

*Supply—External Affairs*

I judge he was on sound grounds in doing that.

Ontario sought Banks' extradition on a charge of perjury arising from testimony the former union boss gave before the Norris royal commission on the destruction of the Canadian shipping industry in 1962.

Now, 28 days after the state department hearing Rusk has given his decision. The secretary of state said that the application for extradition presented a "unique problem."

● (5:50 p.m.)

It certainly did.

In Rusk's words, the extradition was sought on a charge of perjury arising from Banks' "protestation of his innocence in response to a question as to his participation in a conspiracy to commit assault."

There is an extradition treaty between Canada and the U.S. for perjury, but none for assault.

Declared Rusk: "Because the charge of perjury in this case arises directly out of a denial of guilt of a non-extraditable offence, I have concluded that it would not be compatible with the over-all design and purpose of the extradition treaty, which is limited and non-universal in its coverage of offences, to agree to extradition on the unique facts of this case."

Banks was originally convicted in Canada in 1964 on a conspiracy to assault charge arising from the beating of Captain Henry Walsh.

I have talked to that gentleman, Mr. Chairman, and let me tell you that he did get a beating.

The president of the S.I.U. of North America is Paul Hall, a vice-president of the huge A.F.L.-C.I.O. labour organization, on whose Brooklyn-moored yacht Banks lived for several months.

According to this article, Mr. Chairman, there is considerable talk in Washington to the effect that some political influence and pressure have been used in this regard. In any event, I understand that this is the first failure to apply the extradition treaty in 50 years. The *Journal* for Saturday, March 16 continued the following:

The U.S. state department's move to prevent extradition of labour leader Hal Banks to Canada marks the first executive intervention against an extradition in 50 years, External Affairs Minister Martin said Friday.

As I said before, I am very glad that the minister has protested this action. I have some very interesting information on this case. I have a letter that I will show the minister some time. However, it has been suggested to me by some of the unions to which I am sympathetic, Canadian unions that stand on their own feet and run their own show, that I ask the minister a few questions.

[Mr. Herridge.]

First of all, would the minister get his officials in Washington to make inquiries whether there was any union influence on this decision because this is an election year in the United States? Second, would the minister get his officials to inquire whether this is retaliation because Canada is giving political asylum to draft resisters? We all know that all western countries have given political asylum to a good number of people who had to leave their own country because they were fearful of not obtaining justice. Third, would the minister also inquire whether any persons or any organization in Canada have made representations to the United States embassy in Ottawa since this matter became an issue? Fourth, would the minister inquire whether Mr. Charles Millard has been in Washington during recent weeks? I am sure that his officials in Washington would have some knowledge on this point.

These are the questions I wish to bring to the attention of the minister. However, before concluding I want to indicate how interested Canadians are in this matter by quoting an editorial that appeared in the *Ottawa Citizen* last Saturday entitled "Let's Have Hal Banks". It reads as follows:

An extraordinary ruling by U.S. Secretary of State Dean Rusk leaves Hal Banks a free man. It is an administrative decision that appears more closely related to politics than justice. Canadian proposals that the issue be taken to an international tribunal—possibly the World Court at the Hague—should be pressed.

I should mention in this regard that I am informed that the World Court sometimes takes ten years to reach a decision, so in that event most of us would be dead before we would know what the decision was.

Banks was convicted in Montreal of conspiracy to commit assault—not an extraditable offence. While on bail pending an appeal he fled to the U.S. The Ontario attorney general sought extradition on a charge of perjury. A New York judge granted the Ontario petition after a full hearing. That should have been enough.

But the secretary of state has reversed the decision on the remarkable ground that the alleged perjury was committed in connection with a non-extraditable offence. It is the charge of perjury that is at issue here, not the charge of conspiracy. Rusk has laid himself open to the suspicion that he has been influenced by union pressure during an election year.

Before an international tribunal can hear the case, the U.S. would have to agree. Agreement should be to Washington's advantage. By allowing the matter to be taken out of its hands, it could meet Canada's objections to the Rusk decision, and at the same time argue that it is giving Banks every chance to have his day in court.