

The Judgments She Wrote

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Chief Justice Beverley McLachlin is retiring from her position on the Supreme Court of Canada. We wish her well in her retirement. We also wish she had never become Chief Justice where she has presided over so much that is evil. The Supreme Court, under Beverley McLachlin's 17-year tenure as its longest-serving Chief Justice, in combination with cowardly politicians and secular social engineers, has overseen fundamental shifts and a radical decline in moral standards in our society. We'll look at a few examples but first we should take a broader look at the role of the courts and the dangers of allowing nine unelected judges to set the markers and rules for 34 million Canadians.

CBC and other national news media have been quick to laud Ms. McLachlin's accomplishments but there are two things Canadians should remember as they look back on Ms. McLachlin's record: Supreme Court Justices are neither infallible nor supreme. Yes, they constitute the highest court in the land but they are still human beings capable of making mistakes . . . and when it comes to human history and national character, the Supreme Court should not have the final word.

Our Constitution acknowledges in its Charter Preamble the "supremacy of God." When governments or courts—or even societal consensus—depart from the wisdom and guidance of Almighty God, He has ways of bringing us back again to the core principles and values upon which He has founded human societies and civilizations. When a court or legislative body orders behaviour that is contrary to His revealed will for mankind, it invites an appeal to the Supreme Ruler and Judge. Our God is a God of justice and we can be assured that His judgments will ultimately prevail.

Let's look at a few of the more troublesome court decisions that have come out of Canada's Supreme Court under the leadership of Beverley McLachlin:

1. In 2005, Chief Justice Beverley McLachlin, acting as the Deputy Governor General during the illness of Governor General Adrienne Clarkson, actually signed into law the *Civil Marriage Act*, legalizing same-sex marriage in Canada. Of course, this followed a series of lower-court decisions and the whipped vote of the Liberal caucus under Prime Minister Paul Martin. But it also reflected McLachlin's **minority** opinion in the 1995 Egan case, which inserted "sexual orientation" into Section 15 of the *Charter*.

It was not as though Parliament had overlooked "sexual orientation" in the list of protected categories; the parliamentary committee had debated it, and the majority agreed with MP (soon-to-be Prime Minister) Jean Chrétien's opinion: "That phrase doesn't belong in *any* legislation, because no one knows what it means!"

This judicial opinion has now become the prevailing cultural practice and is affecting education, law, and public health.

2. In December 2013, the McLachlin Court threw out the law regarding prostitution. While Parliament was able to pass new legislation restricting prostitution, this was a symbolic attempt to remove one of society's longstanding moral restraints and set a dangerous precedent for judicial activism.

3. In February 2015, The Supreme Court unanimously rejected the draft law against doctor-assisted suicide and called upon Parliament to write a new law, allowing the killing of terminally-ill people. The Conservative government of the day chose not to enact Section 33 (the Notwithstanding Clause); and in the Fall election, control of the House was passed to a Liberal majority. No protection of conscience rights was included in the law, nor any requirement for meaningful and effective palliative care. This is further evidence of court precedents setting the stage for public policy.

There is more—much more—that could be said about judgments that have negatively impacted Canada and will be very difficult to change. In fairness, it should be noted that Chief Justice McLachlin has also, on occasion, written judgments in defence of freedom of speech and we appreciate her support of that important principle. However, because of the distressing examples given above (and others not listed here), we cannot join the crowd of left-leaning sympathizers praising her record.

The question is: how do we restore to their rightful prominence the Canadian values which activist judges like Beverley McLachlin have weakened and undermined? One can hope that the next Chief Justice will be directed by principles and understandings more like our Founders—and, we think, the majority of present-day ordinary Canadians. It's chilling to think that Prime Minister Trudeau may appoint a successor who is also an activist judge, determined to reshape Canada according to his or her personal opinions and not according to enduring biblical standards of righteousness and justice.

It's time to rethink our model of helpless politicians and helpless citizens, content to follow the dictates of an unelected court, responsible to no one. That's not a democracy, it's an oligarchy! MPs and Senators must become willing to use the legislative powers they have, such as the Notwithstanding Clause to protect Canadians from destructive court opinions. If democracy means anything, it certainly means that nine unelected judges do not have the authority to force elected representatives to act against their consciences. May God give our MPs, our Senators, and our Justices a hunger and a thirst for righteousness.

The challenges facing Canada are big—but God is bigger.

CHP Canada is the only federal political party that is willing to stand on the biblical principles that made Canada, and most of the Western democracies, great. American president, Ronald Reagan, once said, "Freedom is never more than one generation away from extinction." As we see court orders changing freedom to repressive legislation, we know that the time is ripe for this generation to make a stand to defend what was passed on to us.

Join CHP Canada¹, the battle is underway, stand shoulder to shoulder with us to defend our way of life... to save our heritage.

Footnotes

¹ www.chp.ca/get-involved