

*Sunday January 20, 2013*

## **Justice system reform long overdue**

By Jim Taylor

This week, Karl Lilgert's trial for criminal negligence began.

You may think you've never heard of Karl Lilgert before. You have – but so long ago it has slipped your memory. Lilgert was the officer in charge of the B.C. Ferries ship *Queen of the North* when she ran aground on Gil Island, off Hartley Bay, on B.C.'s northwest coast.

These are the same waters that much bigger and less maneuverable tankers will have to wriggle through if Kitimat becomes an export port for bitumen and liquefied natural gas.

The rocks of Gil Island sliced the *Queen's* hull open the same way an iceberg did the *Titanic's*. It took barely an hour for the 8,800-ton ship to sink.

Seven fishing boats raced out from Hartley Bay to help rescue 59 passengers and 42 crew. Two passengers were never found. Presumably they went down with the ship.

All that happened just after midnight on March 22, 2006 – almost seven years ago.

Lilgert doesn't deny being responsible for the ship. He merely denies that his actions constituted criminal negligence.

That's what the trial will determine.

### **The system itself on trial**

I wonder if it matters any longer?

I don't suggest that Lilgert should get off without a formal trial. But I think that what's really on trial here is our justice system.

I don't understand why it takes seven years to bring a suspect to trial. It's not as if he were an unknown perpetrator who had to be tracked down by Interpol. It's not as if forensic investigators had to piece together infinitesimal clues to define the crime. The federal Transportation Safety Board completed its investigation in 2008.

I'm always amused when TV cops demand, "Can you remember exactly what were you doing at midnight on March 22, 2006?" Or whenever. Amazingly, the suspects can. Or claim they can.

I have trouble remembering what I did last week, let alone seven years ago.

"It's hard to remember what happened back then," says Merv Robinson of Hartley Bay, one of those who rushed to rescue passengers in the dark.

### **Faulty memories**

Admittedly, traumatic events tend to fix certain things in one's memory. I can, for example, tell you exactly where I was when the news of John Kennedy's assassination came through. I know to the minute when our son died. I distinctly remember watching the second airliner smash into the World Trade Center towers.

But related facts are fuzzy at best.

A few years ago, I witnessed a car accident, in which a pregnant woman had to be ambulated to hospital. An investigator called me a few months later. I recounted my recollections.

"Very good," said the investigator. "You got everything right – except you reversed the colours of the two cars. It was the red one that hit the white one."

As a journalist, I consider my ability to remember details above average. But a lawyer could have made mincemeat of me in cross-examination.

If I can make that mistake, barely months later, I wonder how dependable less-practiced memories will be, seven years later. Can witnesses be expected to remember details from a day that they didn't realize would be unforgettable until it was too late to pay attention?

## **View from the top**

One year after the Queen of the North sank, Chief Justice Beverley McLachlin of the Canadian Supreme Court gave a speech to the Empire Club in Toronto.

Citing delays as a major problem for the justice system, she acknowledged, "Witnesses are less likely to be reliable when testifying to events that transpired many months, or even years, before trial."

Delays have other implications. Suspects held in custody typically get credit for twice their jail time when they finally get sentenced, drastically reducing their punishment. Others have years stolen from their lives before being ultimately acquitted.

Canadian law requires cases to be heard in a reasonable time, usually 18 months. Provincial Court Judge Robin Smith recently dismissed two cases involving criminal charges, because the courts took too long getting around to dealing with them.

Justice is not done when criminals – even those caught in the act – get off without trial.

McLachlin named three other challenges to the justice system:

- lengthy trials that extend over weeks or months because of the volume of evidence produced;
- costs that limit access to the very wealthy who can afford to keep lawyers on a leash, and the very poor who qualify for legal aid;
- endemic social problems such as our inability to deal with mental illness.

"Without justice," she concluded, "we have no rights, no peace, no prosperity. Once lost, justice is difficult to reinstate. Let us face our challenges squarely and ensure that our justice system remains strong and effective."

"Efforts at reform are underway," McLachlin claimed optimistically, back in 2007.

I doubt that Karl Lilgert sees it happening yet.

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## **YOUR TURN**

Steve Roney questioned the thesis of last week's column about seeing earth from space: "I had a prof at Syracuse who believed that that image of the Big Blue Marble changed everything in theology. This was back in the late seventies. Frankly, I could not see it. Anyone who imagined heaven as above the earth had this image in their mind's eye already. And that has been the norm for thousands of years. The very power of the image was based on traditional concepts of theology."

Steve also thought that it might not be a good idea for governments to feel responsible for areas outside their formal jurisdiction: "Unfortunately, considering itself responsible for the welfare of the entire planet defines an empire. Imperialist ambitions are not always a good thing. Maybe 'keep in mind' would be better a better definition here than 'responsible for.' But then, I think many national governments do indeed keep in mind the welfare of the entire planet -- foreign aid, law of the sea, UN membership, international treaties generally.

"I agree they could do better, but I think what we need here is concrete proposals."

Frank Martens called the Big Blue Marble column “one of the most incisive articles you have ever written. I for one, totally agree with all of the comments you make about the earth -- our climate, our attitude we have towards other nations, etc., and, most important, the legacy we are leaving our progeny.

“You did, however, in the list you made, leave out ‘race’ or ‘colour,’ -- this, I think, has been one of the distinctions between nations that has been as great an obstacle as has religion in dividing all of us.”

Ray Shaver and Dorothy Haug simply expressed their thanks for the column. So did two or three others, whose e-mails I have somehow managed to mislay.

Isabel Gibson offered a thought about the Big Blue Marble: “I seem to remember reading science fiction in my long-departed youth that saw humanity come together only when attacked by space aliens. Without a common enemy, we find endless ways to splinter into warring/competing factions. I believe we're making progress at changing that, overall, but it's a long slog and not one without setbacks.”

Isabel then returned to the subject of the previous column, on the gang rape in India. “Many of your reader comments seem to blame culture for rape -- me, I think it's rooted in biology, and I'm not very hopeful that education will ‘fix’ it, although I'd hope that changing social attitudes might reduce it.”

Isabel found a quote from Steven Pinker (cognitive scientist) in his book, *The Blank Slate*: “Since the 1960s most educated people have come to believe that sex should be thought of as natural, not shameful or dirty. Sex is good because sex is natural and natural things are good. But rape is bad; therefore, rape is not about sex.

“The violence-not-sex slogan is right about two things. Both parts are absolutely true for the victim: a woman who is raped experiences it as a violent assault, not as a sexual act. And the part about violence is true for the perpetrator by definition: if there is no violence or coercion, we do not call it rape. But the fact that rape has something to do with violence does not mean it has nothing to do with sex, any more than the fact that armed robbery has something to do with violence means it has nothing to do with greed. Evil men may use violence to get sex, just as they use violence to get other things they want.”

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## **HYMNSIGHT**

My friend Ralph Milton, who published his Rumors newsletter for many years, has something special for you. It's called HYMNSIGHT, and it's for any church that currently projects the words of hymns and prayers, or plans to.

Ralph writes, Since retiring, I have rediscovered my old love of photography, and found creative use for my pictures in the life of First United where Bev and I worship. Our entire liturgy is projected, so that people read responses and sing hymns from screens. I use my photos to add color, vitality and depth to all the hymns and most of the liturgy.

In the course of this, I have developed slide sets to go with 600 hymns, plus about two thousand slides, in both the standard screen and the newer wide screen shape. You can use all of them, in any way you wish, without permission, and absolutely free, as long as it's non-profit and church related.

All you need to access the website is go to: <http://www.hymnsight.ca>

In addition to all that visual material, there's a comprehensive "how-to" manual for using projected visuals in church.

HymnSight provides a set of suggested visuals to go with each hymn, but the words to the hymn are not there, mainly for copyright considerations.

Please take a look at this service. If you think it's worthwhile, please let some of your colleagues in ministry know about it. And if you know of a website that could benefit from a link to HymnSight, why not add it?

Blessings,

Ralph Milton

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TECHNICAL STUFF

This column comes to you using the electronic facilities of Woodlakebooks.com.

If you want to comment on something, send a message directly to me, at [jimt@quixotic.ca](mailto:jimt@quixotic.ca).

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You can access several years of archived columns at <http://edges.Canadahomepage.net>.

I write a second column each Wednesday, called Soft Edges, which deals somewhat more gently with issues of life and faith. To sign up for Soft Edges, write to me directly, at the address above, or send a note to [softedges-subscribe@quixotic.ca](mailto:softedges-subscribe@quixotic.ca)

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#### PROMOTION STUFF...

If you know someone else who might like to receive this column regularly via e-mail, send a request to [jimt@quixotic.ca](mailto:jimt@quixotic.ca). Or, if you wish, forward them a copy of this column. But please put your name on it, so they don't think I'm sending out spam.

For other sources worth pursuing, try

- David Keating's "SeemslkeGod" page, [www.seemslkegod.org](http://www.seemslkegod.org);
- Alan Reynold's weekly musings, punningly titled "Reynolds Rap" -- [reynoldsrap@shaw.ca](mailto:reynoldsrap@shaw.ca)
- Isobel Gibson's thoughtful and well-written blog, [www.traditionaliconoclast.com](http://www.traditionaliconoclast.com)
- Wayne Irwin's "Churchweb Canada," an inexpensive service for any congregation wanting to develop a web presence, with free consultation. <http://www.churchwebcanada.ca>
- Alva Wood's satiric stories about incompetent bureaucrats and prejudiced attitudes in a small town are not particularly religious, but they are fun; write [alvawood@gmail.com](mailto:alvawood@gmail.com) to get onto her mailing list.

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