

October 24, 1972

MER:jh

MEMORANDUM FOR: MR. JOHN N. TURNER, Q.C.  
MINISTER OF FINANCE

FROM: MARGUERITE E. RITCHIE, Q.C.

RE: Appointment to Anti-Dumping Tribunal

It is urgent that I see you to discuss with you the situation with respect to the above matter. Briefly, the position is the following:

1. The agreement which we made in your office was that I would take with me all my personal files dealing with Human Rights, which I had built up throughout my period in the Government, and that I would be able to continue my interest in this field while I was with the Tribunal. I informed you that I would need a clerk to look after the files, and would want to take my present secretary with me. You were quite clear that there would be no problem whatsoever with respect to these matters. It was on this express agreement that I agreed to accept the position of Vice-Chairman.
2. As I explained in our conversation, I intend to come back into the field of Human Rights, and it is important that my work in the area of Human Rights not lose too much headway while I myself would be dealing with the problems relating to the Anti-Dumping Tribunal. You and I both regarded it as reasonable that while I was applying my training and experience to helping deal with the legal problems in which the Anti-Dumping Tribunal has found itself, there should be some provision for persons at the clerical level keeping my Human Rights materials in a semi-active stage.

It was under this condition that I agreed to accept the appointment. As explained to you, the Business and Professional Women's Special Committee for the Promotion of Human Rights is definitely interested in me as their own Human Rights Commissioner if the Government fails to meet their demands to appoint as Canada's Human Rights Commissioner a woman lawyer with a long-term background of concern for women and other minorities and a long-term record in the field of law and Human Rights. In accepting the position, I had to inform them of your agreement with me, and that I



was confident that it would be carried out, and that I would come back into the field of Human Rights later. I had to explain in the same way to other women and organizations who are actively concerned with the Government attitude towards women and Human Rights.

3. Neither Mr. Reisman nor Mr. Gauthier knows anything about the arrangement which you made with me. The Department of Finance considers that it has no authority to provide the clerk and secretary to look after my records, as agreed. The Anti-Dumping Tribunal has no funds for this. The Department of Justice has been engaged in a campaign of harassment to prevent me taking my records when I leave. In the result, I am in an infinitely worse position than I was before. Many women are necessarily aware of the conditions under which I accepted the position, and this condition cannot be abandoned. I cannot accept the appointment to the Tribunal without the condition, and I cannot return to the Department of Justice without risking loss of prestige and loss of the files to those in the Department who are anxious to take them over and incorporate them into the Departmental files.
4. So far as the Tribunal is concerned, I have examined the Judgments in which they have been involved. I am certain that I could assist them greatly in working out ways of procedure which would be in line with the basic requirements applicable to administrative Boards and all Tribunals concerned with deciding matters. However, I am a professional person, and would expect to do the work professionally, and to finish it as fast as possible and to leave as soon as the Board was on its feet again. I have proposed to the Chairman that he have a request made to Treasury Board for a lawyer (even for a year) who would work under my direction. Since the Federal Court of Appeal, in setting aside the decision of the Tribunal in the Magnasonic Case, expressly suggested that the Tribunal have its own counsel".... who submits evidence and makes submissions in the same way as counsel for a party", and since many other Boards and Commissions have Counsel on their staff, the role of such a counsel is apparent. However, I have now been informed by the Chairman that he expects all the duties outlined in my Memorandum to him (including that of presenting evidence to the Tribunal and watching proceedings and checking the documents of the Tribunal) to be carried out by me, and he proposes to assign them to me. As a



professional person, I am accustomed to working against deadlines and much as I like Mr. Gauthier, ~~I cannot abandon my professional status in the way contemplated.~~ My proposal was to assist in clearing up the legal problems urgently and then to get out and return to my involvement with Human Rights. ~~This is clearly not the situation as I now understand it.~~

5. In view of the Order-in-Council, I am in a most difficult situation. A great many women were informed of the appointment and of the condition attached to it. Senator Fergusson had to be informed because she had written to Mr. Lang urging his appointment of me to the position of Canada's first Human Rights Commissioner. Rosemary Brown (newly-elected NDP Member of the British Columbia Legislature and Ombudswoman for women's organizations in British Columbia) is also informed. Members of women's organizations across the country saw the announcement in the newspaper and wrote or telephoned me about it. Mrs. Laura Sabia (Conservative open-line broadcaster in St. Catharines, and head of the National Committee on the Status of Women which at one stage threatened to march two million women on Ottawa if they did not get the Royal Commission established) is also aware of it. Hilda Cryderman (Liberal) who heads the Special Business and Professional Women's Clubs Committee for the Promotion of Human Rights, will be arriving in Ottawa tonight and wants to see me about this matter. I do not know what to tell her.

May I see you urgently to see what else can be worked out. I have no desire to become the centre of a political storm if it is possible to work out some way of avoiding it.

M.E. Ritchie

P.S.: I have just received the attached Memorandum from Mr. Gauthier which confirms my view above with respect to the situation if I went to the Anti-Dumping Tribunal.

M.E.R.