

Judges Act

truth. Judicial appointments in Canada are a credit to our nation. Any professor who seeks to denigrate the judiciary of this nation is doing a grave national disservice.

I say to you, sir, that the independence, the impartiality, and the ability of the judiciary of this nation compare exceedingly favourably with the judiciary of any other nation. I know of no other place in the world where you will find a better judiciary than we have here in Canada. When that article speaks about the harmful effect upon the administration of justice, I assert there is not one tittle of evidence that there are any harmful effects upon the administration of justice. That is totally irresponsible conduct on the part of this professor and I regret that the hon. gentleman has given some respectability to his statement by putting it on the records of the house.

I want to add that I never have believed a man should be disqualified from any office because he engages in public service, and I say there is no higher degree of public service than service to a political party because service to a political party is the bedrock of our democracy. If you do not have people of ability who are prepared to serve in our political parties and give a spirit of enthusiasm to political parties, then we will not have democracy in this country.

I think the last thing in the world we should have is the elimination from appointment to the bench of men and women who have sought to give public service through our political parties. At many bar conventions I have engaged in discussion concerning what might be done to improve the technique of appointment. I believe successive ministers of justice have tried very earnestly to make their appointments on the most conscientious basis possible. Undoubtedly the occasional mistake is made. But I submit there are fewer mistakes made in the appointment of the judiciary of this nation than are made in the election of members to this House of Commons or in appointments to a lot of other places.

I wish to express my full disapproval of the outrageous reflection upon the judiciary of Canada by this professor.

Mr. Leboe: I rise, Mr. Chairman, for only a moment to take part in the discussion this afternoon. First, may I say that I am in full support of the position taken by members who have spoken in support of keeping appointments to the judiciary outside of politics.

[Mr. Bell (Carleton).]

I take exception to the statement made a moment ago by the hon. member for Carleton to the effect that this would mean that people known to have political leanings would be denied appointment to the judiciary. This is not the case and that was not the suggestion. The suggestion is that judges, regardless of their political affiliation, be appointed on the basis of their capability and merit. On reflection I think the judges themselves would be the first to suggest to us that appointments be made outside of politics because once put on the bench appointees would be free of being accused of being a Liberal, a Conservative, a New Democratic Party supporter, a Social Creditor or what have you.

● (4:10 p.m.)

It is very important and essential that we give consideration to this point. I had intended to place a motion along these lines on the Order Paper as well as a similar motion in connection with the appointment of individuals to the Senate. When I learned I could only place one motion on the order paper at a time I decided to frame a motion with regard to Senate appointments and that motion still stands on the Order Paper.

I feel that the judiciary can be better served if appointments of judges are made in such a way that after their appointments they can be satisfied that their positions are completely independent, which is not the case when appointments are made on a political basis.

Mr. Byrne: Would the hon. member permit a question?

Mr. Leboe: Just one moment.

Mr. Bell (Carleton): That is not true.

Mr. Leboe: I am not a judge nor am I a lawyer. I will never be a judge because I have no intention of becoming a lawyer.

Some hon. Members: Hear, hear.

Mr. Leboe: The fact remains that on the basis of plain commonsense and logic the judiciary is going to be in a better position if appointments are made outside of politics. The hon. member for Carleton suggested that it was a good thing to be of service to a political party, and that is true. The undertone of his remarks might suggest that someone who has been of service in political circles would make a better judge. I do not believe that is true.