

**System neither impartial nor non-partisan**

The late great American entertainer Will Rogers, a man who was famous for his homespun humor, once quipped that: "We always want the best man to win an election. Unfortunately, he never runs."

Which brings us - sort of - to a recently published poll conducted by the Strategic Counsel (on behalf of CTV and the Globe and Mail) which found that 63 percent of 1,000 respondents think it would be a good idea to elect our judges. Just 30 percent disagreed. Had I been asked, that's the camp I would have been in, but not for the reasons cited in the story by Ontario Chief Justice Roy McMurtry, a former provincial Tory cabinet minister, who said that "impartiality" could not be maintained in a system of elected judges.

"The potential for abuse is horrific," said McMurtry. "Money would inevitably become a factor. I can foresee terrible abuses," including the notion that judges may feel compelled to impose popular verdicts and sentences to ensure their re-election.

"It could really destroy the very best traditions of an independent judiciary," he said. "I think it would be a tragic initiative for the administration of justice."

For starters, there is no chance at all that this is going to happen in our lifetimes. In the U.S., many lower court judges and other court officials, such as district attorneys, are elected and there are many examples of decisions being made based on electoral chances rather than the facts of the case.

Take, for example, the dreadful behavior of district attorney Mike Nifong in the celebrate Duke University case, where a black woman accused several white university lacrosse players of raping her. As the case unfolded it became more and more obvious that there wasn't a case, but Nifong, who was facing a tough re-election fight at the time of the accusations, proceeded regardless of the evidence against the accuser and he now faces serious consequences himself.

So McMurtry is quite right that subjecting judges to elections would lead to decisions based on their prospects of re-election.

Where McMurtry is all wet, however, is in his defense of the absurd notion that our current system of judicial appointments is impartial and non-partisan. It is neither.

When Prime Minister Stephen Harper recently made some modest changes in our secretive - and partisan - system of appointing judges by simply including some more voices in the process, including police, judges from the Supreme Court on down were outraged and screamed that the Tories were trying to "politicize" the court.

Never mind that the court is already "politicized," given the overwhelming number of active Liberals - both small and big "L" varieties - appointed over the years by Liberal governments.

It's odd, don't you think, that the legal establishment - and their many cheerleaders in the media - scream "politics" only when Tories attempt to make the system better, but are perfectly content to accept their partisan rewards when the Liberals dole them out?

One has only to look at the vast majority of judicial appointments in this country to find that the bulk of those occupying the various benches are - or were before their appointment - partial to both Liberals and liberals.

That having been said, however, it's still a bad idea to pick our judges the same way we chose our politicians.

So what's the answer? Well, the Americans - and many other democratic countries - have it right at the senior level, i.e. their Supreme Court judges, by forcing appointees to appear in front of a Senate judicial committee and openly respond to questions from the elected representatives of the people.

Most of the time, since U.S. presidents are aware that they must get their picks past the committee, the appointees are approved. Sometimes they're not.

But, unlike our system, where despite some minor efforts to tinker with it, we only find out who holds arguably the most powerful positions in the country - with the possible exception of the prime minister - when the government issues a press release.

Given the power of these judges, their length of term, and their penchant for rewriting legislation to suit their own bias, surely the least Canadians can expect is to have some notion of a) who these people are and b) what their belief system is, before they get the job and it's too late to stop them from running amok.

So let's just forget about the election stuff, and make the appointments transparent.

For one thing, it's a lot cheaper than an election. For another, it might bring a bit of balance to our left-leaning courts.

**National Affairs****Claire Hoy**

# Extending some tenderness

"Seems like without tenderness there's something missing ..."

General Public

It's easy to fall victim to societal angst and jump on the bandwagon of despair. Given humankind's track record of inhumanity, some of us prefer not to be associated with this aggressive species.

But we're not innately evil or uncaring. Quite the contrary. We all need to receive and show a little tenderness.

Let's face it. We humans are social animals and thrive on social interaction and the vibes of others. Even before we're born, babies respond to warmth and affection; positive happy sounds while still in the comfort of the protective womb.

When children are born, love and affection are their primary life-giving substances. And, these very nat-

## Building our electricity system

> From page 6

There are new natural gas generators operating and being built in Ontario.

And, because it's better and cheaper to save a kilowatt than it is to generate one, we've taken energy conservation more seriously than any Ontario government has done in decades.

Your editorial mentioned nuclear at some length. As the Ontario Power Authority develops Ontario's long-term electricity supply plan - the first such plan the province has had in a generation - nuclear is a key part of the mix. As a result, both Ontario Power Generation and Bruce Power are going through the necessary steps to build new reactors to replace retiring units. They're both acting now to get the jump on the 10-year challenge you identified, a challenge that includes national environmental and safety approvals as well as ambitious engineering timetables.

But, recognizing that nuclear can only be a part of Ontario's mix, just as it is now, I instructed OPA to limit the installed in-service capacity of nuclear to its current level of 14,000 megawatts. Consistent with this approach of achieving a diverse supply we're well on our way to ensuring that 10% of Ontario's generation comes from renewable sources like wind and solar by 2010. We're working with other provinces to tap clean and exciting hydro-electric opportunities to our east and west. In short, if it's clean, green and affordable, we're on it.

We are just talking about building Ontario's electricity system. We're doing it.

**Dwight Duncan**  
Minister of Energy

**Mark Pavilons**

ural, human qualities are vital to a child's early development. This relationship based on spontaneous mutual tenderness, is one of the magical mysteries of all that is human. It's quite amazing, and humbling. It's also quite splendid from a father's perspective.

So, even the most evil among us were raised by warm and loving hands.

Our young are the best examples of our species, before they become jaded and overrun by ideas, stereotypes and misconceptions. So, turn to our youngsters and you'll find answers to many of life's riddles.

Little ones, while they can be quite demanding, need only a few things to survive - namely love and attention. Young ones beg to be heard and understood. They want attention and become quite upset when they are ignored. What does this tell us? Well, they crave pure, fundamental emotional injections of love, kindness, warmth and praise - all that

is good about our species.

They don't care about world issues, the economy, price of gasoline, where our food comes from or when the oceans will run out of fish. Their needs are immediate, and very close to home. They care about being taken care of; feeling safe; knowing their parents will always love them.

They get tongue-tied because they often can't get the ideas out fast enough. Even their childish ramblings are touching and more comforting than reading the ingredients in your deli meat.

So then, why does this change when we grow up and become adults? Just when the proverbial switch goes on, telling us to shirk our emotional attachment and recoil into quiet, reserved, independent people? Just when do we abandon our need for tenderness?

It's easy for us to rationalize that we need to act differently in order to succeed in the world and make a living. And smiling and being compassionate somehow stands in the way of our plans?

Just as an infant responds to smiles, laughs and giggles, we adults have the same basic needs. Dig deep and you'll find them.

Don't you find that when you see someone in line at the coffee shop, or walking down the street, with a big smile on their face, it makes you smile as well? Don't you return the favor, and doesn't it put an extra spring

in your step?

While I'm often wandering around with my head down, mumbling to myself, you can find me smiling, smirking and laughing out loud as I run errands, do banking or fetch the mail. Part of that has to do with my enjoyment of humor and laughter. Not keeping it to myself has something to do with my extroverted personality. In the course of a day, I find dozens of things that make me shake my head and frown. But, instead, I prefer to laugh.

Laughter is one of the essential ingredients to happiness and health. It's been proven that laughing even 15 minutes a day can greatly increase your health and well being. While it's hard some days to let loose with a belly laugh, there are other times when my sides hurt at the end of a day. That pain is much more preferable than the pain of emptiness and despair.

It takes more muscles to frown than laugh. It's easy to be negative about many things in life. To improve one's attitude you have to work at it and make it part of your daily routine.

I think our routines also need an injection of tenderness. We like getting it, so why not share it with others? Giving it also makes you feel young again.

We were put here to care about others, and not just ourselves.

Let's get started.

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