

*Judgments of the Supreme Court of Canada*

province other than Quebec or New Brunswick makes no difference. The freedom to write the judgment either in English or in French is what bilingualism means, and that relates as well to the freedom to present the case in either language. I hope that all the members of the court will understand either official language. This has been the case, in latter years anyway, in my experience. I have not appeared before the Supreme Court very often but it seems to me that the members of that court have been able to follow an argument delivered in either language, and certainly to read the factums in either language. That is what bilingualism means. To attempt to get information intended to enable someone to force judges to write their judgments in either one or the other language is not bilingualism but a kind of fanaticism that can only do harm to the unity of Canada and to the cause of bilingualism.

My colleague, the hon. member for Skeena (Mr. Howard) is absolutely right, in my judgment, that what should concern us above all about the Supreme Court of Canada or any other court is whether or not the appointee to that court will apply the law in a fair, just and objective manner. In order to achieve bilingualism in the court it has been the practice for a long time—I cannot say whether this has been the practice since confederation—to have English speaking members of that court acquaint themselves with the other official language. This has certainly been the practice since I have had anything to do with the courts.

I once had the privilege of knowing a judge of the court who later became chief justice of Canada and one of the best known jurists in the history of our country. I refer to Sir Lyman Duff. I learned from him that all members of that court found it desirable and necessary to acquaint themselves with the other official language so that the work could be carried out in a fair and civilized manner. The objective of the court can best be carried out by men who can mete out justice in a fair and equitable way, in accordance with the law, and who have the competency and ability to do so. There are men and women in the legal profession who can speak either language and who are fully qualified, whether they are French or English speaking, and who have the integrity and the training to carry out the extremely important task of a judge of the Supreme Court of Canada.

I repeat, however, that to require that only one language be used in certain cases and

[Mr. Lewis.]

another language be used in other cases is divisive and harmful and cannot do the cause of bilingualism any good. It can certainly not do the cause of unity in Canada any good, but will create a great deal of division in this country and encourage an unfortunate backlash against the whole concept of bilingualism which has already occurred in the rest of Canada. It is one of the unhappy facts in the present situation in our country that certain events in some parts of the country have created a backlash against what over a year ago appeared to be accepted all across Canada. I say to the hon. member who put this motion on the order paper and to some other members of this house who are constantly harping on this subject in and out of season, when it is relevant and when it is irrelevant, when it is acceptable and when it is obviously not acceptable, that when they are doing this kind of thing they are doing the cause which they are trying to support a great deal of harm in the rest of Canada.

Some perspective has to be maintained toward this subject, and this motion goes way beyond any reasonable perspective that anyone can define. Therefore, I join the parliamentary secretary in pleading with the hon. member who sponsored this motion to withdraw it and not try to force this house to divide itself on this kind of subject. It is unnecessary, undesirable and not beneficial to the cause which he supports.

**Mr. Warren Allmand (Notre-Dame-de-Grâce):** Mr. Speaker, I merely wish to take part in this debate to say a few words. While I do not agree with the motion as put by the hon. member for Lotbinière (Mr. Fortin), I have few words to say in disagreement with what has been said by the hon. member for Skeena (Mr. Howard) and also by the hon. member for York South (Mr. Lewis). The hon. member for Skeena said that the judges of the Supreme Court should be picked on the basis of their ability to efficiently render justice or make decisions; in other words on the basis of their ability to be competent judges. This statement was backed up by the hon. member for York South. Let me say that I do not see how a court or a judge can competently render justice if he cannot understand and read the language of at least one third of the people in Canada. I say this as a person who served on a committee of the junior bar association of Montreal. When I was on that committee we prepared a brief which we presented to the royal commission on bilingualism and biculturalism. We studied this