

## Supremes do have 'god-like' powers

The late American humorist Franklin P. Jones once quipped that "honest criticism is hard to take, particularly from a relative, a friend, an acquaintance, or a stranger."

He could have added that honest criticism is not allowed - at least in today's Canada - if you happen to be a robe-wearing member of the Supreme Court. For a body entrusted with upholding free speech supposedly enshrined in the Charter of Rights and Freedoms, the Supremes are quick to recoil in horror at the thought of anybody calling their omnipotence into question.

Witness last week's media-generated furor over remarks by Saskatchewan Conservative MP Maurice Vellacott, who was forced out as chairman of the Commons aboriginal affairs committee, not for something he said about aboriginals, but for daring to suggest that Chief Justice Beverley McLachlin believes she and her fellow Supremes have almost "godlike powers."

The resulting assault against Vellacott by McLachlin, the media and the Liberals - many of whom have made much stronger arguments against judicial activism without sparking any public controversy - demonstrates beyond doubt that despite McLachlin's angry counterattack against Vellacott, these unelected, unaccountable judges do indeed have godlike powers.

It seems they are the only people in our system that are above criticism. Ah yes, you say, McLachlin's complaint was that she didn't actually use the precise words ascribed to her by Vellacott. Indeed, she didn't.

But any fair and reasonable interpretation of her remarks from a controversial speech last year would conclude that Vellacott was not off base at all in suggesting that McLachlin sees herself in such a lofty way.

The Chief Justice actually said that a judge must not be bound by the precise words of the Charter of Rights and, even in the face of hostile public opinion - or direct opposition from elected representatives - a judge must ride above that and establish "norms ... essential to the nation's history, identity, values and legal system."

Nobody else - just judges - are capable of deciding what these unwritten concepts are or should be. If that's not "godlike," then what is it? Vellacott - who, being a fundamentalist Christian was already in the gun sights of the mainstream media and opposition Liberals - simply uttered a concern which many Canadians share - including this Canadian - i.e. that unelected judges have far too much power. And the big concern is not particularly their role in interpreting laws - that's fair enough, since politicians obviously leave loose ends - but in actually creating new laws, "reading in" as they call it, based not on what Parliament or the public want, but on what they, in their extraordinary wisdom, deem to be appropriate.

That's what Vellacott was speaking about, and on that score, he was dead on, despite McLachlin's extraordinarily political intervention to publicly condemn him for saying it.

This notion that judges - who essentially are lawyers elevated to a large extent on the basis of partisan political considerations - suddenly are brighter than everybody else, and instantly devoid of personal bias, is an absurd idea.

A timely review of judicial appointees in REALity Magazine, a bimonthly publication of the conservative group REAL Women of Canada, for example, pointed out that recent appointments to the benches included former Liberal justice minister Irwin Cotler's executive assistant and policy adviser, his former chief of staff and the wife of one of his close friends. It also included the former legal counsel to the Ontario Liberal Party, a former Liberal finance minister of New Brunswick, several defeated Liberal candidates, and so on.

Now it may be that all of these people are quite remarkable in their own right. But the notion that these people represent what McLachlin keeps championing - i.e. protection against "political interference" - is just downright silly. Not to mention wrong.

But even beyond the absurdity of McLachlin's reaction to Vellacott - and the made scramble by the media and the opposition Liberals to attack him for his views - surely there is a far more fundamental value at play here.

Even if you disagree with Vellacott. Even if you applaud judicial activism and believe that judges are, as they like to claim, above the cut and thrust of the public or the politicians, does it not upset you just a bit to think that we now appear to live under an autocratic Supreme Court which itself is above any criticism from those of us who admit to being mere mortals.

Even if you think Vellacott's concerns are dumb, doesn't free speech include the right to say stupid things as well as brilliant things?

The fact that Vellacott had to quit as committee chair actually proves his point. If the Supremes didn't have "godlike" powers, he'd still be there.



**National Affairs**

**Claire Hoy**

# Catholic leaders should show respect for freedom

The blockbuster movie *The Da Vinci Code* hit the big screen surrounded by controversy. Some Catholic leaders have asked their faithful to speak out against the film and to boycott it. Some bishops, however, take it even further than that. Archbishop Angelo Amato, a high-ranking Catholic official, says the movie is full of "offences, slander, historical and theological errors concerning Jesus, the gospel and the Church," which if "directed towards the Koran or the Shoah would have justifiably provoked a worldwide revolt. Yet because they were directed toward the Catholic Church, they remain unpunished." And Cardinal-Bishop Francis Arinze, a Papal candidate last year, added ominously: "Those who blaspheme Christ and get away with it are exploiting the Christian readiness to forgive and forget and to love even those who insult us. There are some religions that if you insult their founder they will not be just talking. They will make it painfully clear to you."

In issuing such veiled threats, the bishops are no doubt hinting at the vehement Muslim reaction to the Danish cartoons. In a frenzy of violence, Danish embassies were torched, people were murdered and the cartoonists went into hiding as protesters carried signs with slogans such as "Massacre those who insult Islam."

How can the bishops possibly call such actions justified and suggest that Christians imitate them?

Because, they claim, a person has a right to have his core beliefs respected--a right the cartoonists and filmmakers violated. "This is one of the fundamental human rights," Cardinal-Bishop Arinze pronounced in a statement eerily reminiscent of what Imams said regarding the Danish cartoons: "that we should be respected, our religious beliefs respected, and our founder Jesus Christ respected." The Bishops are demanding respect--but can respect be demanded?

To respect something means to hold it in high regard. Respect is something that we reserve for the people and ideas we judge to be worthy of our love and admiration--we reserve it for what we value. Our respect is a precious commodity, used to express our sanction and approval of others and their actions. We respect soldiers

who defend this great country's values. In contrast, we disrespect, even hate, those who oppose our values. If a white supremacist comes to your town to deliver a speech advocating that non-whites should be corralled and shot, do you have an obligation to respect his beliefs? Or should you speak out against what you consider to be evil, and in favor of what you judge to be good?

If your neighbor believes that a hard-working Mexican busboy should be deported because he is here without a work permit, do you have an obligation to respect that belief?

By suggesting that there is a "right to respect," the bishops are clamoring that we owe them respect regardless of whether we think their beliefs are true or false, worthy of our admiration or denunciation. Many people, of course, do respect the Catholic Church, but others agree with Enlightenment thinkers like Voltaire, who concluded: "Christianity is the most ridiculous, the most absurd and bloody religion that has ever infected the world." Respect can only be granted willingly, where we judge it to be due, not demanded by those whose ideas we conclude to be false or despicable. There can be no *right* to be respected.

By claiming that their "rights" have been violated, the bishops are calling for their faithful to demand government protection from "offensive" content. By asking that the filmmakers be punished, they are asking for censorship--for the filmmakers to silence themselves or be silenced by force. And their statements make it clear: If the government won't censor the filmmakers, Christians should make their displeasure "painfully clear." Respect granted at the point of a gun is not respect at all--it is a ransom for your life.

Our political leaders created a system that protects each individual's rights, including the right to express his ideas regardless of their popularity or whom they offend. Our country is proof that the system works. Catholics can voice their displeasure, even their disrespect, for a movie; filmmakers can present a controversial story that millions will

pay to see. Each can criticize the other and peacefully walk away. It is in that spirit that "The Da Vinci Code" filmmakers have a right to release their movie without the threat of force from Catholic bishops. And this is a right the bishops need to learn to respect.

By Debi Ghate, vice-president of academic programs at the Ayn Rand Institute.

## Federal budget will help municipalities

Ontario's municipal governments see promise in the Harper government's first budget. The budget includes a commitment to work with provinces and territories over the next year on the fiscal imbalance. It also fulfills commitments of \$7.1 billion in federal funding support for municipal infrastructure over the next four years.

The current fiscal imbalance undermines Ontario's competitiveness and undermines the fiscal sustainability of Ontario's communities. The budget holds out a promise of dealing with the federal-provincial fiscal gap through further discussion over the next year. Any advances for Ontario would allow the province to meet its commitment to upload provincial health and social services costs from municipalities and property tax payers.

"Municipal governments in Ontario welcome the prime minister's commitment to addressing the fiscal imbalance in this country," said AMO president Roger Anderson. "However, Ontario's property tax payers cannot afford to wait another year to see progress in the \$3 billion gap between municipalities and the province."

The budget also recognizes an important role for the Government of Canada in helping municipalities deal with Canada's growing municipal infrastructure deficit. It commits to implementing promised federal infrastructure funding including an additional \$351.5 million for public transit capital in Ontario and \$312.3 million for affordable housing in Ontario in the form of trust funds.

"This budget demonstrates that municipal infrastructure is a responsibility shared by all three orders of government," said Anderson. "It also demonstrates that municipal infrastructure is a critical component of the nation's economic well being."

As predicted, the budget withdraws federal support for 11,000 child care spaces in Ontario, undermining the success of Ontario's Best Start Program.

AMO is a non-profit organization representing almost all of Ontario's 445 municipal governments. AMO supports and enhances strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario and Canada's political system.

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