as criminals with the old vendetta attitude. We must hurl at the Mafia image the vow of the ancient code. As Sicilians expressed it in a rhyme in their dialect it was: Si moru mi vorricunu; si campu t'allampu - if you kill me I will be buried; if I live, I will kill you. The days when we could or should ignore or compromise with Mafia slurs, insults, slanders and indignities thrown at Italians by the outside world are over."

Are Italo Canadians to assume that they can be defamed and not entitled to equal protection of the laws in Canada?

Are the Canadian people to assume that in eighteen years Mr. Conforti has not been able to redress this grievance, because he really doesn't have one?

Are the Canadian people to assume that forces of intimidation and exploitation of fears are being applied to lawyers to deny Mr. Conforti access to the courts to resolve this issue?

Are the Canadian people to assume that this case is lost because the democratic process is being challenged as not being properly and lawfully applied?

WHY do those in charge of adjudication refuse to thoroughly investigate this man's allegations? Evasiveness and the inability to retain counsel to redress this grievance is a shameful indictment of the legal profession and further reinforces the public's low regard and lack of confidence in equal justice under law. Elected officials, as well as ethnic leaders, give lip service to the ideals of democratic solidarity and equal justice under the law. Are the Canadian people to assume that these leaders have abandoned their commitment or compromised their principles in ways which will prevent them from standing by their words?

When one man challenges a powerful government with civil rights violations, he has demonstrated the courage of his convictions. Courage to last eighteen years waiting for justice. The right to petition for redress is meaningless unless the government is responsive and checks the abuses that frustrate this right. Those in the administration of justice appear uninterested in seeing the truth exposed at trial.

Repeated efforts by the Conforti family to obtain legal assistance have been blocked by the legal profession. Although the case is permeated with defects, the Canadian Justice Department has not done very much to get at the truth. Perhaps it is time for the World Court to conduct an investigation or take any action to protect the integrity of the Canadian Judicial Process.

In fact, lawyers as officers of the court, and judges as ministers of justice, have a legal obligation and ethical obligation to be truthful to ensure that justice is done in any or all litigated matters. This obligation becomes a command of our criminal courts as well as a moral imperative when biased information obstructs justice. Biased information against a defendant hinders the faithful execution of the laws.

There is no question of the shabby treatment Italo Canadian Joe Conforti was accorded in the name of due process of law. When a democratic government ignores or frustrates an individual's rights to constitutional protection, it is time for independent voices to be raised in protest.

Mr. Trudeau, as the highest public official in Canada, you have an obligation to speak the truth and to deal responsibly with the hard facts. The hard facts in this case is that the truth is being crushed by evasiveness and fear. Such maneuvers should be recognized for what they are and condemned. When it is done by lawyers and public servants whom the Canadian people would expect to be held to a higher standard of lawfulness, it makes these acts so much more disgraceful.

There are times when those with power, or wealth, or social prominence, benefit from an injustice. But if we stand silent and reap the benefits of injustice, then we ourselves are equally culpable with those who initiated the injustice for their own direct benefit and with deliberation. It would be appropriate if you would direct these words to the members of the legal profession, for it is lawyers, in this case, who appear to be perpetuating this alleged injustice, and stand silent and frustrate all efforts to get at the whole truth.

It is a sorry comment to offer the Canadian people that so much courage and patience is necessary to enforce civil rights in your country. But even courage, the courage of one man's convictions, can be crushed by calculated neglect, not to mention a possible conspiracy. We might as well compare ourselves to the tyrants we condemn, for "might" has indeed oppressed "right". If you desire to continue as a great democratic nation and earn the respect of other nations, a code of morality must at minimum be exercised by the courts and the legal profession. Those in charge of adjudication must create a climate of public confidence in the arena of the courtroom by replacing 'foul play' with 'fair play'.

All persons have the right to protect any of their rights which they feel have been violated. What emerged in reading the record was that a trial judge did not eliminate bias in his charge. One can conclude the judge made no effort to lead the jury into a state of mind

in which they could deliberate the case in an unprejudicial manner.

These questions require careful consideration:

- (1) Is a reasonable inference being drawn that the judge was guilty of "judicial overreaching"?
- (2) Did he inject his own opinions which removed doubt in the minds of the jury?
- (3) Did he say anything that appeared to be biased, prejudicial and unfair to the defendant?
- (4) Is there any doubt at all that he said anything in his charge that revealed a lack of impartiality?
- (5) Is there any truth to Mr. Conforti's allegations, that his trial was a farce, a travesty of justice, illegal and contrary to the Bill of Rights and the Criminal Code?

Constitutional safeguards of our civil rights must be complied with. The quality of justice depends to a great extent on those who dispense it.

American jurist Benjamin Cardozo once said:

"In the long run there is no guarantee of justice except the personality of the judge. Because government has been given the power to deprive an individual, more than any other person in the system the judge is expected to embody justice, insuring that the defendant is fairly treated. The black robes and gavel symbolize the impartiality we expect from our courts."

For this reason the office of the Attorney General of Ontario, which is responsible for the administration of justice, should reconsider these allegations in a more realistic light. The Canadian people

will only leave to their children a legacy of cynicism and a contorted conception of "equal justice" if the judicial branch of your government cannot substantiate its interest in the truth.

Today I write to you on behalf of Joe Conforti, and on behalf of future generations of Canadians, to investigate these alleged abuses in your legal and judicial system that have been at work in this case. This must be done before these abuses completely destroy what remains of the civil and constitutional rights of this man and his family. Eighteen years is enough. Any more delay in redressing this grievance will only call into question the integrity of your judicial system. A lack of action will in effect condone all the neglect and all the malfeasance which has occurred in the last eighteen years and any that may transpire in the future.

I ask you now to do your duty, Mr. Prime Minister, as chief law enforcement officer, by intervening to insure justice. One of the basic purposes of a democratic government is to act as a guardian of our rights. It is the 'might' of 'right' that secures a free civilized society.

Upon that premise you must act. I have faith in your sincerity, integrity, honesty, and good will. I shall look forward to hearing from you in the near future as to what you intend to do in this matter.

Thank you for your valuable cooperation and assistance.

With best regards, I remain

Very respectfully yours,

Marie Notarino

MN/mp

Marie Notarino
Social Worker
Italian American Civil Rights League
National Headquarters
1460 Pennsylvania Avenue
Brooklyn, New York 11239

Copies to:
(List attached)

March 10, 1982

Honourable Sir:

Herein are documents of a complaint which I sent to the Attorney General of Ontario many years ago. The information attached will show that many more complaints concerning this matter were received in that office from time to time. You will also notice that nothing was done till I spoke with Mr. Howard Morton last summer and he assured me that one of his assistants would contact me and look into my complaint. Sometime later I was phoned by Miss Susan Ficek who informed me that I was to bring her a copy of the evidence of my trial. This I did, including the Memorandum of Fact, presented at my appeal before Justices Aylesworth, MacKay and McGillivray. I also informed her that if she needed any evidence to verify my allegation to phone or write me and I would gladly supply what she required. At no time did Miss Ficek request any information or verification as to my complaint. Although I was told by Miss Ficek in the presence of my daughter that I would be informed of her decision within two weeks, you will notice it stretched into several months. You will also notice there is no reference to my complaint anywhere in her report. Does this mean that I was framed?

I also brought Miss Ficek a copy of a written decision of a similar case that went through the Supreme Court of Canada two years ago that found the Attorney General of Quebec responsible for the police involved in a case where it was shown that they withheld evidence that would have been of benefit to the complainant. The complainant was awarded fifty thousand dollars plus. The Chief Justice of Ontario has said that we are all responsible for our torts; this fact was also reiterated in the Supreme Court of Canada.

The dastardly deed against my family and I was perpetrated by two unscrupulous police officers and brought disgrace and embarrassment to four members of the Judiciary. I would like to submit that I have been complaining about being framed for many years. Is it not time that I was charged in a court of law so I could prove my allegation. If I am right and I did suffer an injustice then I should be given a new trial.

At no time did I wish to bring disrespect to the Court or the Judiciary, but my Attorney, Mr. Joseph Pomerant informed me that Justice Aylesworth was owned by the police and that accounts for my written attack on his integrity. You will also note that Justice Aylesworth resigned rather than charge me as per Chief Justice Gail's letter.

You are a member of the High Court and you have the right to see that justice is done and protect the integrity and honour of the Court and the jurists who uphold the law and meet out justice therein.

I humbly pray that this case can be brought to a close one way or the other according to law, so that I may retire in peace with my ulcers.

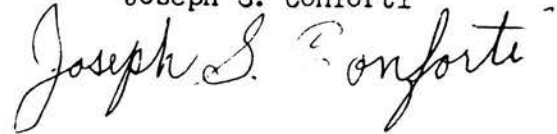
.../2

Copies of this folder are being sent to all members of the Appeal Court of Ontario. Chief Justice Howland will also receive a copy of the Court evidence.

If anything else is required please let me know and I will act on it immediately. I am retired and this injustice is my only project in the immediate future.

Yours truly,

Joseph S. Conforti

A handwritten signature in cursive script that reads "Joseph S. Conforti". The signature is written in dark ink and is positioned below the typed name.

"If rule of law isn't maintained in a country, all else is not too important." - Chief Justice Howland (Toronto Star, Feb 10/62)

Supreme Court of Ontario
(Court of Appeal)

- ✓ William G.C. Howland (Chief Justice of Ontario)
- ✓ Bert James MacKinnon (Associate Chief Justice of Ontario)
- ✓ The Hon. Justice Arthur R. Jessup
- ✓ The Hon. Justice John Douglas Arnup
- ✓ The Hon. Justice Goldwin Arthur Martin
- ✓ The Hon. Justice Lloyd William Houlden
- ✓ The Hon. Justice Duncan Gordon Blair
- ✓ The Hon. Justice Francis Stephen Weatherston
- ✓ The Hon. Justice Donald S. Thorson
- ✓ The Hon. Justice John Watson Brooke
- ✓ The Hon. Justice Charles Leonard Dubin
- ✓ The Hon. Justice Maurice Norbert Lacourciere
- ✓ The Hon. Justice Thomas George Zuber
- ✓ The Hon. Justice John Wilson Morden
- ✓ The Hon. Justice Allan Goodman

Senior Deputy Registrar: Court of Appeal
F.F. Snaughnessy

Received sealed envelopes addressed to the above mentioned Judges
plus a parcel addressed to Chief Justice Howland on this date, March 10, 1988
Received from one Joseph S. Conforti.

P. D. Conmie



March 12, 1982

Joseph Conforti, Esq.,
30 John Best Avenue,
Weston,
Ontario.

Dear Mr. Conforti,

The Chief Justice of Ontario has asked me to acknowledge receipt of your letter of March 10, 1982, which he has perused.

The Chief Justice regrets that he has no jurisdiction to investigate this matter as it is not pending before the Supreme Court of Ontario.

I am returning the transcript of the proceedings between Her Majesty the Queen v. Joseph Conforti and Edwin Bradley.

Yours very truly,


W.F. Shaughnessy,
Registrar.



THE LAW SOCIETY OF UPPER CANADA

OFFICE OF THE SECRETARY

OSGOODE HALL, TORONTO
M5H 2N6

May 31, 1973.

Mr. Joseph Conforti,
30 John Best Avenue,
Weston, Ontario.

Dear Sir:

Re: Joseph B. Pomerant, Solicitor

Enclosed for your information please find a copy of a letter received by the Society from Mr. Pomerant, dated May 22nd, 1973, with enclosure.

I can see no evidence of professional misconduct in this matter on the part of Mr. Pomerant. Accordingly, the Society is closing its file.

Yours very truly,


Clarence I. Scott,
Assistant Secretary.

S/yk
Encls.

I paid lawyer \$1,300 for hour, he says

A man facing drug charges told York county court yesterday that a lawyer charged him \$1,300 and, after a one-hour appearance at a preliminary hearing, dropped out of the case.

Gary Winston Ledrew of Uxbridge presented bills and receipts to Judge Paquiner. Rae to support his case. In he paid \$1,100 in three instalments to lawyer Joseph Pomerant, who had billed him for \$1,300 and sought \$2,000 more for his trial.

Judge MacRae studied the bills and receipts and noted that Pomerant's fee for the preliminary hearing—which lasted "about one hour"—was \$350. Other fees and charges raised this to \$1,300.

The judge shook his head. "I must be very much behind the times in this present world," he said, then added: "Of course rents be very high in the Toronto-Dominion Towers, Mr. Pomerant I see has his office there."

Crown counsel Pat Duffy observed that Pomerant withdrew from the case only two weeks before the trial was scheduled to take place. "He is virtually blackmailing the accused man," Duffy said.

"Yes, that's what, they do," the judge agreed, and said he had heard stories such as this before. "I think this has to be reported to the Law Society," he concluded.

Ledrew, arrested last November for possession of marijuana for the purpose of trafficking, had his \$4,500 bail continued while another lawyer prepares his defence for a trial at a later date. He said, Pomerant had promised there would be no

consultation fee before the preliminary hearing, but had included consulting charges in his bill. The lawyer, he added, had agreed to accept paintings in lieu of \$500, but had not picked them up.

At his home today, lawyer Pomerant said: "These statements are libellous. The fees charged and the work done were quite proper—and I would welcome any inquiry by a competent tribunal. I regret that, be-

cause of the social-justice privilege, which exists, I have been unable to outline my reasons for withdrawing.

Judge Paquiner said Pomerant was not in court yesterday when Ledrew appeared for trial.

Top Metro lawyer out on new bail

A top Toronto lawyer was freed on \$150,000 bail yesterday on charges of conspiracy to commit forgery, counselling perjury and obstructing justice.

Joseph Baer Pomerant, 47, of York Ridge Rd., also faces charges of forgery and uttering in connection with an attempt to tender two blank promissory notes worth \$500,000 under the name of Gurdev Singh Sangha, an international drug trafficker now serving 14 years in Kingston penitentiary.

Pomerant has already posted \$200,000 bail on the earlier charges.

Michael George Martin, 37, of Roxborough Rd. E. is charged with forgery in connection with the same incident.

Pomerant is perhaps best known for defending Mississauga developer Peter Demeter, who was convicted of having his wife Christine murdered in 1975.

He also defended the Indian-born Sangha, 59, a quiet-spoken, highly educated businessman known in drug circles as the "Dutch Connection" and "Mr. Big."

Sangha, who had an estimated \$1.5-million in Swiss banks, pleaded guilty in January, 1979 to conspiracy to import 2,100 pounds of hashish worth about \$3-million hidden inside bolts of cloth in two shipments from India to Canada in 1976.

He was sentenced to 14 years in prison and fined \$500,000 — the largest fine against an individual in Canadian legal history.

The charges against Pomerant arise from Sangha's new lawyers asking for a statement of accounts and receiving files and documents of which four allegedly bore forged signatures.

Police said Pomerant had power of attorney over Sangha's affairs.

He will appear in court March 20 to set a date for a preliminary hearing.



JOSEPH POMERANT Faces forgery charges

Lawyer disbarred

Joseph Pomerant, the Toronto lawyer who defended Mississauga developer Peter Demeter in a 1975 murder case, has been disbarred.

The Law Society of Upper Canada found Pomerant, 48, guilty of professional misconduct.

Last month, he was sentenced to five years in prison after pleading guilty to four charges of forging documents to cover up a \$500,000 misappropriation.

30 John Best Ave.,
Weston, Ontario,
Jan. 26, 1970.

The Honourable G. A. Gale, Chief Justice of Ontario,
Osgoode Hall,

Dear Sir:

Attached is a letter that will be sent to Members of the Federal Government, including The Prime Minister.

When an Appeal Court Judge ignores seven points of Law, sending an innocent man to prison bringing disgrace to his family and deprivation to his wife and children from loss of income, and refuses or refrains from giving any reasons either written or verbal for his judgement, then in my opinion his motives for so doing are questionable.

The Court of Appeal is based on Law so I am informed, therefore when the Law is ignored The Court loses its function.

In a democracy we are all responsible for our actions, this includes Judges who are appointed to safeguard our liberties and render justice according to the laws of our country.

Yours sincerely,

30 John Best Ave.,
Weston, Ontario,
Jan. 26, 1970.

Honourable Member of Parliament,
Ottawa, Ontario.

Dear Sir:

In my opinion Justice J. B. Aylesworth of the Ontario Court of Appeal is corrupt, dishonest and guilty of malpractice.

I have sufficient documented evidence to verify these statements. He is a disgrace to the Judiciary and not fit to continue as a Justice of the Appeal Court of Ontario.

This complaint should be thoroughly investigated, if our Judges are unfit to Judge then our Courts become useless and people will seek Justice in the street.

You are the voice of the people and we depend on you to keep our Courts lawful, so that we the people can find justice therein.

Yours truly,

S. J. Conforti.

THE SUPREME COURT OF ONTARIO

THE CHIEF JUSTICE OF ONTARIO



OSGOODE HALL,
TORONTO 1

February 25, 1970

Mr. Salvatore Conforti,
30 John Best Avenue,
Weston, Ontario.

Dear Sir:

The delay in replying to your letter of January 26 has been caused by the illness of the Honourable Mr. Justice Aylesworth with whom I wished to confer, and the subsequent illness of my secretary.

I have gone into the matter in some depth and all I wish to say is that your letter to me and the letter which you say was sent out to the members of Parliament at Ottawa constitute a vicious and unwarranted attack upon a man of great integrity who is one of Canada's most distinguished judges. Indeed, it may be that you have laid yourself open to a charge of defamatory libel under section 248 et seq. of the Criminal Code of Canada and I am reporting the matter to the Attorney General for such action in that respect as he deems advisable.

Yours truly,

A handwritten signature in cursive script, appearing to read "G. A. Gale".

Hon. G. A. Gale

'Adornment' to court Mr. Justice Aylesworth resigns from bench

The resignation of Mr. Justice John Aylesworth of the Ontario Court of Appeal was announced today.

Chief Justice George A. Gale opened the fall sitting of the Appeal Court by announcing Aylesworth's resignation and paying tribute to the 74-year-old judge.

Aylesworth and Gale were appointed to the bench together in 1946.

"We regret exceedingly his resignation and only hope his vacancy will be filled not only soon but by some one with the dedication to carry out his work," Gale said.

Gale called Aylesworth a "distinct adornment" to the court and recalled that he was appointed to the bench "relatively young but a brilliant and highly successful lawyer.

"He went to the bench with much expected of him and he did not disappoint anyone," Gale said.

Gale also paid tribute to the late Mr. Justice Charles Stewart of the Supreme Court of Ontario who died during the court's summer recess.

He referred to Stewart as



JOHN AYLESWORTH
Appointed in 1946

a "diversified character" with many talents.

"Above all, he was a good lawyer and a good judge" who was always helping others in the administration of justice, Gale said.

Stewart's death has left the 32-member High Court with three vacancies and Aylesworth's resignation has created one vacancy in the 10-member Court of Appeal