

# Vacuous Valley

By Anand Ramlogan - 2007-05-10

It is with much amusement that I read about Minister Ken Valley's apology and counter-attack in the Parliament over his injudicious statements about Justice Tiwary-Reddy. Valley attempted to defend his political leader PM Manning who had just lost a case because the learned judge found that the PM had acted unfairly and abused his power when he tried to block the transfer of a senior public servant who was entitled to serve in the London High Commission.

His political exuberance and blind loyalty caused him to unfairly brand the judge a 'UNC functionary'. He said the PNM saw her as 'a politician'. He promised that the government would appeal all the way to the Privy Council and be vindicated because of her bias. As I noted in last week's column, attacking judges on the ground of political bias is one of the favourite pastimes and hobbies of all politicians. If they lose, they are quick to take pot shots at the court, knowing full well judges cannot defend themselves. If they win, they feel vindicated and have no complaints. Judges are therefore impartial and unbiased when they rule in favour of politicians, but not otherwise.

Valley defends his statements on the ground that they were mere unrecorded banter. He doesn't deny accusing the judge of political bias but protests the fact that his comments were made public. As Leader of Government Business and an experienced Parliamentarian, Valley should know that banter and crosstalk however low and cheap, could never justify or condone such a baseless attack on a judge of the High Court. This is far too dangerous and delicate a matter.

Justice Tiwary was appointed a judge during the tenure of former CJ Michael DeLabastide. Surely Mr De La Bastide and the other members of the Judicial & Legal Services Commission (JLSC) were satisfied that she was well-suited and qualified to be appointed a judge. Why did Valley wait until the PM lose a case before Tiwary to make known his government's view that she is a biased UNC functionary? Why did they not make a complaint to the JLSC before to have her removed

The judiciary is an independent organ of the State that must adjudicate on the lawfulness of the actions and conduct of the government. If it is attacked on the ground of political bias public confidence will be eroded and the administration of justice will fall into disrepute. The appearance of justice and the belief that justice can be done according to law and evidence is as critical as the actual delivery of justice. Valley's attack on the judge was tasteless and wrong. It matters not that it was not recorded in the Hansard; it matters that he actually said it!

Valley criticized the Chief Justice for condemning his statements. He sees it as his privilege to attack a judge because she committed the criminal act of deciding a case against his political leader but seeks to deny the CJ the right to defend his judicial officers from scandalous attacks. The CJ had an obligation and duty to comment on such a scurrilous attack on the character of one of his judges and could not shirk his duty.

Valley queries how and why the CJ commented without checking the Hansard. Perhaps he forgot that every single media house has a reporter covering the proceedings in parliament. The reporters quite rightly thought Valley's statements were newsworthy and solicited a response from the relevant parties. (This is how I came to know of his comments.)

The arrogance of the statement that 'strangers, regardless of their office' have no right to criticize MPs unless what they say was recorded in Hansard demonstrates how easy it is for the power of a Priority Bus Pass and free parking around the Red House to go to one's head. Perhaps Valley forgot that they are there to transact the business of the people and that parliamentary proceedings are now shown on cable TV with crosstalk and all.

Scandalous attacks on judges by unsuccessful litigants whether inside or outside parliament, whether on the record or off-the-record, cannot be tolerated. Given our racial based political culture, such comments contain coded political messages which are provocative and inflammatory. They can take John Public down the same dead-end road our politicians have taken us. Afro-Trinis will believe that they can only get justice from African judges and Indo-Trinis will feel the same way. Justice is too precious a commodity and should not be sacrificed on the altar of political expediency. Appeal if you want, but don't stoop so low as to attacking the judge.