

## Who Holds the Gavel and Who Wields the Sceptre?

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In the light of the Supreme Court's disastrous ruling last week that graduates of a proposed Trinity Western University (TWU) law school could be "reasonably" discriminated against by law societies of British Columbia, Ontario and other provinces, it is also "reasonable" to examine the question of where the ultimate power lies in Canada . . . who decides what is a "reasonable" limit on Charter rights of freedom of religion or freedom of association?

What qualifies some Canadians for preferential treatment under the law while other Canadians are subordinate? Who decides where equality ends and preference begins?

When the law societies of BC, Ontario, and Nova Scotia declared that they would not allow students of TWU to be accredited due to TWU's "student covenant"<sup>1</sup>, they denied the right of students to choose for themselves what kind of law school they would attend and what kind of lifestyles they would adopt. By siding with LGBT activists and the law societies in their desire to impose values on TWU students, the Supreme Court of Canada (SCC) has shown its own bias and has awarded to itself "the divine right of kings."

Many years ago, former CHP Leader, Ron Gray, referred to the SCC as a "judicial oligarchy." What did he mean by that? An oligarchy is a group in power who use their power to retain that power. That's exactly what seven of the SCC's nine judges just did. They sided with the law societies from which they came to make it possible for those law societies to become private clubs, which can limit and control their membership, based not on clear Charter principles but on their perception of public opinion—opinion which past court decisions have had a role in shaping.

Who gave these judges the "golden gavel"? As long as these nine judges make decisions with which the biased press agree, the gavel they hold is treated as a divine instrument, one which not only defines right and justice but creates it. Yet surely any thinking Canadian can understand that these men and women are simply nine Canadian citizens who happen to hold law degrees and a considerable amount of experience on the bench. They're obviously fallible or their decisions would be always unanimous. They are credited with wisdom yet their recent decision is only another example of biased opinion dominating over sanctified common sense. Proverbs tells us that "the fear of the Lord is the **beginning** of wisdom." Therefore any judge, MP, MLA, Mayor, Councillor, or Prime Minister who does not manifest a clear respect for God, the Creator of the Universe and of all humankind, can be expected to have zero wisdom.

So who appointed the nine current judges of the SCC? The Governor General of Canada, representing the Queen and extending the scepter on her behalf is the official person who appoints Supreme Court justices, Senators, and Cabinet Ministers, all on the advice of the Prime Minister, the one who actually makes the decision. Five of our current Supreme Court judges were appointed by former Prime Minister Harper. Three of those five shared the majority opinion in the TWU decision. Had those three sided with TWU, the law school would be back on track. It's true that all four Liberal appointments, including Chief Justice Richard Wagner, sided with the law societies and ruled that the law societies were "reasonable" in denying the right of students to attend a university law school that required compliance with biblical moral behaviour while attending. Only two of Mr. Harper's appointees stood up for the Charter rights of freedom of association

and freedom of belief for TWU directors and the students themselves who would be willing to sign the covenant.

The PM chooses the Governor General as well as Senators. Talk about stacking the deck! While the GG is supposed to be the Queen's representative, it's obvious that she also expresses a worldview in line with that of our current PM. In other words, the movers and shakers in government are all—to a greater or lesser degree—an echo chamber of approval for those who appointed them. So it matters a great deal who does the appointing and based on what criteria.

We sometimes hear negative talk about people using a "litmus test" for judges, the idea being that judges should be fair, unbiased, impartial. Of course there is a litmus test for judges and every appointed official! The only question is on what should this litmus test be based? To fairly provide objective analysis, it must not be based on partisan loyalties and politically-correct spin, but on their moral character and on their respect for the "supremacy of God and the rule of law," which are named in the Charter Preamble<sup>2</sup> as the foundational principles of this country.

Apparently, the oligarchy has chosen instead to ensure that young men and women who serve Christ and are willing to sign a covenant to get a top-notch Christian education are not eligible to join their ranks. The SCC has allowed the law societies to dictate to aspiring law students what religious beliefs they are allowed to hold. Again, I ask, "who decides what is a 'reasonable' limit on Charter rights of freedom of religion or freedom of association?"

The SCC, in embracing the law societies' refusal to accredit future TWU lawyers, has ignored the glaring hypocrisy of those societies. The rejection of TWU students because TWU has a statement of principles seems entirely inappropriate when the Law Society of Ontario has imposed a **mandatory** "Statement of Principles"<sup>3</sup> for all of their currently accredited lawyers to sign! Some lawyers do see the immense problem of the LSO's Statement of Principle and are trying their best to sound the alarm! The glaring contradiction should have caught the attention of the SCC.

CHP Canada has long called on the government to use the tools given to us by the framers of the Canadian Charter of Rights and Freedoms. We continue to insist that with freedom comes responsibility and the SCC has great responsibility to protect our Charter-guaranteed freedoms according to the rule of law.

For a political party that will protect us from a self-perpetuating oligarchy, join CHP Canada<sup>4</sup>. Help us "choose the people who choose the people" who will be making decisions for us all.

## **Footnotes**

<sup>1</sup> [www.twu.ca/student-handbook/university-policies/community-covenant-agreement](http://www.twu.ca/student-handbook/university-policies/community-covenant-agreement)

<sup>2</sup> [laws-lois.justice.gc.ca/eng/Const/page-15.html](http://laws-lois.justice.gc.ca/eng/Const/page-15.html)

<sup>3</sup> [troymedia.com/2018/03/16/law-society-ontario-unprincipled/](http://troymedia.com/2018/03/16/law-society-ontario-unprincipled/)

<sup>4</sup> [www.chp.ca/get-involved/](http://www.chp.ca/get-involved/)