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The fight to save democracy in Canada

Canada is at a crucial point in our history. *The very survival of constitutional democracy is at stake.* But none of the parties we have elected to Parliament in the past has been willing to set aside the quest for power long enough to save the Constitution.

The Supreme Court of Canada has violated the Constitution for more than a decade. Professor Douglas Farrow, who teaches law at McGill University, issued an appeal to all Canadians—especially clergy, politicians and journalists—urging us to refuse to recognize Bill C-38 as law. He calls it “illicit law”. His reasons are too complex to summarize here, but they are very real.

C-38 was the child of the *Nesbit & Egan* decision in 1995, when the Supreme Court violated the Constitution by amending the Charter of Rights and Freedoms, inserting “sexual orientation” into Section 15.

Last month, speaking in New Zealand, Chief Justice Beverly McLaughlin urged judges around the world to be *more aggressive* in pursuing their vision of rights—*regardless of the law or Constitution.*

The high court has declared war on the Constitution!

Unless Parliament defends the separation of powers that gives elected legislatures the exclusive right to make laws, the court will win without a fight. And democracy will be dead in Canada.

The only weapon Parliament has to defend the Constitution is Section 33 of the Charter, the “notwithstanding” clause. Mr. Martin wants to repeal it.

Mr. Harper won't use it.

From Confederation to 1947, Canadians had the right to appeal Supreme Court decisions to the Privy Council. We lost that right under the Liberal government of Mackenzie King. The CHP—and *only the CHP*—wants to restore that right, and make the courts accountable to the Constitution.

The most famous example of the exercise of that right was in the late 20s, after the Supreme Court ruled that women are not persons. Five women from Alberta—the “Famous Five”, whose statues are now on Parliament Hill—appealed that decision, and they won. That was a victory, not was just for women, but for all Canadians.

There's another group of Canadians the high court has ruled are “not persons”—pre-born children. And last March, the Conservatives abandoned their cause.

There's an 18th-century Russian story about a family of aristocrats, traveling across the snowy steppes in a sleigh, pursued by a pack of wolves. The Count and Countess throw their children to the wolves to save themselves.

The Conservative Party has become like those aristocrats: they've thrown pre-born children to the wolves. The Liberals and NDP *are* the wolves.

Over and over again, the courts have ruled against the moral foundations on which this nation was built. And Parliament has supinely acquiesced.

Those irrational and dangerous decisions *must be reversed..* Parliament *must* defend the Constitution. But

none of the parties we've elected to Parliament in the past—*none of them!*—has shown the courage to defend the Constitution.

Senator Anne Cools said, "The problem is not just judicial activism; it is also *cowardice* in the House of Commons."

The Liberals have joined the war on the Constitution, and the Conservatives have surrendered. They've become 'Liberal Lite'.

There are many good men and women in the Conservative Party. Chuck Strahl and Maurice Vellacott are among them. I like Chuck and Maurice, and they have served their constituents well. But now we must put aside

our esteem for individuals, and address the damage their party is doing by capitulating in the most important struggle in Canada's history.

Across Canada, there are 44 CHP candidates who *will* defend the Constitution; who *will* defend the pre-born, the elderly and the infirm; who *will* defend traditional marriage; who *will* fight to preserve constitutional democracy for our children and their children.

I urge you to put aside partisan and personal considerations, and send your CHP candidate to Parliament—for the sake of the nation.