

## Features

# One man's quiet fight for justice

**Ross Dowson is an unlikely crusader. A slight balding man who favours loud polyester**

jackets, his stories go on and on, interrupted by a stream of anecdotes which only slowly makes its way back to his original topic.

But the battle this crusader is waging from his small Church Street bookstore makes him a humble but important one. For what Dowson is fighting for is no less than the right of Canadians to freely speak their minds, without fearing government retribution.

In a federal court of law, judges are now pondering a question that Dowson has worked for years to raise: Should members of the Royal Canadian Mounted Police be held responsible for slandering innocent citizens in official communication with the government?

Dowson is adamant that they must be; that the government should be as accountable as the people for breaking the nation's law. Along with lawyers Harry Kopyto, Paul Copeland and others, he's spent hundreds of hours over the past four years trying to prove it in the courts.

Dowson is, to be sure, no friend of those currently in power. Spurred on by strong convictions, he's been making their lives more difficult for years. By his own admission, he led the first wartime strike of enlisted men in the history of the Canadian armed forces. Stationed in Niagara-on-the-Lake in a time of scarce civilian labour, his platoon was put to work on the local train tracks. Dowson soon refused the work, and the other men followed suit.

Since the war he's been no less active in promoting his views. He's staged a number of unsuccessful bids for the mayoralty of Toronto, receiving some 24,000 votes in the 1949 race.

More recently, he's been a book seller, pamphleteer and journalist, writing prolifically for *Forward*, a small leftist newspaper that appears a few times a year.

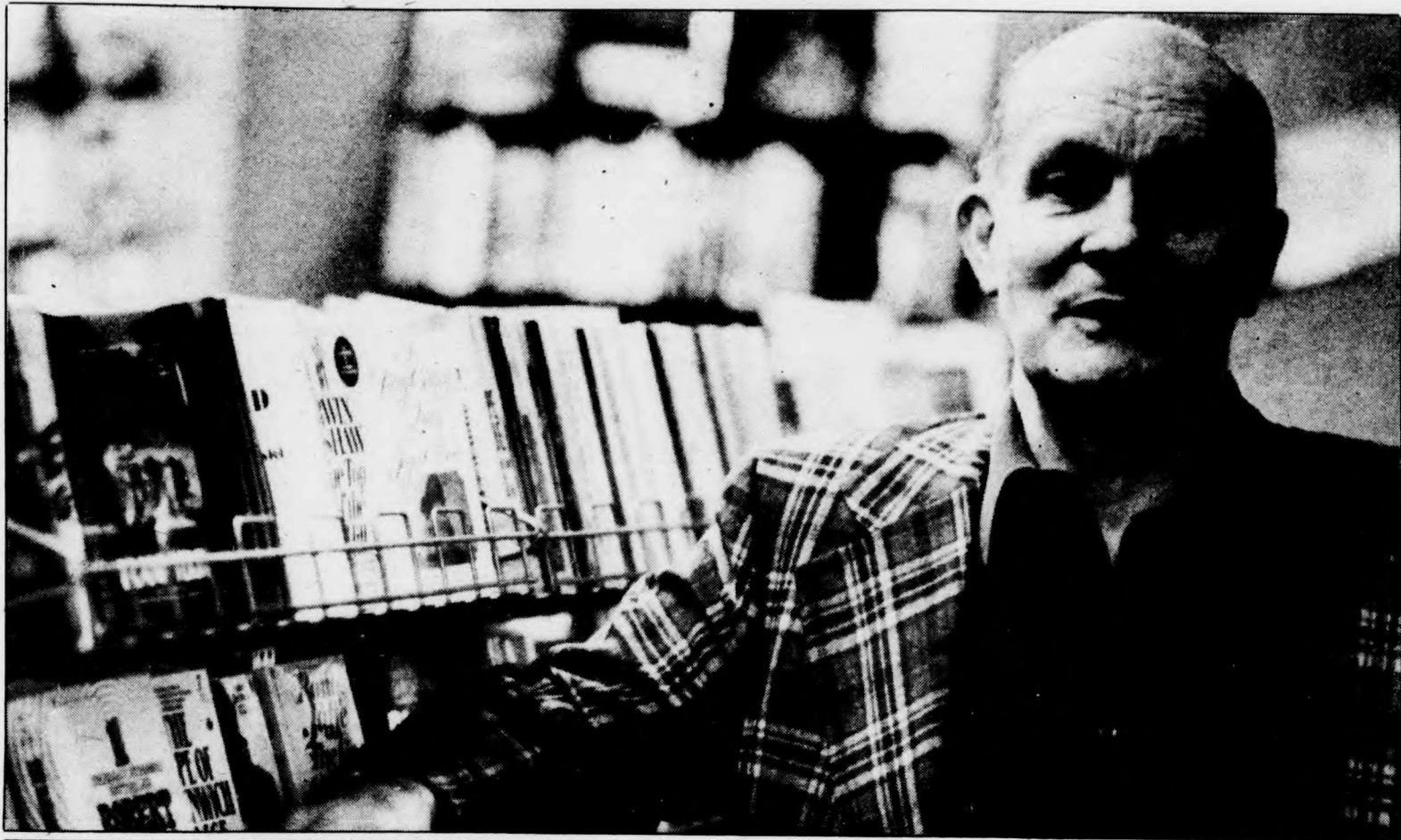
He's also been a leader of the League for Socialist Action, and it's his involvement with that group that first brought him into contact with the mounties.

The League, as Dowson describes it, was "a leftist organization fundamentally oriented to building a left wing in the NDP." At its peak it had a few hundred members, who supported the New Democrats as the political arm of the union movement. "When the unions made the move to create a political party, we supported it," Dowson recalls. "That's where we considered the main task—to build socialist ideology in working people—was to be accomplished."

Dowson still supports it, and the flag of *Forward* bears witness to that support. Right above its name, the paper announces the motto: "For the NDP and Socialism."

After a life-time of participating in radical causes, it's ironic that it was his connection with the NDP that served as the RCMP's excuse for their interest in him and his colleagues.

The force's curiosity first came to light in the winter of 1977, when Stephen Lewis, then leader of the Ontario New Democrats, asked the government about allegations



Story and photo by Jonathan Mann

that the RCMP had investigated the NDP from 1971 to 1973. Roy McMurtry, then as now the province's Attorney General, answered the question in a meeting of the legislature on December 9, using information he received two days earlier from acting Assistant Deputy Attorney General R.M. McLeod.

While McMurtry stated that "The RCMP have not conducted an investigation of the activities of the New Democratic Party," he went on to admit that "Between 1970 and 1973 the RCMP did conduct investigations into the activities of certain members of the Waffle group while it was still a part of the NDP."

McMurtry went on to explain the rationale behind the investigation when he told the assembled parliamentarians that "The RCMP investigation of certain members of the Waffle group established that subversive elements penetrated the NDP through the Waffle in order to gain more respectability, credibility and influence."

**McMurtry didn't explicitly identify these "subversive elements." But just**

before entering into his discussion of the force's investigation, he did take the trouble to mention "the leaders of the League for Socialist Action" as "persons outside the NDP" who joined its ranks.

Attorney Harry Kopyto contends that that sort of guilt by association constitutes slander, and established legal practice agrees. Kopyto explains that "In slander law, it doesn't matter if it's direct or by innuendo."

Dowson, never a big fan of the men in scarlet, wasn't surprised by the hint that he was among those investigated. But he saw McMurtry's comments as an opportunity. He recalls feeling

that "Now I can do something about the RCMP. I thought 'There's going to be a hearing. They have named me in essence, and now I have the responsibility to defend myself and all the victims of the RCMP.'"

Kopyto launched a slander suit in the Federal Court on December 15, 1977, demanding damages of \$500,000. More than two years later, on December 27, 1979, the court announced its ruling. McMurtry and the officers who gave him his information are protected from charges of slander by the absolute privilege which applies to all statements made by high officers of state.

The decision disappointed Dowson. "I can appreciate that the government has to have immunity from certain things," he explains, but says of the RCMPers who passed on the information, "they're not parliamentarians, they're officers of law."

Undaunted, Kopyto has appealed the decision, arguing before the court that McMurtry's subsequent repetition of the force's allegations to the press is granted no such immunity.

The case, now some four years old, is before the Federal Court of Appeal. "The decision is expected anytime," according to Kopyto.

Sitting in the basement storeroom of *Forward Books*, Dowson hardly seems worth the RCMP's attention. Admittedly, he does call himself a revolutionary (although his physical appearance would suggest that he's not a very fearsome one).

For Dowson, being a revolutionary doesn't mean wanting to burn parliament down, or kill innocent citizens. Instead, it distinguishes him from the New Democratic Party leadership, whom he insists are merely reform-minded socialists. While they want to improve the present system, Dowson says he wants change it.

He speaks of revolution the way a scientist might mention the Copernican revolution or a hackneyed writer, the sexual revolution. While both in their

time were feared by some part of society, neither spilled any blood. Instead, they marked a radically different approach. This is just what Dowson is pushing for. "Revolution? It means fundamental change," he explains.

**"I've never advocated violence. I'm for presenting**

our ideas with conviction, dynamism, aggressiveness," he says. Voting is once every four years. In the meantime you and I are going to join that demonstration of hospital workers. We have to make propaganda, agitate, organize. That's what I'm for."

John Harney is a former NDP member of Parliament for Scarborough West. Now a professor of Canadian Studies at Atkinson College, he has lent his name to the Socialist Rights Defense Fund, an organization which is rallying support for Dowson's case.

Harney is just one of seventeen York professors to sign the fund's statement of purpose, and just one of 50 academics to do so. These educators have been joined by Pierre Berton, Margaret Atwood, Svend Robinson, Noam Chomsky and dozens of others, in saying that "We wish to indicate our support as concerned civil libertarians for the suit initiated by Mr. Ross Dowson, against the Royal Canadian Mounted Police... Though we may not necessarily agree with the political views of Mr. Dowson, we do believe that the real test of a democracy is its ability to tolerate and respect individuals whose views may not coincide with those of the majority..."

Chatting between classes in his small book-lined office overlooking the York campus, Harney remembers Dowson from the late sixties, when Harney served as Provincial Secretary of the Ontario NDP. "In those days I had quite a

lot to do with Dowson and his group—indirectly. They were always trying to take over a riding organization or two, and once they had, they would pass all kinds of ungodly resolutions in the name of the NDP," he recalls with a chuckle. "In effect, Dowson had been a political pain in the ass for me."

None of this however, detracts from Harney's support for Dowson's case. "Just because he was a Trotskyite and a political pain in the ass, doesn't mean that he should be harassed by the police. Still a member of the NDP's Federal Council, he feels that "I suppose I'm being a pain in the ass for the party, and so I rather like the idea of protecting Dowson's right to be one."

Harney speaks with conviction about the value of dissent to democratic society, something which he says too many Canadians fail to recognize. "It gets a little scary when a group of people holding radical views will be subjected to what appears to be harassment and mischief of a very serious nature, because the police in this nation have decided that these people are subversives."

**And so Dowson awaits the court's decision; spending his days writing,**

selling books, continuing his struggle.

While the final decision is uncertain, his commitment to the case is not. "I want my case to inspire others. The worst thing that can happen is that people accept this. I want to clip the wings of the RCMP. I want justice."

*Between Ross Dowson and the RCMP, a short chronicle of the history of Dowson's case, is available at Forward Books, and other Toronto bookstores.*