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Barry Sullivan Law Cup Speech:

Topic: *1997 Apec Summit*

At the dawn of this, the twentieth century, prime minister Sir Wilfrid Laurier predicted that “Canada shall be the star towards which all men who love progress and freedom shall come.” Now, at the century’s close, our nation shines as a beacon of freedom to a world still greatly immersed in the darkness of tyranny. Not by economic nor military might, but by a constitutional commitment to liberty, our nation’s light shines to all the peoples of the world.

This commitment is preserved both by our constitutional tradition, and by the *Charter of Rights and Freedoms*, contained within the Canada act, our Constitution, the democratic, legal and fundamental rights of the Canadian people are all preserved by the charter.

Perhaps most importantly, the *Charter* maintains the rights of Canadians to freedom of speech, and the freedom to peacefully assemble. Without the freedom of assembly, the masses cannot organize to struggle for common causes, and thus democracy is weakened. Without the freedom of speech, the people cannot express dissent, and thus democracy cannot exist.

These liberties make the Canadian flame of freedom eternal.

But when Canada hosted the *1997 Apec Summit* in this very city, our national flame dimmed, as Canadians simply wishing to express dissent to the welcoming of dictators to our Country were stripped of the civic liberties their nationality entitles them to.

Shortly before the summit commenced, six students were arbitrarily detained, and forced to sign an affidavit that barred them from taking part in any protest of the

summit. A tent city erected for protesters was torn down by the RCMP, most likely on Prime Ministerial orders, and to further students were arbitrarily detained and forced to sign the same affidavit.

One student was ambushed and thrown into what turned out to be an RCMP ghost car, and was forced to sign an affidavit barring him from his campus, where a protest was to take place.

On the day this protest took place, the RCMP lowered a Tibetan flag that would have humiliated communist dictator Jian Zemin, and one student was arrested for refusing to remove a sign that said simply “Free Speech.”

In addition, dozens more were arbitrarily detained during the Summit simply to prevent them from protesting.

These incidents all included one common element, the suppression of speech and assembly, in flagrant violation of the *Charter*.

It must be asked, did this organized suppression of the *Charter* serve in the public interest?

The answer quite simply, is no. One must examine the *Charter's* preambulatory clause to understand its ultimate purpose:

“Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law”

This reference to the rule of law demonstrates that the ultimate purpose of this *Charter* is to protect Canadian society by preventing the arbitrary execution of

power by those who govern it; thus, to suspend the *Charter* is to assume arbitrary power.

If the *Charter* was to be suppressed as such, on executive whim, individuals could be held without counsel and trial, denied the freedom to express their opinions, made to face the unreasonable seizure of property, subjected to torture, and even denied the right to vote. The end result would be that our Nation would cease to be the free and democratic society that it is today.

If this great Nation is to shine on as the glowing beacon of freedom it is today, we must bring those responsible for the extra-constitutional actions at the *Apec Summit* to justice.

We must reaffirm our constitutional commitment to liberty. And most importantly, we must maintain governance that adheres to the bounds of the rule of law.