

Judgments of the Supreme Court of Canada

judge and in each case, the section of the act concerned.

For the purpose of the present motion, Mr. Speaker, I suggest that such a charter should be used, but with the addition of a column indicating the mother language of the judge and another one showing the language in which the judgment was rendered. Then, one could see, Mr. Speaker, that the Supreme Court is really an Anglo-Saxon body. Therefore, the greatest possible number of parliamentarians and citizens should take an interest in the matter so as to improve the situation of bilingualism at the Supreme Court.

Mr. Speaker, to conclude my remarks, I want to say that I would highly appreciate it if the minister or his parliamentary secretary would agree with the government assent to produce these documents.

If the minister is willing to keep a gentleman's agreement, I would be prepared to withdraw this motion. If he says that it is too tedious a task to go right back to 1867, let him do the same research for the last ten years, for instance. This would show us whether bilingualism is complied with or not.

Mr. Speaker, those are the positive suggestions I make to the minister's parliamentary secretary, in the hope that they will receive favourable consideration and that we will know soon if the Supreme Court is a reflection of Canada or if it will remain an Anglo-Saxon preserve.

Mr. Marchand (Langelier): Mr. Speaker, I have no intention to discuss the merits of this debate.

The hon. member for Lotbinière spoke about two things. He spoke about the use of French at the Supreme Court of Canada and then he spoke at length and with relevance, specially in quoting Mr. Morin, about the constitutional status of the Supreme Court, which is a different matter, a very important matter indeed, but which has nothing to do with the motion he himself put on the order paper.

However, we will perhaps have an opportunity to discuss this later. I will only make a few comments on the use of official languages at the Supreme Court.

I think the hon. member is right to be concerned and to enquire about the use of both official languages at the Supreme Court of Canada. In my view, however, his request is not very reasonable and I am not saying that because I am afraid that some startling things might be unveiled.

[Mr. Fortin.]

Mr. Speaker, I agree that the language used in 90 per cent or more of cases, in the Supreme Court, is English. I would be surprised if my presumption were not confirmed by facts because it is not a question of concealing anything.

I merely claim that the government is asked to do a useless task when a royal commission on bilingualism and biculturalism has inquired into all aspects of bilingualism within the public service commission and courts of justice. As soon as we have the results of that inquiry, we will be in a position to take any remedial action that is required.

In my opinion, the motion calls for useless work. If it were acted upon, it would only disclose what everyone already knows. I fully agree with what the hon. member said. That would serve no purpose at all.

With regard to recommendations for improving the situation, I think we can wait for the publication of the report of the royal commission on bilingualism and biculturalism; thus, we will be in a better position to correct a situation which I find deplorable.

[English]

Mr. Frank Howard (Skeena): Mr. Speaker, as I understand it, by proposing this motion the hon. member for Lotbinière (Mr. Fortin) is seeking to establish whether the Supreme Court is a bilingual or some other kind of court. I think the hon. member answered that question himself, as did the minister to an extent, when he classified it as an Anglo-Saxon court. I believe we, in Canada, have always considered that the Supreme Court is there for the purpose of dispensing justice, and not for reflecting the language nature of the nation or any part of it. We have always required that appointments to any court be on the basis of the ability of the individual appointed, and not whether he has a certain language as his mother tongue or is able to speak more than one language with any degree of fluency. I believe that ability, and not linguistic origin, should be our concern with regard to the Supreme Court.

We had a parallel situation not too many years ago when a proposition was put forward by a previous administration regarding an inquiry into Indian affairs, and the appointment of Professor Hawthorn from British Columbia as the head of the commission of inquiry. This was partly because Professor Hawthorn had in earlier years undertaken another study of an aspect of Indian affairs. Regretfully, the proposal for that study had to be postponed because there developed