

Electoral Boundaries Commission

Mr. Winch: Is the hon. member questioning the integrity of the justices of Canada?

he knows best and in whom he has the most confidence. I suggest that—

Mr. Nugent: I am sure that if the hon. member for Vancouver East will hear me out and, indeed, if he had been patient enough to listen to exactly what I was saying rather than try to misread it, or mishear it, he would not be under any such misapprehension. For the education of that hon. member I will try to review briefly what I was just saying.

Mr. Winch: Mr. Chairman, may I ask the hon. member a question at this very point? Is the hon. member suggesting that an appointment to this particular job of redistribution would be more political if made by a chief justice, or a justice, than if made by a prime minister or leader of the opposition?

An hon. Member: Dispense.

Mr. Nugent: I was saying that no matter how well intentioned the chief justice is, no matter how long his experience on the bench, no matter how judicial he may have become in his outlook, and no matter how objective he tries to be, it is a fact that he has a political background. I suggest it is only human, when the chief justice is looking over the possible candidates for such an appointment, that those of his acquaintanceship are likely to be those of the same political background as himself. In fact, I cannot conceive of the type of people, the calibre of people who would be required to serve on these commissions not having had considerable experience in public affairs. Certainly I think all members of this house would judge their competence on the fact that potential candidates had gained some experience in political affairs, had taken at least that much interest in the government of their country that they would likely have affiliated themselves with one political party or another.

This is not suggesting that the judges are unfair or that they are not honest. It is, I submit, no reflection in any way on their character, their integrity or on the manner in which they would attempt to carry out their duties. But I do suggest to the hon. member for Winnipeg North Centre that he has deluded himself if he feels that this method is going to remove completely the political flavour. I suggest that it is impossible, bearing in mind that environment which pervades in most localities and the fact that public spirited, public minded men do take an active interest in politics, to avoid a political flavour being introduced in this respect. Personal knowledge of the qualities of the people who might be available for the job would be a factor which anyone would take into consideration when making an appointment, and an appointment made by the chief justice of the province would likely be someone of the party which originally appointed him; would likely be from among that circle of acquaintances that

Mr. Nugent: I will come to that point, Mr. Chairman. I want first to put in perspective the amount of non-partisanship there would be; or, to put it another way, to try to tell the committee why I think that merely because the appointment would be made by a chief justice is no guarantee that it would be entirely devoid of political character. As I say, acting with the utmost honesty, taking his duty as seriously as he could and trying to be as fair and unbiased as he could, the natural factors that would influence him in regard to this appointment would show a political tinge simply because he is going to appoint those people he knows to have the ability; he is going to appoint people he knows to have taken an interested part in the country's affairs. I say this will be so simply because the majority of those people with whom he is most closely acquainted and of whom he has most experience will have the same political background as himself. The odds are going to be that if he is a Conservative chief justice his appointments will most likely be Conservatives, and if he is a Liberal, his appointments will most likely be Liberals.

I say that the pressure will be—not the political pressure but the pressure of his background—his knowledge of people, and his circle of acquaintances will put the odds this way. How the hon. member for Vancouver East can suggest that by pointing out this fact I am in any way making light of judges or impugning their honesty or integrity, I cannot understand. Certainly we all know human behaviour. There are certain psychological pressures; there are certain factors which influence judgment and we must be realistic enough to recognize this fact. I am not saying it would be impossible, by any means, to avoid this. I am sure, from the judges and chief justices I know, that these gentlemen, especially after a few years on the bench, spend most of their years trying to learn to be really judicial, trying to block bias and prejudice from their minds. They have much experience in overcoming friendships with barristers and old acquaintances in cases with which they have to deal.