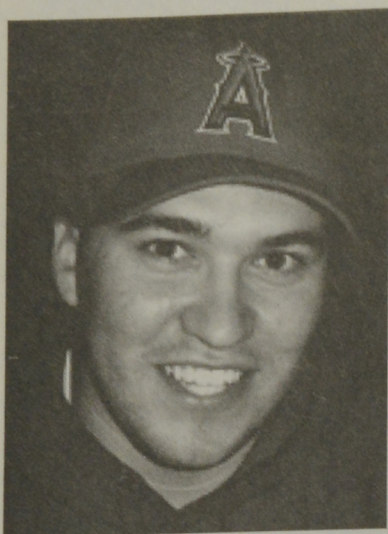


by Ben Conoley &
Pat Reinartz

VIEWPOINT

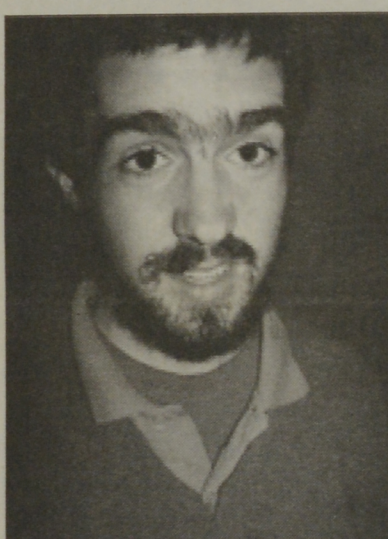
What's the best?



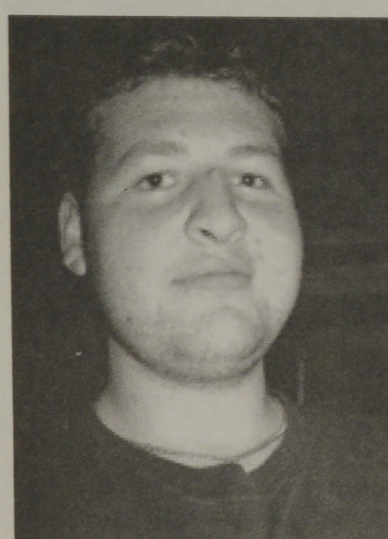
"Jones House."
-Randy Hanley
2nd year BBA



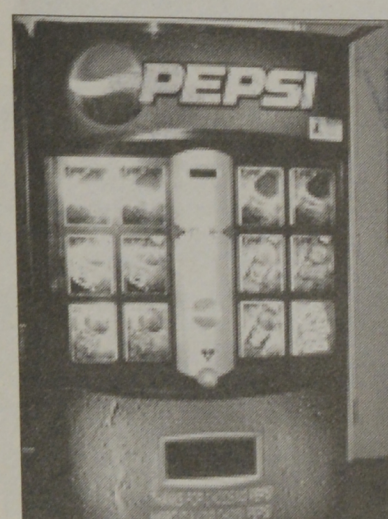
"Cuddling with warm
laundry."
-Ciana and Ben



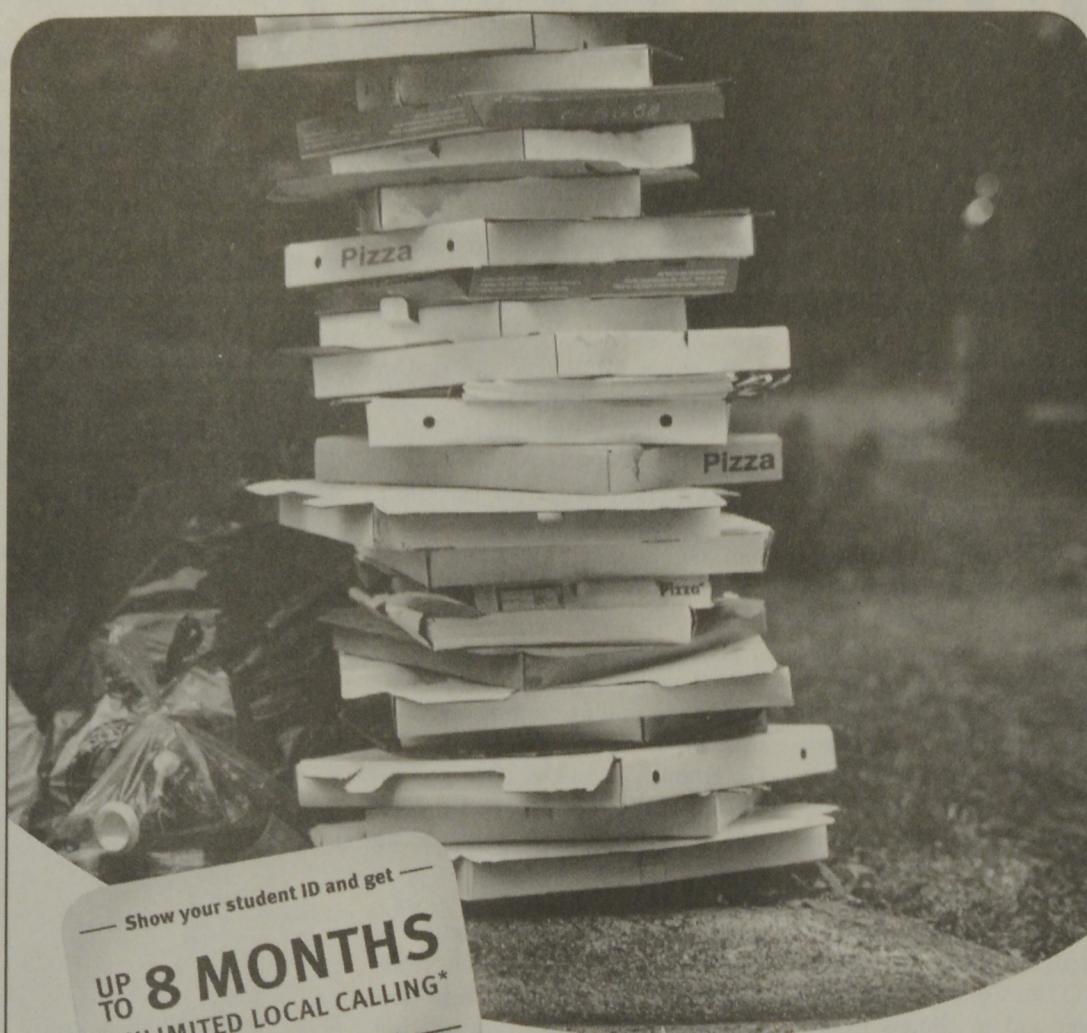
"Beach Volleyball and
cucumber sandwiches"
-Kyle Cunjak



"Green Day."
-Hoover



"Coke."
-Pepsi machine



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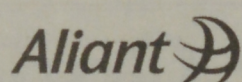
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Supreme Court should reflect diversity

Importance of Supreme Court
appointments cannot be
overestimated

by Saleema Nawaz

WINNIPEG (CUP) -- The Canadian Bar Association recently deferred a proposed resolution at its Winnipeg meeting concerning the appointment of Aboriginal judges to the Supreme Court of Canada. Postponed until the association's meeting next winter in Charlottetown, the resolution called for the Canadian government to "recognize all three founding peoples of Canada in appointments to the Supreme Court of Canada." With Paul Martin set to appoint two new Supreme Court judges before October, the indecision of the Canadian Bar Association has deflated the potential of an important and timely proposal.

The importance of these appointments cannot be overestimated. As the highest court of appeal in the nation, the Supreme Court of Canada frequently makes landmark decisions, changing the face of law in this country. As politicians back-pedal on issues in their struggle to remain in power, the judiciary is taking an increasingly bold role in interpreting the Canadian Charter of Rights and Freedoms. While some decry this so-called "judicial activism," the judges of the Supreme Court must be lauded for their efforts in forcing the nation to re-evaluate its position on difficult issues vis-à-vis the elevated standard of freedom set out in the constitution.

As more and more issues involving Aboriginal and treaty rights are set to come before the Supreme Court, the appointment of an Aboriginal judge would come at an ideal moment. Currently, the justices of the Supreme Court represent the Canadian traditions of common law and civil law, but not Aboriginal law. Three seats on the Supreme Court are reserved for judges from Québec, and by convention, the government appoints three judges from Ontario, two from the western provinces, and one from Atlantic Canada. The federal government has

never appointed an Aboriginal person or a member of a visible minority to the Supreme Court of Canada since its inception in 1875.

After the proposed resolution was announced, columnists across the country began denouncing the idea, suggesting that appointments should be based on merit alone, not ideals of legal pluralism. But this analysis presupposes a level career playing field and ignores the reality of political appointments. Aspiring Aboriginal lawyers and judges face obstacles to advancement not experienced by most non-Aboriginals, including such hardships as cultural loss and poverty, as well as widespread prejudice and systemic racism.

According to the United Nations Human Development Index, the average Canadian enjoys a quality of life ranking among the top five in the world. But a statement issued by the Canadian Labour Congress on June 14 maintains that Canada's Aboriginal population, judged by the same criteria, would only rank 63rd. And a 2004 quality of life report by the Federation of Canadian Municipalities found that the average income of non-Aboriginal households was 1.7 times higher than that of Aboriginal households (\$78,012 to \$46,838). The same report also found that Aboriginals in Canadian cities experience an employment rate a full eight percentage points below the national average and are even less likely to find employment than new immigrants.

The Canadian Bar Association should be praised for one resolution passed unanimously at their conference: a recommendation that the Canadian government provide compensation to the 90,000 surviving Aboriginals who suffered through the nation's residential school system. Restitution is right and important, but it is also imperative to urge the government to look forward. I am optimistic that the hidden prejudices and systemic racism that facilitate widespread Aboriginal poverty and unemployment will one day be considered as repugnant and reprehensible as the residential school system. But why are we waiting for equality to find us?

The case of women on the Supreme Court is instructive here. The first female justice of the Supreme Court was not appointed until 1982, and since then, there have been only five in total and never more than three at one time. In 1928, the Supreme Court even declared that women were not persons -- a decision that was later overturned by the British Privy Council. The continuing lack of equal female representation on Canada's highest court is an embarrassment, and the affirmative action applied throughout the rest of the public service could have been and could still be valuable in balancing this male-dominated institution. Who knows how long we will have to wait before those in power decide they want to share it with the rest of us? Probably a very long time. That is why affirmative action is so important in forcing our government to keep pace with evolving ideals of fairness and equal opportunity -- ideals that it claims to uphold.

The appointment of a qualified Aboriginal Supreme Court judge, whether or not the law is changed to allocate a seat for Aboriginals, would be a sign of good faith from the government to the Aboriginal population, as well as a step towards combating the poisonous and deeply embedded racism that exists in this country.

Critics ask, "Where does it stop?" as they cling to their slippery slope fallacies, conjuring images of a Supreme Court in which every seat has been claimed by proponents of identity politics. (The horror, the horror: a Supreme Court that actually reflects the importance of women, Aboriginals and visible minorities in this country). But the question we really should be asking -- as a nation claiming to be committed to equality for all -- is: "Where does it start?"

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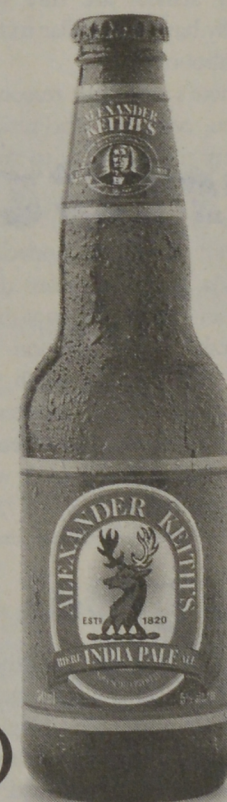
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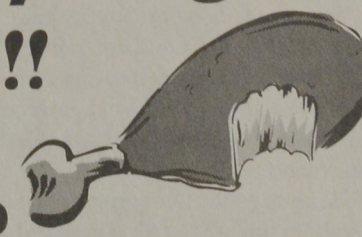
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