

*Supply—Justice*

responsibilities and that he was able to deal with his own correspondence and that other members of parliament at no time receive authority to write letters and say that they have been asked by a department of the government or by a minister to take up a certain question. That would introduce an entirely new principle into our process of government.

This individual, apparently a persistent man, carried out a considerable correspondence with the minister, the hon. member for Lincoln and the Prime Minister. He finally realized he was not going to get very far under the present arrangement or system, so he mentioned in one of his letters that he may have to appeal to public opinion by way of revealing what has taken place in the newspapers and to members of the opposition in the House of Commons. In this regard, having been advised of Mr. Freeman's intention, the minister writes a letter to Mr. Freeman under date of February 12, 1959. The last part of that letter reads as follows:

**Mr. Fulton:** Read the whole letter.

**Mr. Regier:** It is rather long. It is two pages long. Very well.

I acknowledge your further letter of January 29 in which you protest against not being retained to act for C.M.H.C.

You state that you intend to write to the newspapers and others about this matter in accord with the draft letter which you have sent me.

It is of course a matter entirely for you to decide as to what you write, or to whom, and therefore I make no comment upon your announced intention, except to let you know that the sending or withholding of such a letter will have not the slightest effect upon the situation.

My responsibility as Minister of Justice includes recommending from time to time the names of lawyers across Canada who are best able to perform the legal work that the government of Canada or certain of its agencies may require to have done. In carrying out this responsibility it is my duty to exercise my judgment as to the names of those who should be recommended, on the basis of the best assessment I can make of the situation.

At this point I should like to interrupt and ask the minister what was the basis of his assessment? Was it as indicated earlier in this correspondence that the attorney was unwilling to recommend the election of the hon. member for Lincoln, or had he any other basis of assessment? I continue:

This is a matter which is kept under constant review.

As far as I can find out there was only one occasion when a review took place and that was when the Liberals were defeated. The old list was abolished and a new list of Conservative attorneys was brought in. I continue:

In addition to general assessments on the basis of what appears in the standard law lists, any lawyer, including yourself, whose name is drawn to my

[Mr. Regier.]

attention, from any source, has his ability to perform the services in question carefully weighed and assessed in the light of the work requiring to be done. In the case of work for an agency such as C.M.H.C., or indeed any other work for the government, one of the additional factors to be borne in mind is of course the necessity to ensure that those recommended for the particular work can have no conflict of interest as between their other client or clients and the government or agency in question. My recommendations are made from time to time on the basis of these assessments and you are quite in error in your conclusion that there is any other basis.

I recognize that there will of course not always be unanimity of opinion as to the conclusions reached or the recommendations made, but this is true in all situations where judgment must be exercised. In this respect, the government of Canada is in no different position from private persons who may also from time to time have to choose between lawyers whose services are available.

May I interrupt again and say I am not in agreement with that claim of the minister because a huge corporation such as Central Mortgage and Housing Corporation is being paid for by all the taxpayers of Canada and therefore all lawyers regardless of their political affiliation, and all other factors being equal, ought to be entitled to their share in the work that this large corporation does. To return to the letter:

I am not aware that it has ever been established as a principle that a lawyer is entitled to complain because a client has chosen not to avail himself of that lawyer's services, but has preferred another. In any event, even if complaints are made, it is and must always remain the responsibility of the government, just as it is in the case of an individual, to decide whose services will be used. In this case the government acts on my advice.

The minister fully confirms his role in this situation by those words. I continue:

While I regret that my decision in your case is disappointing to you personally, nevertheless, it is the sort of decision that it is my responsibility to make and for which I am prepared to accept responsibility. Perhaps it may occur to you that the fact that you have on two occasions resorted to direct or implied threats to write to the papers and elsewhere—

You will note, Mr. Chairman, that the opposition is known as "elsewhere". I continue:

—in your efforts to influence my decision, can only reinforce my judgment on the question of whether you are a suitable person to be retained by the government of Canada.

In other words, the minister is here claiming that an attorney who insists on his rights as a Canadian citizen, who puts a little bit of confidence in the Prime Minister's oft-expressed intentions in regard to a bill of rights and who uses the means available to him of informing the people of Canada what is taking place, is no longer eligible for service to the government in the eyes of the minister once he has resorted to these things.