

and early-1970s, many western governments began to adopt a 'scientific' or 'rational' approach to governance. This approach involved a high reliance on mathematics, statistics, the social sciences, and formalized decision-making procedures.

In the early 1970s, the Liberal government, helmed by Prime Minister Pierre Elliott Trudeau, introduced the **Planning-Programming-Budgeting System** (or PPBS). This System was intended to integrate the federal government's policy-planning and budgetary processes. Moreover, PPBS involved a shift in the focus of budget decisions. Traditionally, the federal government had been preoccupied with the costs of a specific program or policy, and whether or not the government had enough money to pay for it. Under this new System, however, the focus shifted, to determining the ultimate effect government activities would have on the lives of Canadians. If a particular program or policy was deemed to have a highly positive effect, it was made a budget priority – regardless of the cost. This explains, to some extent, why Canada's social-welfare system grew so significantly during the 1970s.

Reaction to the March 19 Budget Speech

Questions

1. Why does Canada have a federal budget? What role does the Budget play in Canadian democracy? How are budget decisions made? How has the Budget process changed over time? What is a budget statement?
2. How does it actually go about doing this? Who is involved in setting budget priorities and making budget decisions?
3. Why is the passage of a budget a matter of great consequence?
4. Which level of government has taxing power in Canada? Compare the taxing power of the three levels.
5. How is a budget put together? What interests or factors come into play? Which considerations appear to be pre-eminent?
6. What euphemisms are used in budget presentations and what do (tax cuts, tax relief, burden of taxes) really mean?

One can learn much about the nature and intent of a particular budget exercise by studying carefully the reaction to it of various interest groups like provinces, social classes, economic sectors, consumers, age groups, newspapers and other media.

A Provincial View

Danny Williams, the premier of Newfoundland was outraged by the new equalization formula unveiled in the federal budget because the budget reneged on promises that Stephen Harper had made to him prior to the 2006 federal election...Apparently Harper had vowed not to incorporate non-renewable resources, including royalties from offshore oil, in a revised equalization formula.... The new



equalization formula includes 50 per cent of revenues from non-renewable resources, as well as a fiscal cap that Williams also opposed.

<http://www.cbc.ca/news/yourview/>

Homebuilders Association

Bob Finnigan, president of the **Greater Toronto Homebuilders Association-Urban Development Institute**, says builders were generally disappointed. "we were hoping to see more help for the housing industry and we didn't get it."

Although the budget did contain an injection of much needed dollars for roads and public transit, such as the 407 and the extension of the Toronto subway into Vaughan, what builders really wanted was to have the GST tax charged on all new homes indexed to the CPI and the Harper Tories failed to deliver.

<http://www.thestar.com/article/194634>

First Nations (Phil Fontaine)

Across the nation, political and media analysts have heralded this week's federal budget as replete with promises for all. The budget, boldly entitled, **Aspire**, pledges safety and prosperity for all of Canada.

Amid the cheers and backslapping, the voice of First Nations peoples is lost and our place in Canada almost completely ignored and rejected.

In collaboration with all First Nation leaders, we have tabled our detailed plans and our frank analyses of the problems.

This government made sweeping promises prior to the election to honour those achievements and to work with us."

We do not see any plan or even an attempt to put forward a vision that respects and values First Nation peoples.

There's \$22 billion to pay down the debt, yet nothing to address Canada's constitutional obligations to First Nations.

The commitment in this budget to support private home ownership is a start to addressing the structural flaws. But without investment in critically needed social housing, these problems will continue to grow. We've made a strong case for investment in our growing youth population so that they can take their rightful role in the Canadian economy.

While we are pleased that Canada will invest \$5 million in the coming year, we also note the comparison to more than \$37 million that will be spent this year to support foreign workers in Canada.

The problems plaguing hundreds of First Nations who continue under boil-water advisories are well known. Yet, for First Nations, the budget contains absolutely no money but promises "a tough regulatory regime and standards for



drinking water on First Nation reserves.”

In closing, Finance Minister Jim Flaberty asked what future generations would say of this budget.

Future generations will judge this budget harshly as they will be able to see clearly the impacts of this rejection. They will judge this lack of courage to act, to do the right thing and to truly honour Canadian values of justice, fairness and compassion.

<http://www.thestar.com/article/194634>

An Auto Industry View



The minority Conservative government, pressured to do more on the environment, will phase out some oil sands tax incentives, introduce rebates for hybrid vehicles, tax gas guzzlers and subsidize renewable fuels.....

“Environmental measures in this budget will improve the air we all breathe,” Finance Minister Jim Flaberty said in introducing his annual federal budget on Monday.

The government will extend by eight years, to 2020, an accelerated write-off of investment in equipment that generates energy more efficiently or uses renewable energy sources. It will be expanded to include wave and tidal energy and additional solar and waste-to-energy technologies.....

Flaberty announced a rebate of C\$1,000-C\$2,000 (\$850-\$1,700) for purchases of new fuel-efficient vehicles. Examples of those eligible for the full rebate include the Toyota Prius, the Honda Civic Hybrid and a hybrid model of the Ford Escape SUV.

The government is also slapping on a new “Green Levy,” or gas-guzzler tax, of C\$1,000-C\$4,000 on the sale of new passenger vehicles that are not fuel-efficient.

The budget allocated C\$2 billion for renewable fuels. This includes C\$1.5 billion as incentives for ethanol and biodiesel; and C\$500 million to help build plants for next-generation renewable fuels, produced from agricultural and wood waste products like straw and wood residue. The Canadian Renewable Fuels Association lauded the measures.

<http://www.agoracom.com/ir/avalon/message/535318>

Sample of newspaper reactions across the country

Calgary Herald: *The Conservatives’ family values budget contained very little for aboriginal families. ...*

Lethbridge Herald: *The Conservative party, which made much hay last year of its plan to cut federal spending by \$1 billion over two years, increased program spending by 10 times that amount in a budget that hardly felt conservative at all. ...*

Kingston Whig-Standard: *The federal Conservatives have*

finally evolved – into their own worst enemies.....Not that there is anything gravely wrong with the budget Flaberty delivered. It’s just that it isn’t a Conservative template; it’s a Liberal one. The Tories’ fiscal offering shows they have become what they once despised: true Grits.

Sudbury Star: *There’s the \$39 billion offered to the provinces over seven years to “end the era of bickering” among the provinces over the so-called fiscal imbalance issue. ... Much of that money goes to Quebec – 40 per cent, or \$2.3 billion in the first year – which is intended to help Premier Jean Charest get re-elected March 26 and team up with the Conservatives afterwards to help deliver a federal majority government.*

Peterborough Examiner: *The truly disturbing element is the role of the Bloc Québécois. Gilles Duceppe is happy. Between the budget measures and previous health-care and environmental funding announcements, Quebec will get at least \$2.3 billion more in the coming year.*

Montreal Gazette: *Opposition parties might bluster, and some provinces might still moan a little, but this budget demonstrates two axioms: that politics is the art of the possible, and that with a fat surplus you can please almost all of the people, at least one time.*

Halifax Chronicle Herald: *Just like his first budget, Flaberty’s second effort was more the product of fine demographics than sound economics. The lavish spending, in the form of targeted tax cuts and credits aimed at every swayable voter, continued apace. The focus on the family remained the main theme. Parents with kids under 18 will save \$310 per child thanks to a new child tax benefit. They’ll also be able to sock away more for their kids’ education in RESPs. Seniors, meanwhile, will be allowed to wait an extra two years before their RRSPs convert into taxable payments.*

St. John’s Telegram: *The poorest kids at the table got the smallest serving of seconds, while the healthy kids, like Quebec and Ontario, got extra goodies. ..It means things break down pretty much as they always have, evenly along the lines of who’s got the most electoral seats.*

Toronto Star: *Billions in spending, tax cuts, Families, provinces big winners, but cities come up short in budget. Prime Minister Stephen Harper’s government has delivered a budget it is bailing as a big “yes” to provincial demands and those of “hard-working families” across Canada.*



But it also comes with a firm “no” to Toronto’s bid for a share of the GST and a warning to other governments thinking of approaching Ottawa with their hands out in future.

National Post:(Terence Corcoran) *The farmer versus the businessman, the kitchen table versus the boardroom table. The literal juxtaposition isn’t as important as the symbolism. Nobody expects or wants a government that runs on corporate power, so why bother raising the subject? Simple: What Mr. Harper was appealing to is the age-old collectivist code, big business versus the people, the rich versus the poor and the struggling workers.No other explanation for Mr. Harper’s comments is plausible. It is also the explanation that does more to help us understand Monday’s budget, a massive, unconservative and fiscally irresponsible expansion of government. Instead of a budget true to Conservative themes and commitments as we have come to know them in recent years – tax cuts, smaller government, tight spending controls – Finance Minister James Flaherty delivered a truckload of blarney.*

PART B



The Charter of Rights turns 25

The Interim, Editorial, April 2007

This year as the Charter of Rights and Freedoms celebrates its 25th anniversary, Canadians can be forgiven if they hold their applause. That is because a document that clearly enshrines so many rights has had such a mixed record of actually defending them. Indeed, since the ratification of the Charter in 1982, some of our most fundamental freedoms have been eroded by the misapplication of the document. Under freedom’s banner, freedoms have been curtailed. Many of the problems with the Charter are not the result of irresponsible interpretations, but rather, the structure of the Charter itself.

Contrary to the common perception, the influence of the Charter does not flow from any new legal constraints it places upon Parliament. In fact, it shifts power from politicians to judges. And paradoxically, the opposite is true as well: it is the weakness of the Charter that gives it so much strength. The Charter was designed so that it would be subject to the notwithstanding clause – infamous by reputation, yet obsolete in effect – but also to the “reasonable limits” as outlined in Section 1. The Charter enshrines rights, but it enshrines them weakly – so weakly, in fact, that when it seems Parliament might legitimately invoke the sections of the Charter that limit its power, a crisis ensues. When such situations arise, shrill advocates (and lazy journalists) argue that by limiting any part of the Charter, the fragile structure on which the protection of human rights in Canada rests might collapse, ushering in a totalitarian twilight of unchecked parliamentary supremacy.

This is laughable. Because the notwithstanding clause has languished in disuse for so long, judicial advocates can pretend that its unprecedented – yet proper – use would jeopardize all the rights the Charter protects. And it is precisely the fear of these limitations that disenfranchises voters and emboldens judges, giving them carte blanche to tread into the domain of policy – the very power that would alarm them if it was in the hands of our elected representatives. The supposed weakness of the Charter has paralyzed the legislature and empowered the judiciary, so that the most outlandish decisions are yoked together with our most fundamental freedoms.

Defenders of the Charter will remind us that even in

Questions

1. Are virtues, compassion, morality, discipline, and other ethical values mentioned in the budget speeches and response comments?
2. Does a phrase like “tax relief” imply that taxes are an affliction, a burden or crime? Who would be the main proponents of taxes and why? Are they portrayed as villains? Should the taxpayers be viewed as afflicted victims?
3. If taxes are seen as a necessary evil, is it reasonable to see the proponents of “tax relief” as heroes? Who are the heroes according to this viewpoint?
4. Did all provinces welcome the budget measures? Which were in favour and which opposed the budget?
5. The way in which the media cover the budget process and render judgment on the actual content, is very instructive. Do a search of newspaper editorials regarding the budget speech of March 19. Compare and contrast what they chose as highlights of the budget.
6. Why would different newspapers react so differently to the same numbers and promised commitments?
7. Do budget constraints impact on what the government can do politically or do the political choices/policies shape the budget?
8. Which is dominant? Can a budget fulfill both functions?
9. Does a budget reflect societal priorities or government’s priorities?
10. How does a Minority government’s position complicate matters?
11. Given these realities, how does the March 19, 2007 Conservative government’s budget serve these various needs and expectations?
12. Was the budget “family-friendly”?
13. Compare the federal budget process with provincial, school board, and municipal versions? What interest do ordinary people take in each budget? Which groups are most interested in the respective budget processes? Why

advanced societies, the rights of disadvantaged or silent minorities are not as zealously defended as the rights of a majority. Doubtless, this is true. The horrific and continuing practice of abortion is a daily reminder of this fact; indeed, the single greatest failure of the Charter has been its inability to defend the unborn, the most marginalized minority of all. Thus, in practice, the much-vaunted Charter has not bestowed rights onto previously disadvantaged minorities, but instead, has served as a battering ram for fashionable causes funded – until quite recently – with federal money through the Court Challenges Program.

Those who think the Charter is the only thing protecting minorities in Canada do not think very highly of its people, its traditions or the rule of law. And, while in all societies there exists the perennial danger that a majority will unjustly oppress a minority, it is the many who are being menaced by a select few. Indeed, the Charter is not a “majoritarian document” – it protects minorities. But the Charter provides no protection from the influential and elite minority that interprets the document; in fact, the Charter creates precisely this danger.

The contradictory guarantees of the Charter do not simply invite judicial activism, they require it. Thus, the rights and freedoms the Charter enumerates are not guaranteed in any permanent way. What is guaranteed is that judges will balance – that is, limit – rights as they deem appropriate. Instead of being protected by an impartial and independent judiciary, the rights of Canadians are now arbitrated by unelected judges whose decisions are only reversible by other judges. Thus, the Charter does not entrench rights, but the collective interpretations (and therefore prejudices) of the judicial establishment, which is no less prey to the ephemeral pressures of public opinion than the people’s representatives, whose power they have usurped.

What is to be done? The structure of the Charter invites these problems, but fortunately, it contains the solution to these problems as well. The Charter is an embodiment of the laws and traditions of Canada, with their roots in Canadian history and English common law. To this, it adds a decidedly Christian interest in victims and the oppressed – a secular version of the preferential option for the poor.

But, in the hands of an acquiescent executive, a pusillanimous Parliament and an overweening judiciary, the document has become a vehicle for radical social change, a weapon against the very history it pretends to embody. What is needed, then, is a renewed awareness that human rights are not a concession from the state – much less the decree of a judge – but rather, a gift from God, whose supremacy is invoked in the preamble of the Charter.

If the Charter is, as Justice Lamer put it, a “living tree,” Canadians have a right to ask what kind of fruit the Charter has yielded. The owner of the vineyard in St. Luke’s Gospel has a very clear idea of what ought to be done with a tree that bears no good fruit: “Cut it down. Why does it even use up the ground?” But, like the steward of the vineyard, we are hopeful that, given time, the Charter will indeed bear the kind of fruit Canadians can celebrate and respect: “Let it alone, sir, for this year, too” (Lk. 13:7-8).

Until then, Parliament should not neglect its responsibility to prune the overgrown influence of the document. After all, such action is prescribed by the Charter itself.

Here follow excerpts from several articles appearing in

the April edition of *The Interim*, pages 12-13. They should be read in their entirety to get a full appreciation for the insights and reflections offered on The Charter of Rights and Freedoms at 25 Years.

Questions

1. What is identified as a genuine flaw in the way the Charter of Rights and Freedoms has been misapplied?
2. Is there a problem from the very structure of the Charter itself or just with an all too-imperfect interpretation of it by fallible judges?
3. What was the original purpose of the “notwithstanding clause” of the Charter? Why has it never been used by the federal government?
4. Is the Charter a “conservative” document that entrenches and protects the fundamental rights of Canadians or is it a “radical, aggressive” document that expands and creates new rights by curtailing the fundamental rights of the majority?
5. What fruit has the “living tree” produced thus far? Can it be pruned to better health and better fruit?
6. On balance, has the introduction of the Charter of Rights and Freedoms been for better or worse?

Canada’s Charter and civil religion

John von Heyking

...Canadians increasingly look to the Charter of Rights and Freedoms as a sacred text of civil religion.

A key moment came after Parliament voted to institute same-sex “marriage.” Then-Liberal justice minister Irwin Cotler (pictured right) proclaimed that “human rights has emerged as the new secular religion of our time.” He proclaimed this on several other occasions as well.



*... Globe and Mail columnist Jeffrey Simpson once compared the Charter to a canon and the Supreme Court to cardinals, while law professor Robert Ivan Martin refers to the Supreme Court, with its liberal progressive leanings, as a theocracy of relativism “in the grip of a secular state religion.” In a less polemical manner, a scholarly volume bearing the title *The Myth of the Sacred: The Charter, the Courts and the Politics of the Constitution in Canada* was published in 2002.*

....These religious evocations share the view that Canadians have become more worshipful toward the Charter, due in large part to the authority with which the Supreme Court speaks as an oracle concerning the scope and nature of our rights, as if Parliament could not possibly speak intelligently about such things. It is a civil religion of secularism.

John von Heyking is an associate professor in the Department of Political Science at the University of Lethbridge.

Questions

1. Has the Charter acquired a kind of civil religion status? Any evidence?
2. Is there a danger in treating the Charter as some sort of sacred “canon” or civil religion?

Religious beliefs permitted, religious actions not so much

Ian Hunter

In 1995, Trinity Western University sought certification of a teaching program from the British Columbia College of Teachers. The BCCT governing council refused. Why?

Well, BCCT did not approve of TWU’s Mission Statement: “To develop godly Christian leaders: positive, goal-oriented, university graduates with thoroughly Christian minds;” still less with its student conduct code that required students “to refrain from practices that are contrary to biblical teaching ...including premarital sex, adultery, homosexual behaviour.”

The dispute went to court. In 1997 the B.C. Supreme Court decided in TWU’s favour. So, too, the following year, did the B.C. Court of Appeal. But the BCCT launched an appeal to the Supreme Court of Canada. On May 17, 2001 the Supreme Court of Canada dismissed by 8-1 the BCCT appeal, but the majority judges warned, “The freedom to hold beliefs is broader than the freedom to act on them.”

Suppose this case. A student comes to a TWU graduate for counselling in a B.C. school. The student says he is troubled by feelings of attraction toward students of his own sex. He asks the teacher if such feelings are wrong. The teacher says: “No. No problem.” The Supreme Court of Canada is content.

But suppose the teacher says there are books, websites and materials prepared by former homosexuals that explain how one can resist such feelings. Has the teacher crossed the line between beliefs and action? Or, suppose the teacher replies: “Well, you have asked for my opinion, so I’ll give it to you. The Bible teaches that homosexuality is sinful.”

The Supreme Court left no doubt how the latter situation would be dealt with. “Acting on beliefs is a very different matter. If a teacher in the public school system engages in discriminatory conduct, that teacher can be subject to disciplinary proceedings before the BCCT.”

In essence, the Supreme Court has ruled that there is a right to believe what you want as long as you never communicate those beliefs or attempt to put them into practice.

If I may paraphrase the TWU victory in words that might still have a certain resonance among its own faculty and students: you are free to be hearers of the words, but not doers; you may render unto God when on campus, but only to Caesar off campus. By their deeds, no one shall know them.

Ian Hunter is professor emeritus from the Faculty of Law at the University of Western Ontario in London.



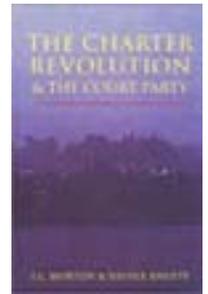
Questions

1. Is freedom of speech curtailed in any way by the Trinity Western University case?
2. Is freedom of action limited by the Supreme Court’s finding?
3. Is it not reasonable to place some limits on actions based on one’s beliefs?
4. Who or what body can decide what constitutes a discriminatory action?

The Charter and gay rights

Paul Tuns

*It is hard to imagine gay rights activists being so successful in getting their agenda implemented, were it not for the complicity of sympathetic courts invoking the Charter of Rights and Freedoms in various rulings to advance special rights for homosexuals in piecemeal fashion over the course of several years. Between 1995 and 1999, the Supreme Court of Canada granted new rights to homosexuals on three separate occasions... .The Charter, although silent on the issue of sexual orientation as a basis for special rights, has had sexual orientation “read in” to Section 15 by various levels of courts and by the Supreme Court of Canada on no less than three occasions. As Ted Morton and Rainer Knopf argue in their book *The Charter Revolution and the Court Party*, the judges (pushed by federally funded special interests) were invited by the Charter to become legislators. But Morton and Knopf also argue that the judges (and the Court Party coalition of special-interest litigants) have perverted the Charter by reducing it to a single value: equality. The courts have ignored individual rights enumerated by the Charter in favour of group rights.*



Questions

1. How has the existence of the Charter been a boon for the gay rights activists? (Consider the changes brought about on the definitions of marriage, “spouse”, hate speech and “equality” issues like pension benefits, rights to adoption, renting of property.)

Abortion and the Charter of Rights

C. Gwendolyn Landolt

The definitive decision on the abortion issue under the Charter of Rights was the Morgentaler case, handed down by the Supreme Court of Canada in January 1988. In that decision, the Supreme Court struck down the abortion provision (Section 251) of the Criminal Code, which prohibited abortions except when necessary to safeguard a woman’s “life or health” and after approval by a hospital abortion committee.

Contrary to the blaring headlines at that time, the court did not then state, and never has stated, that women in Canada have a “right” to an abortion. What the Supreme

Court of Canada actually decided in the Morgentaler case was that the abortion law was unacceptable on procedural grounds in that it contravened Section 7 of the Charter, which provides that: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice."

The court concluded that unequal access to abortion was a denial of the security of the person.

To strike down the abortion law on procedural grounds, however, the court required evidence that there was, in fact, unequal access. Neither Henry Morgentaler nor his lawyers produced a single witness who had actually been prevented from obtaining an abortion. A federal government report, the Report of the Committee on the Abortion Law, tabled in 1977, had concluded that there was a lack of equal access to abortion in Canada, but it was over 10 years old.

There was another study on access to abortion, however, carried out on behalf of the Ontario government by a well-known pro-abortion activist, Dr. Marion Powell. The conclusions reached by Powell in her report were based on references, sources and authorities that were solidly pro-abortion. Her report was not an accurate reflection of the abortion situation, yet three of the five Supreme Court judges in the Morgentaler case, who were in favour of striking down the abortion law, relied heavily on this report to support their argument that there were procedural defects in the law.

Moreover, the Powell Report was never officially admitted as evidence in Morgentaler, since it did not exist at the time the case was argued on Oct. 7-10, 1986. It was tabled in the Ontario legislature on Jan. 29, 1987, over three months after the Morgentaler hearing. There is no record in the court docket of any application to seek leave to admit this report and it never formed a part of the court record.

Consequently, by using this report as a basis for its decision, the court relied on a biased and inaccurate document, obtained behind the scenes, on which there had been no cross-examination. The use of this evidence in this manner was unprecedented in the procedural rules of the court. Justice William McIntyre, one of the two dissenting judges, objected to the reliance on such material by the other judges, and stated that the court should "place principal reliance upon the evidence given under oath in court."

The Supreme Court of Canada wanted to make the abortion law a less restrictive one, and the "procedural" argument based on the dubious evidence was its means of doing so. The court's decision in this regard was made easier by the fact that there were no pro-life intervenors in the case.

(As legal counsel for Toronto Right to Life, I prepared a letter of complaint to the Canadian Judicial Council, signed by the president, Laura McArthur, on Feb. 2, 1989, about the questionable use of evidence, with full knowledge that the Judicial Council would quickly dismiss the complaint, which it did. The real purpose of laying the complaint was to create a paper trail for later generations to follow.)

On the positive side, no court in Canada has ever stated

that Parliament does not have the jurisdiction to pass legislation to protect the life of the unborn child. We await the day when Parliament fulfills its responsibility in this regard.

Gwendolyn Landolt is the national vice-president of REAL Women of Canada.



Questions

1. How was the Charter deliberately misused in the Morgentaler case? What evidence does Landolt cite?
2. Does this particular case lend credence to charges of a biased, activist court?
3. Was the court flaunting the will of the Canadian people?
4. Why has there been no effort on the part of Parliament to reclaim its right to legislate on the subject?

The Charter and free speech

Gerry Nicholls

If you think the Charter of Rights and Freedoms truly safeguards our democratic rights, think again. In fact, in one notorious case, the Charter did nothing to prevent bureaucrats, politicians and judges from squashing the most basic of all democratic freedoms: the right to free election speech.

I know all about this case, because it involved my group, the National Citizens Coalition. We were fighting against what the media termed the "election gag law."

Enacted in 2000, this gag law imposed severe legal restrictions on how much money private citizens or independent organizations could spend on "election advertising." Under this law, a citizen could actually be thrown into prison for the "crime" of running a full-page newspaper ad urging voters to support (or oppose) a political party. Under this law, it's also illegal for citizens or groups to run effective media campaigns during elections to raise public awareness on important issues such as the environment, abortion or same-sex "marriage."

Clearly, this gag law infringed on the democratic right to free expression – a right specifically guaranteed in the Charter of Rights and Freedoms. So the NCC challenged this law in the courts.

After a four-year battle, the case ultimately ended up in the Supreme Court of Canada....The Supreme Court of Canada ruled 6-3 to uphold the gag law and essentially killed a core democratic freedom.

What happened? Why did freedom lose?

Well, while the court agreed the gag law did indeed infringe on free expression, it ruled it to be a justifiable infringement. And indeed, under Section 1 of our Constitution, a freedom can be suspended if the government can provide the court with solid evidence that the exercise of that freedom causes harm.

In this case, however, the government was unable to

provide any evidence that free political speech did cause harm. The best argument it could come up with was the gag law was needed because without it the rich might unfairly buy elections.

It was a flimsy argument, but amazingly, the Supreme Court bought it, ruling the lack of evidence didn't matter. For the court, a "reasoned apprehension" that free speech might lead to some sort of unfairness was enough. In other words, as an editorial in the Ottawa Citizen put it, the Supreme Court took away our freedom on nothing more than a "hunch." And in so doing, the Supreme Court justices have made it immeasurably easier for future governments to take away more of our freedoms. The bar of proof under Section 1 has been drastically lowered. That's why anybody relying on the Charter to protect our rights could be in for a major disappointment.

Gerry Nicholls is vice-president of the National Citizens Coalition.

Questions

1. What was the purpose of the "election gag law."?
2. What is the National Citizens Coalition?
3. Why did it bring the "election gag law to the courts?"
4. How did the Supreme Court of Canada rule on the issue?
5. Does Nicholls have a legitimate concern or was the court decision proper?
6. Are there any restrictions placed on political parties regarding election expenditures?
7. Are there restrictions placed on the use of union dues for political purposes?
8. Do individuals have any recourse to not having their compulsory union dues used for political purposes that they do not agree with?

Other Views on the Charter

Before 1982 Parliament was supreme. If you wanted a law changed you lobbied the federal Parliament or provincial legislature depending on the issue.

After 1982, or after the first few cases were decided, Canadians quickly realized there was a new way to change the law: the courts. Few people anticipated how readily courts would take on new powers to read into legislation or reinterpret legislation. Even more startling was the idea you could break the law in order to challenge its constitutionality.

http://www.faithtoday.ca/article_viewer.asp?Article_ID=231

But for the vast majority of Canadians, the Charter has become a symbol of national identity, taking its place alongside the Maple Leaf, hockey and snow. In poll after poll, most embrace the Charter as a kind of national mission statement, asserting the country's commitment to tolerance, fairness and equality.

<http://www.thestar.com/article/200519>

Twenty-five years – and many hundred Charter rulings – later, it is undeniable that a broad spectrum of Charter decisions has profoundly changed both the country and the Canadian psyche. Whether those changes have enhanced

democratic traditions or nurtured a politicized judiciary intoxicated with power is a debate with no end.

<http://www.theglobeandmail.com/servlet/story/LAC.20070410.CHARTERINTRO10/TPStory/TPNational/Politics/>

10th Annual National March for Life

In Ottawa
Justice for the Unborn

May 9, 10 & 11, 2007

Wednesday May 9

7:30 pm
Pro-life Mass
St. Theresa Parish
95 Somerset Street West

9:00 pm
Candlelight Vigil
The Canadian Tribute
to Human Rights monument
Lisgar & Elgin Streets

10:00 pm
All-night Adoration
of the Blessed Sacrament
ending with
7:00 am Mass
St. Patrick Basilica
Kent & Nepean Streets

Thursday May 10

10:00 am
Pro-life Mass
St. Patrick Basilica
Kent & Nepean Streets

10:00 am
Prayer Service
St. George Anglican Church (tentative)
152 Metcalfe Street

12:00 noon
Gathering on Parliament Hill
Welcome and Introductions

1:30 pm
March through downtown Ottawa

2:45 pm
Silent No More Awareness Campaign
Parliament Hill

4:00 pm
Closing Prayer Service, Parliament Hill
Eastern Catholic Chaplaincy of Ottawa

Friday May 11

9:00 am to 3:00 pm
Youth Conference
Hampton Inn
200 Coventry Road

For more information
contact Yoli, 1-800-730-5358

6:00 pm
Cocktail Hour and Rose Dinner,
Hampton Inn, 200 Coventry Road
Tickets required in advance - \$60.
Call 1-800-730-5358 or 613-729-0379
or 514-344-2686

Organized by
Campaign Life Coalition

For More Information Call
416-204-9749
1-800-730-5358



ABORTION is killing our future

JUSTICE FOR THE UNBORN!

BE the culture of life

FEATURING
BELLA
Winner of the People's Choice Award
at the 2006 Toronto Film Festival
Eduardo Verastegui - Actor
Leo Severino - Producer

Friday May 11

Fayette Krystow of My Canada

Stephanie Gray of Canadian Centre of Bio-ethics Reform

The Canadian Centre for Bio-Ethical Reform is an educational pro-life organization whose mission is to make abortion unthinkable.

MY CANADA is faith based group of young leaders in Canada from many Christian perspectives that have a heart to walk in unity for a greater purpose.

www.ccbinfo.ca
Hampton Inn, 100 Coventry Rd. Ottawa
For more information call Yoli, 1-800-730-5358
www.4mycanada.ca