



Jack Layton, MP, Député  
Toronto – Danforth  
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July 7, 2010

Ms. Alison Redford, Q.C.  
Minister of Justice and Attorney General of Alberta  
403 Legislature Building, 10800–97 Avenue  
Edmonton, AB T5K 2B6

Dear Minister:

Thank you for your letter regarding Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages), which introduces a new requirement for judges appointed to the Supreme Court to understand English and French without the assistance of an interpreter.

The bill, which has received the support of all opposition parties in the House of Commons, has been the object of much discussion, some of it fuelled, unfortunately, by a misunderstanding of its content. For example, in your letter, you write that this bill aims “at making fluency in French a requirement for serve on the Supreme Court.” This is in fact not the case and I hope to disabuse you of this belief. Bill C-232 aims to make the ability to understand both official languages without the assistance of an interpreter, not fluency in French, a requirement to serve on the Supreme Court. This is an important distinction.

Like most Canadians, I do not believe that official bilingualism in this country is meaningless and unnecessary. Nor would Bill C-232 place “a higher value on the linguistic ability of candidates” than on legal competence. In fact, the opposite is true. For the Supreme Court, bilingualism is a legal competence. Almost a third of the cases heard by the Court originate in Quebec. In those cases, most often, the original factums, arguments and decisions were written in French. Any judge unable to read these would be at a disadvantage.

As the Official Languages Commissioner pointed out, a unilingual candidate is simply not as competent as a bilingual one. A unilingual anglophone or francophone judge who must rely on an interpreter’s translation cannot understand the nuances of our legislation, which, I would remind you, is not translated but drafted simultaneously in both official languages, neither version having precedence over the other.

It is also inaccurate to say that Bill C-232 would unduly favour candidates from Quebec, Ontario or New Brunswick when selecting judges to sit on the Supreme Court. That argument has been made for 40 years, but has not stopped fully competent candidates,

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who are able to read original legal documents in both English and French, from across Canada from sitting on our highest court. I would only cite the case of current Supreme Court Chief Justice Beverly McLaughlin, a native of your province, and whose competence, legal and otherwise, is beyond question.

Given the high quality of legal professionals from Alberta and all other provinces, I remain confident that we can continue to fill nine positions on our highest court with fully competent judges who represent the amazing diversity of our great country.

Thank you once again for taking the time to write.

Sincerely,

Jack Layton, P.C., M.P.  
Leader, Canada's New Democrats