

SUPREME STAR CHAMBERS

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Criticism of Judges

Ever increasing public criticisms of judges, lawyers and legislators provoke ever increasing professional exculpations. Debates rage over interpretations of the U.S. Constitution and Canadian Charter of Rights and Freedoms. Traditionally judges refrained from public debate, but now their policy is to dive right in.

On one side critics attack the courts as corrupt or undemocratic, and particular judges as biased, activist or political. On the other side judges and lawyers say these allegations are false, the innuendoes are unfair and personal attacks are *ad hominem* invective. They claim Judge, Court, Charter and Constitution all protect the right of their critics to free speech, that the religion and personal life of a judge are irrelevant, and that the critics are venting their own dislike of the legal values arising from the Court's decisions. They claim judges are only interpreting what Parliament or Congress enacted.

These mutual recriminations generate more heat than light because participants confuse the

(1) purpose, (2) nature and (3) function

of

(1) principles, (2) persons and (3) institutions;

i.e. the principles of law and politics, the vocations and professions of judges and politicians, and the institutions of courts and legislatures. Both sides have forgotten the true purposes, meanings and origins of human life, law, and government.

Before they can rationally debate the Fundamental Justice referred to in the Canadian Charter and U.S. Declaration of Independence, and implied in the U.S. Constitution, they must first answer the religious question: "What is Truth?" If the answer to this famous question varies relative to the perspective of the person asking or answering, then subjective relativism frustrates both sides, since they have no common purpose, meaning, reason, standard, authority or principle; inevitably their discussion degenerates into reciprocal volleys of slogans.

Modernists brush off our Christian slogans as if they are mere superstitions; they hurl back slogans that are truisms severed from all the rest of the truths that make up the wisdom of the world. A Modernist slogan is often a Christian principle, wrenched from its place in the matrix of divine principles, swollen to madness in isolation, and used to violate other Christian principles.¹ Divine principles were designed to be used with one another, not against one another.

Ad hominem attacks tend to obfuscate rational debate because they provoke emotional retaliation in kind. Under Christian law, allegations about a judge's former cronies or opinions are irrelevant because there is an objective eternal standard to apply. Both sides know judges ought to apply God's will, order, purpose, justice, principle, rationality, etc. Scrutiny *ad hominem* of a judge is not relevant; the only relevant issue is whether he has failed to apply divine principle.

But when judges have abandoned Christ, they submit to no objective independent authority; they can subject any principle to any other principle or tear any principle from the matrix of Christian principles and inflate it to madness in isolation.

Then when they assert the will of their masters, their cronies, or their own selves, *ad hominem* scrutiny becomes both relevant and appropriate, because people are entitled to know WHOSE will, purpose, justice, rationality, principle, order, etc. is being imposed upon them.²

Who Guards the Guardians of the Law?

When a husband called away from Rome for military duty posted guards to preserve the chastity of his bride, Juvenal asked, "*Quis Custodiet Ipsos Custodes?*"³

Who decides what criteria control the validity of laws? Who decides what it is that makes, not valid Law, but a perversion of Law? Every citizen has the duty to decide for himself whether legislation is valid; we all have the duty to refuse to obey a law or an order for a crime against humanity, e.g., for the Holocaust, or for the massacres at Mai Lai, or the slavery laws of the Old South. But who decides why a law is just or unjust, rational or irrational?

Many of the fundamental principles and criteria for Law and Justice appeared in Magna Carta in 1216. The politicians of the day were ready for battle in the king's army on one side of the River Thames and the barons' army on the other. It was Stephen Langton, Archbishop of Canterbury, who drafted and negotiated the clauses securing freedom on the island of Runnymede. He turned an incipient trial by battle into a Parliament of reason.

Moreover, judges, all in Holy Orders, laid down in the Common Law between 1100 and 1300 what the fundamental principles of valid law are. They used these divine principles to control the servants of the king under the prerogative writs of Habeas

Corpus, Mandamus, Certiorari, Quo Warranto, etc. They were activist judges gradually purging tribal law of irrational superstitions and bringing order to chaos. God fearing judges, lawyers and legislators preserved the principles generally intact until their liberal rebellion about 50 years ago.

The rights and freedoms declared in the U.S. Constitution, Canadian Charter, Human Rights statutes and international instruments are merely conclusions drawn from those fundamental divine principles. Let us all thank God for activist Medieval judges who knew the criteria for discriminating right from wrong principles. Let us pray for the return of discriminating activism now.

Revolting Judges

Although the criticisms are almost always ignorant, misinformed and misdirected, increasing public dissatisfaction arises neither from "activism," nor subjective personal "dislike of the legal values of the decisions," but because the decisions pervert the objective divine criteria which generated the rights declared in Charter and Constitution.

U.S. Judges in *Barnette*⁴ (1943) held that no religious authority is orthodox; *Everson*⁵ (1947) erected a Wall of Separation between Church and State, between law and religion, and between priest and politician. Canadian judges in *Big M Drug Mart*⁶ (1984) copied them, holding Sunday observance laws were invalid because (1) the Charter is secular in purpose and (2) all religions are equal. Thus both Supreme Courts abandoned the divine unitary authority for the fundamental criteria that are necessary for law. Both courts held that judges, rulers and

legislators could ignore Christ's authority, principles and purposes, spurn or adopt any principle and impose their own religion. In *The Decline and Fall of the Roman Empire*,⁷

religions . . . were all regarded by the people as equally true, by the philosophers as equally false and by the magistrates as equally useful.

After their revolts judges were forced to cast about for other authority and other criteria to rationalize their decisions. Notice in the following discussion how deceptively judges tergiversated between the Will of the majority, the Will of a woman and the Will of the elite. To defeat the freedom of the people or of the person, they imposed an elite interpretation of the Constitution or Charter. To defeat the freedom of the person or an elite, they imposed the Will of the People. To defeat the authority of the elite, or the people, they imposed the freedom of the person. With this judicial Three Card Monte they justified defying any traditional principle, however fundamental. Thus they reinserted chaos into civic order.

The Religion of the Will of the People

*Roth v. US*⁸ (1957) rejected the Common Law objective test for obscenity: whether the material tended to deprave.⁹ Judges replaced it with a subjective test: whether public opinion would tolerate it. This is not only impracticable to prove, but also is ephemeral Will rather than a rational principle. Thus they converted obscenity into a political offence.

Canadians copied them in *Brodie*,¹⁰ (1962). One tolerated titillation invites another. In *R. v. Tremblay*,¹¹ (1993) the Pussy Cat provided cubicles where female "dancers" perverted

their power over males; naked, they simulated intercourse and masturbation with a vibrator before naked male patrons who masturbated to orgasm. Held: not obscene.

Lamer, C.J.C., said in a speech recently that he voted for abortion in *Morgentaler*,¹² (1988) because he felt that most Canadians did not want to punish it; he chose public opinion as his highest authority.

In *Rodriguez*,¹³(1994) a narrow majority of Canadian judges refused to allow assisted suicide, but only because there was no clear public consensus in favour of it yet; again, all judges chose public opinion as their highest authority.

*Washington*¹⁴ (1997) copied Canadians by denying a present right to euthanasia, but inviting the people in their legislatures to permit it.

When public opinion is the highest principle, trial of a legal issue must take place in the media, and the courts merely endorse the results of a referendum.

The Religion of the Will of the Individual

In *Griswold*,¹⁵ (1965) U.S. judges with the slogan of privacy permitted sale of contraceptives. *Roe*¹⁶ (1973) extended privacy to killing babies. *Carey*¹⁷ (1977) with individual choice and privacy defeated democracy when the people with a statute tried to defend children from contraceptive lust.

*Winnipeg*¹⁸ (1997) denied protection to Canadian unborn children from mothers' glue sniffing expressly to promote a "woman's right to choose her lifestyle." *Dobson*¹⁹ (1999) abolished a child's right to sue his mother's insurer for auto injuries before birth expressly in order to elevate sexual
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freedom above divine duty not to harm neighbours. To individual hedonism they sacrificed at least seven venerable fundamental principles of law up to 3700 years old.

The Religion of the Legal Profession

Professor Morton has identified "The Court Party," a Canadian lobby of academics, politicians, intellectuals, bureaucrats and others with a financial and political self interest in manipulating the laws, the Charter and the Constitution to their own advantage.

*Torcaso*²⁰ (1961) held U.S. public officers may not be required to swear to belief in God despite the oaths before God required in the Constitution. Thus authority may be given to those who believe in no fixed purpose or limit to their power.

Canada achieved the same by statutes and regulations²¹ changing from judicial allegiance to a Christian monarch to judicial allegiance to Canadian laws. As the judges control the laws, they swear allegiance to themselves, like U.S. Supreme Court judges.²²

Without Profession of a particular faith, our rulers, lawyers and judges, the guardians of civilization have lost:

- (a) Objective Purpose (to reach Heaven),
- (b) Meaning embedded in Constitutional Words,
- (c) Harmony, consistency and certainty of Principle,
- (d) Their own share in the credibility of divine Authority.

Meltdown of Meaning

In *Abington*²³ (1963) Brennan, J., who purported to be a Catholic, wrote at 303,

. . .[Public prayers] . . . no longer have a religious purpose or meaning. The . . . pledge of allegiance. . . may merely recognize the historical fact that our Nation was believed to have been founded 'under God'. Thus reciting the pledge may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact.

This implies that constitutional words do not have an objective meaning when they are uttered, so that 'liberty' in the constitution may later be interpreted to mean slavery; further, they may be ignored as surplusage by a judge on the grounds that they no longer mean anything to the ignorant, himself included.

Roe (1973) held an unborn child is not a person under the Constitution; thus Judges outlawed all unborn children so that a mother may kill her unborn child at will. Laws are created for babies, not vice versa; babies are not created by laws; babies are facts, not conclusions from laws or ideologies.

In *Casey*²⁴ (1998), having admitted the jurisprudence of *Roe* is untenable, judges defended the untenable at 851,

At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the state.

This is absurd:

- (a) We all have liberty to fulfill our duty to seek the truth, but no right to create a false image for ourselves;
- (b) Liberty is always founded on truth, never on self delusion;
- (c) The liberty is to express truth, not to define it;

- (d) Truth is not an interpretation of the intentions, agreements or definitions of the Fathers of Constitutions; they were merely trying to express truth;
- (e) Our neighbour in the womb is a fact, not a concept;
- (f) The judges themselves compelled state beliefs on their unborn neighbours when they defined personhood.

*Tremblay v. Daigle*²⁵ (1989) etc., held with similar logic that an unborn child is not a person under the Canadian Charter.

These are exquisite ironies:

While the judges were deliberately deconstructing the meaning of the word person, they were also deconstructing the meaning of the word judge. Laws became no longer expressions of principle, but of will; judges no longer apply independent eternal criteria to facts, but ephemeral will to images. Judges and lawyers are no longer professionals professing a faith that gives them an objective purpose for their power, but pollsters counting votes or spin doctors for the media plutocrats.

The Law of Rulers

In 1933, when a Nazi ordinance made it an offence to do ". . . any act contrary to sound popular feeling," the Permanent Court of International Justice in *The International City of Danzig*²⁶ held it void as contrary to the Rule of Law, because failure to define the precise limits of morality and legislation transfers the function of lawmaking from the legislature to the Judge and imposes a "very elusive standard."

Public and private Will are controlled by plutocratic elites in Hollywood, Wall Street and Madison Avenue who own, operate and

use the media to sell their products; they have hypnotized us with pleasure, power, profit and popularity. Sex sells; media elect our rulers; we are now ruled by our loins. We professionals, judges, lawyers and legislators have degraded ourselves from independent guardians of freedom into apologists for plutocratic demagoguery; we expect traditional respect though we ourselves do not respect tradition.

We bask in self satisfaction when we talk of our independence and the Rule of Law; but there can be no independence or Rule of Law if those who make or interpret laws can create or ignore any fact or any fundamental principle of law following a private plutocratic lobby or demagogic agitation in plutocratic media.

If the highest authority is not divine, it is human, and if it is human, it is subject to change; if it is subject to change, it is subject to pressure; if it is subject to pressure, it is not independent.

Judges have abolished the Rule of Law, the Law of laws, the Law for laws, the Law above laws. Law, like every other discipline, must have fundamental laws that do not change; we now have laws without Law, lawless laws, laws that know no Law.

Without Profession of Faith the barriers and fences of our law have been plucked up one by one, our guards have been hoodwinked, and our peoples are oblivious to their danger.²⁷ When the Philistines are upon us, we will be helpless.

St. Augustine wrote:²⁸

Compare the case of animals which we tame: horses do not tame themselves, camels do not tame themselves, elephants do

not tame themselves, snakes do not tame themselves, lions do not tame themselves. But to tame horses, oxen, camels, elephants, lions, snakes, you look for a human being. So to tame human beings, you should look for God.

William Penn observed that men must be ruled either by gods or by tyrants. Our judges, the professed independent guardians of the Law, of meaning, of order, of civilization and of freedom have subjected our jurisprudence to a tyranny of the loins; gripped by their genitalia like Sampson, our own guardians have been enslaved by Hollywood, Wall Street and Madison Avenue.

The Star Chamber

Under the Tudors the Star Chamber had been a well respected political court applying the divine principles of the Common Law to correct political corruption; but the Stuarts began to use it to impose their Will in their political policies. Devout Common Law Judges and Lawyers led the resistance to that tyranny. After 30 years the Star Chamber was abolished in lasting ignominy and some of its judges were executed.

It was not politics that destroyed the Star Chamber, but its abandonment of divine principle; its judges had ceased to be independent judges applying law, and had become minions of a king and his cabinet enforcing their Will and policy.²⁹

Judges have substituted Will for Law, Political Correctness for Principle, Order for Justice, Illusion for Truth, Rights for Duties.

Without divine authority and principle, the Supreme Courts should have a short life expectancy; but there is now no cadre of devout and informed Christian judges, lawyers and politicians as

there was to tame the Stuart tyranny. We, the people, do not accept divine authority; we will all get what we deserve.

The future of freedom is bleak, not only in the U.S. and Canada but everywhere that Hollywood rules. History reveals that the Roman Senators, after the defeat of Carthage, seized control of the office of Pontifex Maximus about 200 B.C. They usurped their religion, corrupted their principles and formed factions. Their sexual perversions caused a fatal shortage of citizens to defend the empire; they had to hire mercenary Germans, who took control and sacked the Western Empire. Both our decadent nations are just as defenceless.

What is to be Done?

We all must proclaim the authority of God, Christ and His Church: The Name, The Word and The Way; we must proclaim them publicly everywhere and at all times. We must protect Caesar and his judge, Pontius Pilate, from the Sanhedrin of plutocrats controlling the crowds through the media. And we men must prevent our genitalia from controlling our judges, our intellects, and our jurisprudence.

Notes

¹ Lewis, C.S., *The Abolition of Man* (N.Y.: MacMillan, 1947) at 53; Chesterton, G.K., *Orthodoxy* (London: Bodley Head, 1908) at 53; also "Essay on Reading," collected in *Essays and Poems*, (Harmondsworth, Middlesex, U.K.: Penguin, 1958), from *The Common Man* (London: Sheed & Ward, 1950) at 21.

² MacIntyre, Alasdair, *After Virtue* (Ind.: U. of Notre Dame, 1981); *Whose Justice, What Rationality?* (Ind.: U. of Notre Dame, 1981).

³ Juvenal, *Satires*, A.D. 120 (Repr. University of Michigan, 1965) at vi, l. 347.

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- ⁴ *Board of Education v. Barnette*, 319 U.S. 624 (1943).
- ⁵ *Everson v. Board of Education*, 330 U.S. 1 (1947).
- ⁶ *R. v. Big M Drug Mart*, [1985] 1 S.C.R. 295; *McGowan v. Maryland* *MacGowan v. Maryland*, 366 U.S., 420 (1961) 6 L. ed. 2d 393ff; (and three other cases of Jewish merchants in 366 U.S.), held: Sunday observance laws were valid because they had a secular purpose!
- ⁷ Gibbon, Edward, *Decline and Fall of the Roman Empire*, 1788 (Repr. N.Y.: Heritage, 1946) Ch. 2.
- ⁸ *Roth v. U.S.*, 354 U.S. 476 (1957).
- ⁹ *R. v. Hicklin* (1868), L.R. 3 Q.B. 360.
- ¹⁰ *R. v. Brodie*, [1962] S.C.R. 571.
- ¹¹ *R. v. Tremblay*, [1993] 2 S.C.R. 932.
- ¹² *R. v. Morgentaler and Scott*, [1988] 1 S.C.R. 30.
- ¹³ *Rodriguez v. B.C. A.G.*, [1994] 3 S.C.R. 519.
- ¹⁴ *Washington v. Glucksberg*, *Vacco v. Quill*, 521 U.S. 138 (1997).
- ¹⁵ *Griswold v. Connecticut*, 381 U.S. 479 (1965).
- ¹⁶ *Roe v. Wade*, etc., 410 U.S. 113 (1973).
- ¹⁷ *Carey v. Population Services International*, 431 US 678 (1977).
- ¹⁸ *Winnipeg Child and Family Services v. G. (D.F.)*, [1997] 3 S.C.R. 925.
- ¹⁹ *Dobson v. Dobson*, [1999] 2 S.C.R. 753.
- ²⁰ *Torcaso v. Watkins*, 367 U.S. 488 (1961).
- ²¹ Canada Supreme Court Judge's Oaths:

(1) I do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as one of the judges of the Supreme Court of Canada, so help me God. (Supreme Court Act, R.S.C. Sec. 10)

(2) Do you swear (or affirm) that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, her heirs and successors according to law? Oaths of Allegiance Oath of Allegiance Act, 1985 (Now Optional)

or

(2) I do solemnly swear (or affirm) that I will truly and faithfully and to the best of my skill and knowledge execute and perform the duties that devolve upon me. . . . (So help me God.) (C.R.C. 1978 c. 1242, 10003)

²² U.S. Judge's Oath: I do solemnly swear (or affirm) that I will well and faithfully discharge the duties of judge and that I will preserve, protect, support and defend the Constitution and laws of the U.S.A. and will bear true faith and allegiance to the same. (*U.S. Constitution*, see *Am. Jur. Legal Forms* 2d 1966, 189 11-16).

²³ *Abington School District v. Schemp*, 374 U.S. 203 (1963).

²⁴ *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

²⁵. *Tremblay v. Daigle*, [1989] 2 S.C.R. 530.

²⁶ *Danzig, City of, Consistency of . . . Decrees of Free City*, 1935, P.C.I.J. Judgments, Series AB 65 at 52.

²⁷ Erskine, Thomas, arguendo in his defence of Thomas Paine, (1792) 22 How. St. Tr.

²⁸ Augustine, St., of Hippo, (c. A.D. 390) *Sermo* 55, *De Verbis Evangelii Matthaei*, (on the Gospel of Matthew, at 5:22) collected in *Patrologiae Cursus Completus*, Vol. 35 at 375, (J.P. Migne: Paris, 1844-64).

²⁹ Maitland, F.W., *The Constitutional History of England*, (Cambridge: Cambridge University Press, 1909) at 263.