

Affidavit No. 1 of Witness No. 1  
Sworn *October 15*, 2010

No. S-097767  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

IN THE MATTER OF:

*THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1986, C. 68*

AND IN THE MATTER OF

*THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET  
OUT IN ORDER IN COUNCIL NO. 533 DATED OCTOBER 22, 2009  
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF THE *CRIMINAL  
CODE OF CANADA, R.S.C. 1985, C. C-46*

**AFFIDAVIT**

I, Witness No. 1, MAKE OATH AND SAY AS FOLLOW:

1. I have personal knowledge of the facts and matters hereinafter deposed to save and except where the same are stated to be made upon information and belief and where so stated I verily believe them to be true.
2. I am aware of the order of the Chief Justice made September 24, 2010 and I elect to avail myself of the protections authorized by that order.
3. I am a resident of the FLDS community of Bountiful located near Creston British Columbia.
4. I was not born in Bountiful but moved there when I was young. We moved to Bountiful where others of our relatives were living and where we hoped to be able to live our Mormon fundamentalist beliefs without being either prosecuted or persecuted. I have lived in the Bountiful community for many, many years.
5. I was 16 years old when I was married, and I married at that age because I wanted to get married. Indeed, I had wanted to get married at 15, but when I asked Uncle Roy, as we all affectionately called our Prophet, he urged me to wait until I was older. He told me that I had

plenty of time and that I needed to help my father in his home, and although he did not say it in that many words, he let me know that I needed to grow up before I took on such a responsibility.

6. In those days as indeed today, when a young lady decided she wanted to get married and asked the Prophet, he would always ask her if she had someone in mind. I know this happened with many girls. They often married the person they felt they wanted to marry, but sometimes the Prophet would say he needed to think on that awhile. He did this in my case, and I waited more than a year to see what the Lord had in mind for me. I believed that the Lord spoke to the Prophet about whom I should marry so I determined to wait on the Lord. I will say in passing that marrying at 16 was not at all uncommon, when I was that age even in the greater community, and many of my contemporaries ( I attended public school in Grades 7 and 8) were planning marriage at 16 or soon after.

7. I have a great belief in and respect for the FLDS teachings on marriage. Placement marriage eliminates all of the uncertainty and distress that surrounds the dating and courtship system. No girl needs to worry and fear and compromise her morals because she fears she will not be chosen , and no young man needs to wonder and consider whether he dares even take a spouse. I myself rejoiced at being married. My husband was a wonderful man, and his wife was my best friend and greatest support in our life together. We had a great time together, and always went everywhere possible together. ( All three of us and our three children). I loved her and she loved me and both of us loved our husband, who certainly loved us in return.

8. I had five sister wives and I loved and still love all of them. Of course there were many children, and some of the ladies had to work outside of the home to help support our growing family. I was one of the working wives, and I will say that I appreciated more than I can ever express when my sister wife or wives would tend my toddlers, do my washing, and have a clean home and a delicious supper waiting when I returned from work. Just not having to wake my littlest children before I went to work was a great blessing. When I returned I would often take the oldest children and do some of the outside chores or yard and garden work while the home mother would oversee the inside jobs of cleaning up and getting ready for bed. Of course our children helped us, but we were so well organized that in a pinch we could clean every corner inside and out in an hour. If some of the ladies worked a later shift, those at home would try to get the children ready for bed and have story time. It was a good life, especially since each of us had things we liked to do. One mother loved to swim and would take all of the children every good day while another could sew or concoct her favourite stew or salad.

9. I love my children. We have always had a good time together. Some of my children have opted to leave our church and community. That is always a heartbreak because we believe in our way of life with all of our hearts and we naturally want our children to share our belief. FLDS members, as is the case in many other religions, are urged to not associate with people who have left our faith. At no time are we commanded to never see one of our children again. However, we are all wary of having our children who have left come around our families for several reasons.

- (a) They are often scantily clothed and may even be immodest by our standards.
- (b) They sometimes use objectionable language.

- (c) There is always an element of distrust; are they looking for ways to report us to some government authority and get us in trouble?
- (d) Some left because they were unwilling or unable to continue to follow our rules and standards of behaviour. This has, in some circumstances, led to conflict which we wish to avoid. We are human after all, and if they left us because growing up in our faith was one long terrible experience, as some of them aver, why would they ever want to see us again?

10. As far as my own children who have left, I called my one son almost every week for a year after he left and he answered probably two of my calls and returned hardly any. I concluded that he would rather be left alone to his own choices which I certainly concede he had every right to do. I have arranged to go meet him somewhere every time that he has called me if I possibly could. I love my son, I love my grandchildren and I love his wife. I hope and pray he can find lasting happiness which I feel he should be able to do with the good wife he has. As of right now I hope to be able to just stay out of his way and not cause him any grief. As to why he left, I feel that he decided our lifestyle was not for him. As I said before, he has his free agency and I feel it is his right to choose.


11. I feel that the criminal prohibition against polygamy is totally unfair. We have been told many times that it isn't having multiple relationships with women that we are being prosecuted for, it is making a commitment to take care of one another and any resulting children. We are being singled out and ridiculed for having children instead of aborting them, and taking care of them once we have them. We see instances around us in the greater community where 12 and 13 year old girls become pregnant and no media even considers it newsworthy, but let an FLDS girl have a baby at 16 and we have a whole inquiry upon us. It is hard to teach our children in school that Canada does not believe in discrimination and that all Canadians are free to believe whatever they wish when we are attacked for our beliefs. We are intelligent beings and even our little children know that there is no justice for us because we are those terrible FLDS people. We ladies cringe if one of our children has an accident. Woe betide the polygamist child who breaks his leg. Do we dare take him to the hospital? Will the cry of abuse be raised? What if we wait several hours hoping against hope that the leg is not broken and then take him in? Will the cry of neglect be cast at us?

12. We are all affected by the stigma that is cast upon polygamists or at least upon FLDS polygamists. We hesitate to associate among the community at large unless of necessity. We are all weary of being everywhere misrepresented. We are all poorer; we have to pay so very much for lawyers. Perhaps we could send more children to university if all our money was not spent in legal fights. And there is always the very real fear in my mind that children they could be taken away from their parents and that their father and maybe even their mother could end up in jail.

13. Plural marriage is part and parcel of the LDS faith, and I have a firm conviction that the LDS faith is a true religion. There are other faiths on the earth that incorporate polygamy into their practice. I hold that we have a right to believe and practice our faith as long as no one else's rights are infringed upon. There may have been abuses in our faith in the past and there may still be some, but show me the religion that has perfect people. We are trying to become like our

Father in Heaven and we do not excuse anything we have done that is wrong. We only ask that we be left alone to try to do right as we see it.

SWORN BEFORE ME at the <sup>Town</sup> City of  
Creston, in the Province of British  
Columbia, this 15<sup>th</sup> day of October, 2010.

  
A Commissioner for Taking Affidavits in the  
Province of British Columbia

Witness No. 1  
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PRINT NAME **LORNE D. MANN**

WITNESSED AS TO EXECUTION ONLY  
NO ADVICE SOUGHT OR GIVEN