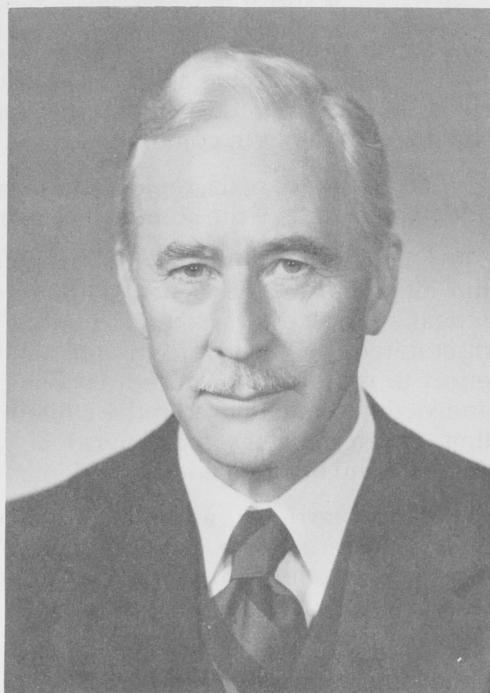


An Opinion

The Hobbling of Justice in Canada

by Les Bewley



Les Bewley.

Photo by Yucho Chow Studio.

The following opinion was first published in the Toronto Globe and Mail and contains views which we feel law enforcement officers can easily identify and understand. We therefore offer Judge Bewley's article as it originally appeared. Ed.

After 21 years as a magistrate and a judge of the Vancouver Provincial Court, criminal division, and six years before statutory retirement, I wrote the Provincial Secretary, as the law requires, to advise him: "As of April 30, 1981, I quit."

My resignation was not due entirely to the prospect of being slowly but surely gummed to death by increasing hordes of young law school graduates, woefully untrained and mentally disoriented by paper-publishing professors of sociology and law, all cutting their legal teeth by gnawing at anything that moves in a real courtroom, and all emboldened by enormous dollops of taxpayers legal aid dollars.

It wasn't only because of the certainty (shared, incidentally, by many sitting trial judges) that the federal Government's and Parliament's most recent exciting and progressive venture into the area of law — the proposed Charter of Rights — will, if enacted, guarantee that trial judges will be even busier, not in acquitting innocent people, but in having to acquit a vastly increasing number of guilty ones.

Because Canadian criminal courts have become increasingly unable to deal quickly and effectively with crime and criminals, because the reasons why are obvious to anyone long enough in the trade but rarely presented to the public, I decided to trade my ineffective robes for a useful typewriter and say some of the things I've been busting to say for a long time.