

did so one day before reaching that age, but would not if he waited until he reached that age.

I also wanted to know, since it had not been required in the case of Senator Smith's appointment, if the presubmission of names was still a requirement. I suggested, in addition, that if the Prime Minister were really interested in giving us appointments, he might very simply indicate where there were vacancies and that Mr. Clark would supply him, within 30 days, with a list of names from which to choose a candidate for that area.

I have not yet received a reply from Senator Perrault, but I think my questions were answered in part in a letter dated March 18 to Mr. Clark from the Prime Minister. This is not a confidential letter, by the way. In it, the Prime Minister repeats that the first condition for a Tory senator to be replaced by a Tory is "voluntary retirement," which he explains as "retirement before it is forced by the mandatory age limit of 75, or by death." Death resurfaces again, although it was previously ruled out as an occasion for P.C. replacement. This definition of voluntary retirement is still very obscure.

Now, the Prime Minister in that letter to Joe Clark, mentioned a second condition which resembles that set down in 1975, but which is not quite the same. He says the second requirement is: "That notice be given prior to the actual resignation." He does not say that notice must be given prior to death. He makes no mention here of the presubmission of a list of names which was the requirement set down in 1975. He does, however, insist in the letter that these two requirements:

... are the same ones that I had conveyed orally to both Mr. Stanfield, then Leader of the Opposition, and to Mr. Flynn, during the life of the 1968-72 Parliament, some time around 1969 or 1970, I think.

Well, there are two problems here. First, the second requirement in his letter to Joe Clark differs from that set down in 1975. He talks simply of notice and makes no mention of a presubmission of names. Secondly, I remember very well that in 1970 there was but one condition and that was "retirement"—not even voluntary—probably because in the Prime Minister's mind, for life senators it did not apply. The second condition came only in 1975, and that was in the form of a presubmitted list of names, not simple notice.

As if that letter had not served to confuse matters sufficiently well, the Prime Minister held a press conference on April 21 last, at which time he said in reply to a question about Senate appointments:

You will recall that I made an offer to Mr. Stanfield when he was Leader of the Opposition in 1969 or 1970, which was then confirmed in writing, and which was also made verbally to his house leader in the Senate, Senator Flynn, followed by confirmation in writing by our then Leader in the Senate. This offer was to assure the Tories that when any of their senators retired, except if he was forced to retire by an act of God or an act of Parliament, I would be happy to replace that senator with a Tory

senator. I have done that in some circumstances; that is how Senator Smith was named to the Senate.

Again, we are very grateful for that. The Prime Minister's answer continues:

You might ask the Tories why they did not take up that offer and at least ensure that their own senators when they die are all replaced by Tories, which is an offer I have made to them. When they decide to retire voluntarily, I will replace them.

What am I to make of that? It appears that on April 21, 1977, the requirements are no longer what they were between 1975 and March 18, 1977.

**Senator Choquette:** What if they die suddenly?

**Senator Flynn:** Suddenly, or otherwise, the problem is the same.

Now, we are faced again with the prerequisite of voluntary retirement. But once more the Prime Minister alluded to the replacement in cases of vacancies created by death. Possibly a slip of the tongue. We were under the impression that had been dropped in 1975.

That the retirement condition was made to me verbally in 1970, I have already admitted. But that was the only condition and unless he can show me the correspondence, I will have to inform the Prime Minister that this condition was not, as he stated in the press conference, "Confirmed in writing by our then Leader in the Senate." Senator Martin never wrote to me on this subject. I occasionally spoke to Senator Martin about it. But you will not be surprised to learn, he never committed himself on the subject.

**Senator Choquette:** On any subject.

**Senator Flynn:** The whole matter, you will have to admit, honourable senators, has been made needlessly complex by the Prime Minister.

Confusion and inconsistency have characterized the whole question. If the Prime Minister insists upon prerequisites, and I don't think he should, then let him set them straight, once and for all, and let him spell out precisely what they mean so that there will be no misunderstanding. My hope also is that from now on Senator Perrault will say the same things as the Prime Minister says, or vice versa.

This house has reached the point where the opposition, for want of members, can hardly function adequately. The two-party system operates in name only in the upper chamber. Yet, the Prime Minister has given us only two appointments since he took over the government in 1968. On the other hand, he has appointed something like 43 Grits. I do not mind; I think he has made good appointments, even if he has made eight of them during approximately the last four months. All those I have been able to meet appear to be very nice people. However, though I have not seen any of them at work, I doubt they would be superior to Senator Smith (Colchester) and Senator Asselin, the two that Prime Minister Trudeau gave us.