

North Atlantic Treaty

Mr. Coldwell: I should like to support what the hon. member has said. I remember a case which I brought to the attention of the department during the war, concerning a young airman who was training, I believe at St. Thomas, and was away from barracks on a pass. He was returning home at night and when near the barracks he was knocked down and killed by a car driven by an officer of the forces in which he was serving. His father died shortly afterwards and the widow has had to earn her living at a fairly advanced age. It seems to me there should be some modification of the law to cover cases of that sort.

Resolution reported, read the second time and concurred in.

Mr. Claxton thereupon moved for leave to introduce Bill No. 21, respecting the Canadian forces.

Motion agreed to and bill read the first time.

NORTH ATLANTIC TREATY

AGREEMENT AS TO ARMED FORCES STATIONED IN OR PASSING THROUGH NATO COUNTRIES

Hon. Brooke Claxton (Minister of National Defence) moved that the house go into committee to consider the following resolution:

That it is expedient to introduce a measure to approve an agreement between the parties to the North Atlantic treaty regarding the status of their forces when present in the territory of one another; to provide on a reciprocal basis for certain exemptions for personnel in a country other than their own from income tax, customs duty and certain other taxes; and to provide for the settlement of claims arising out of death, personal injury or property damage resulting from the negligence of their members.

Motion agreed to and the house went into committee, Mr. Dion in the chair.

Mr. Claxton: Mr. Chairman, the bill which has just been introduced was technical enough, but I can assure hon. members that the bill to follow this resolution will be even more technical. Its purpose is to approve an agreement that Canada and the other North Atlantic treaty nations entered into at London on June 19, 1951. On the same day the Prime Minister made a statement in the house, which appears at page 4279 of *Hansard*, and tabled a copy of the agreement. A copy of the agreement will appear as an annex to the bill to be introduced.

Perhaps I can make plain the reason for this legislation when I say that without such legislation in effect in this and other countries the forces of Canada and the other North Atlantic treaty nations when in another country would have no more rights or immunities than tourists. In respect of the

laws of the country they were visiting they would be in the same position as one travelling on civilian business. That would affect their position with regard to passports, immigration, health services, taxation, customs, and civil and criminal jurisdiction.

To provide for this we passed the Visiting Forces (British Commonwealth) Act, 1933, which deals with the situation with regard to forces of the commonwealth which happen to be in Canada. The commonwealth countries have adopted similar legislation to give us reciprocal rights and immunities. We also adopted the Visiting Forces (United States of America) Act in 1947 which dealt with United States forces which happened to be in Canada. Canadian forces have exactly the same rights in the United States. The bill now proposed will follow along the lines of this legislation. It will approve the agreement and give effect to these provisions.

I can perhaps make clear the need for this legislation by an incident that occurred during the second world war which was as curious as it was charming. You may remember that in 1942, I think it was, Canadian forces were sent to the assistance of the United States forces in turning the Japanese out of the Aleutian islands. When the Canadian forces arrived at the border between the Yukon and Alaska they came up against United States law officials because there was no provision under the United States tariff whereby the weapons and personal equipment of forces could pass into the United States free of duty, even though those forces were going to help the United States in turning enemy forces out of United States territory.

Mr. Graydon: They should have had West Stuart with them.

Mr. Claxton: So it was found, of course, that it would not be possible to pass legislation to deal with the situation rapidly enough, and someone in the state department, which was brought in immediately, hit upon a very ingenious solution to the matter which is revealed in this letter from the great secretary of state, Mr. Cordell Hull, to the secretary of the treasury. I only learned of the letter at a dinner given for the permanent joint defence board when one of its members referred to the incident. Up to that time it had never come to light. I got a copy of the letter from the state department and permission to use it. The letter reads:

As a result of informal conversations between an officer of the department of state and an officer of the treasury department, I have been advised that your department considers that the only way in which free entry can be accorded to these Canadian troops in Alaska is for them to be designated as distinguished foreign visitors by the department of state. It gives me much pleasure to designate the