

Churches Drink from PM's Poisoned Chalice

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I fear the Churches protest too much when he plaintively repeats that they are not lawyers and that we have to trust the PM. Does not the Good Book counsel that trust should be placed in God, not man? The Churches should never have entered the negotiation with the PM unarmed. They should have taken their legal advisor. Unless of course they felt that in God they had the supreme advisor; in which case, He failed them miserably.

The devil, as the Churches should know, lurks treacherously in the details. Canon LeRoy Flowers' statement on the *Open Your Eyes* television breakfast show that Prime Minister Barrow had met the Churches "more than half way" in addressing their concerns about his proposed 9th Amendment to the Belize Constitution simply cannot be supported by the facts.

On July 22nd 2011 Mr. Barrow's government introduced the 9th Amendment in the House of Representatives triggering an avalanche of opposition to the idea that a parliamentary supermajority could amend anything in the constitution without court audit.

Hard on the heels of the Bar Association and the Chamber of Commerce's press releases expressing opposition to the 9th Amendment came the Belize Council of Churches' press release on August 8th 2011 under the hand of its president, Canon Flowers.

The Churches were "most concerned" about the "conferral of unbridled legislative power to change the constitution". First, they said that the constitution "properly imposes substantive limitations on the power of the National Assembly to make laws" and that any amendment inconsistent with the fundamental principles of the constitution was "beyond the law making authority of the National Assembly".

Second, they felt it "critical that [the courts] be able to examine the content of amendments to our constitution and not be limited to merely checking to see that the procedural requirements for changing the constitution ... have been met."

Thirdly, while they supported that state ownership and control of public utilities be entrenched in the constitution, they didn't agree with barring the court's power to inquire into the "validity of the acquisitions nor any derogation of the rights of the former owners". They ended by calling on the government to "secure the public utilities for the Belizean people in a manner which respects the rights of the former owners..."

The Churches should know that even after Mr. Barrow's trimmings, their three points of concern remain - unadulterated - in the proposed revised bill. The bill will still contain the phrase "and there is no other limitation, whether substantive or procedural, on the power of the National Assembly to alter this Constitution" thereby leaving the Churches' first and second concerns utterly unaddressed and undiminished.

Second, leaving the phrase "that the acquisition of [BTL] was duly carried out for a public purpose..." in the revised bill again fails to address the concern raised by the Churches in their third point.

If they think carefully enough about it, the Churches might see that the mere introduction of the 9th amendment flies in the face of their injunction to government that it secures the utilities for the people "in a manner which respects the rights of the former owners". The former owners have cases pending in court the

outcome of which the government is trying to interfere with by legislative enactment.

The Churches have fallen short in their responsibility to the public. Of their own volition, they (rightly) waded into the debate on a critical national issue. They publicly expressed three reasoned points of fundamental concern they had with the 9th Amendment. After a meeting with Mr. Barrow, the Churches announced they were now in support of the bill with certain agreed changes. There are changes indeed; but they do not at all mitigate the core concerns of the Churches.

The Churches have an obligation to explain themselves. Is it that they no longer have the concerns they expressed in their August 8th 2011 press release? If yes, then they need to share their new enlightenment with the public. It takes but a brief examination to see that Mr. Barrow's concessions do not at all allay their core concerns. So why did they agree to a trimming of the foliage while the poisonous roots remain?

A Biblical analogy might perhaps make the point. Suppose a clever Caribbean theologian proposes to Pope Benedict at the Vatican or Archbishop Williams at Lambeth Palace that the following amendment be made to the 9th Commandment just to clarify what must be its obvious interpretation:

Thou shalt not covet thy neighbor's wife, save and except if she is only a common law wife which in any event the Church does not recognize or if thy neighbor is a woman married to another woman under Same Sex Marriage Acts or if thy neighbor is an Atheist and thus can't properly be considered thy neighbor or any such similar circumstance whatsoever or howsoever arising which makes it plain that thy neighbor's wife should not actually be considered thy neighbor's wife.

A wide swath of Caribbean people would support the amendment; an equally substantial portion wouldn't. In an attempt to placate those opposed, the theologian deletes from his proposed amendment the text that appears in red:

Thou shalt not covet thy neighbor's wife, save and except if she is only a common law wife which in any event the Church does not recognize **or if thy neighbor is a woman married to another woman under Same Sex Marriage Acts or if thy neighbor is an Atheist and thus can't properly be considered thy neighbor or any such similar circumstance whatsoever howsoever arising which makes it plain that thy neighbor's wife should not be considered thy neighbor's wife.**

I suspect this would still be unacceptable to both the pope and the archbishop, regardless of how compelling and obvious the argument might be, because one does not lightly tinker with sacred texts and prescriptions.

I cannot join in the heaping of encomiums upon the Church for their supposed achievement in getting the PM to trim the text of the 9th amendment because my frank belief is that they were duped and outmaneuvered by the PM using a simple lawyer's trick.

I fear the Canon dost protest too much when he plaintively repeats that that they are not lawyers and that we have to trust the PM. Does not the Good Book counsel that trust should be placed in God, not man? The Churches should never have entered the negotiation with the PM unarmed. They should have taken their legal advisor. Unless of course they felt that in God they had the supreme advisor; in which case, He failed them miserably.

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