

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**MICHAEL MCATEER, SIMONE E.A. TOPEY AND DROR BAR-NATAN**

Applicants

-and-

**THE ATTORNEY GENERAL OF CANADA**

Respondent

**AFFIDAVIT OF HOWARD JEROME GOMBERG**

I, HOWARD JEROME GOMBERG, of the City of Toronto in the Province of Ontario, AFFIRM AS FOLLOWS:

1. I was born on August 16<sup>th</sup> 1939 in the City of Brooklyn, New York, United States of America.
2. Neither of my parents was born in Canada.
3. I have lived in Ontario since 1974.
4. I applied for Canadian citizenship and was duly granted citizenship in 2008.
5. Before I was sworn in as a Canadian Citizen and received delivery of my Citizenship Certificate, I had sworn an affidavit stating that taking the Oath to be loyal and

bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs & Successors [hereinafter, "the Oath"] is not consistent with my religious and personal beliefs and consequently, such an Oath or Affirmation violated my fundamental freedom of conscience.

6. I took Canadian citizenship because not having it presented hardships for me with respect to my professional life as an actor and performer and also because I wanted to more fully participate in Canadian life, including voting at elections.

7. I was therefore forced to take the Oath under duress and, as a result, I have suffered ongoing mental anguish having taken a solemn Oath to be loyal to an institution and political theory that I do not believe in.

8. On my attendance to be sworn in as a Canadian citizen, I expressed to everyone who had authority at the ceremony that I was taking the oath under duress and that I believed that my right to freedom of conscience was being violated.

9. I believe that no human being by right of birth is better than any other human being. In the country of my birth, the United States, I grew up with the maxim: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." I firmly believe in that maxim, and I consequently find the notion of the divine right of royalty to be immoral.

10. I am Jewish. I believe that my religious beliefs were compromised by my being forced to affirm the impugned words of the Oath of Allegiance. I object to the religious nature of the Oath. My religious tradition states clearly, in the Book of Exodus, Chapter 20, verses 4 through 6, "*Thou shall not have any other Gods before me. Thou shall not bow down to any graven idols.*"

11. It is my view that forcing me to take the Oath contravened the spirit of the above excerpt from the Book of Exodus.

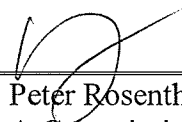
12. On April 3<sup>rd</sup> 2008, I attended my citizenship swearing-in ceremony. I indicated to all persons I perceived to be in a position of authority and to a number of others that I was taking the oath under duress and that it was not binding on my conscience. Further, I explained to them my view that my rights were being compromised by being forced to swear in such a manner. The Citizenship Judge said to me “Someday it will change.” However, the Judge administered the oath to me, notwithstanding my protestations that the oath is not binding on my conscience and that I had no intention of honouring it.

13. When I signed the Oath, I wrote above my signature the words “under duress” and pointed out what I had written to an official.

14. None of the officials expressed any concerns about my indications that I had no intention of honouring the Oath. No official of the Government of Canada expressed any such concerns to me at any time before or after I took the Oath.

15. This Affidavit is for the purpose of providing evidence on the Application herein and for no other or improper purpose.

Affirmed before me at the City of Toronto )  
this 9 day of November, 2012 )

  
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Peter Rosenthal  
A Commissioner, etc.

  
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HOWARD JEROME GOMBERG