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SENATE COMMITTEE

ON

DEFENCE OF CANADA REGULATIONS

MINUTES OF EVIDENCE

NO. 1

WEDNESDAY, MARCH 20, 1941

WITNESSES

- Mr. Andrew Brown
- Mr. Cliffordifton
- Mr. Leslie Blackwell

APPENDICES

Exhibits filed by Mr. Andrew Brown

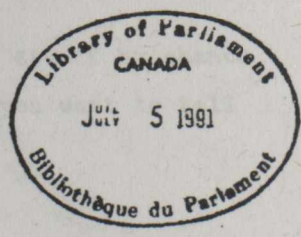
No. 1 - Political Letter of Our Tasks -

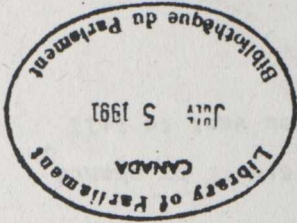
From the Political Science Bureau

No. 2 - A letter to Hon. Pierre Casgrain, M.P.,
Secretary of State -

From the Civil Liberties Association
of Toronto.

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EXHIBITS FILED BY MR. ANDREW BROWN
 NO. 1 - POLITICAL LETTER OF OUR TOURS -
 FROM THE POLITICAL SCIENCE DEPARTMENT
 NO. 2 - A LETTER TO MR. HENRY CANTON, M.P.,
 SECRETARY OF STATE -
 FROM THE CIVIL LIBERTIES ASSOCIATION
 OF TORONTO.

APPENDIX

MR. ANDREW BROWN
 ST. CATHARINES DISTRICT
 ST. CATHARINES DISTRICT

EXHIBITS

EXHIBIT, NUMBER 1, 1941

NO. 1

MINUTES OF PARLIAMENT

OFFICE OF PARLIAMENTARY SECRETARIES


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PARLIAMENTARY COMMITTEES

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S E C R E T

MINUTES OF EVIDENCE

House of Commons, Room 429,

March 28, 1941.

The Special Committee on Defence of Canada Regulations met this day at 11 o'clock a.m. The Chairman, Hon. J.E. Michaud, presided.

THE CHAIRMAN: Gentlemen, are you ready to proceed now? Gentlemen, I understand that you are here for the purpose of enlightening us on certain matters of national importance, and we have elected to hear you.

MR. BLACKWELL: We are representing the committee of the Civil Liberties Union of Toronto. I want to express regret to the committee that Mr. D.L. McCarthy whom we had hoped would appear to express our submissions had to go to Cuba for the International Bar Association. He is the treasurer of the Law Society of upper Canada. We particularly wanted him here. We also had been hopeful that Mr. J.M. MacDonald would be here this morning, but he was unable to leave Montreal. We had hoped also that Mr. B.K. Sandwell would be able to be here, but he was unable to be present. In order to save the time of the committee we have arranged that Mr. Brewin will make certain statements on behalf of our committee with reference to regulation No.15, part of 21, 22, 39(a) and 39(b). As far as our committee is concerned he will deal completely with these sections, and Mr. Clifford Sifton will deal with 21(c). If that meets with your convenience I would ask Mr. Brewin to proceed with the material with respect to which he is to make a statement.

THE CHAIRMAN: Before you proceed may I ask if by chance you have a brief already made up about what you want to tell

us? If you have I should like to have a copy filed.

MR. BREWIN: I am afraid we have not a proper brief for the committee. It is not in adequate form.

THE CHAIRMAN: All right.

MR. F.A. BREWIN, called:

WITNESS: Mr. Chairman and gentlemen, the first subject that we wish to mention -- perhaps we had better take them in order as Mr. Blackwell mentioned -- is regulation 15, which deals with censorship. There is very little that we have to say about that except we feel that that regulation should have an addition to it or the addition might be added to 39(a) -- it would not matter where it came in -- which would correspond to the present British regulation No.2(o), I believe it is.

In effect what the suggestion means is this: Regulation 15 gives the Secretary of State the power by executive action to ban or suspend the publication of a newspaper. We are not arguing against the existence of that power; but we think that it should be supplemented by a regulation such as 2(c) in the British regulations, which gives the right to the Secretary of State to warn a newspaper which he believes is systematically publishing anti-war propoganda, and after that warning has been served on the person or newspaper if any further matter calculated to foment opposition to the prosecution to a successful issue of the war and so forth, it becomes an offence and is punishable on indictment, after trial, by a term not exceeding seven years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

However, it is a defence to show that the person by whom the offence is alleged to have been committed had no intent to foment opposition to the prosecution to a successful issue of the war, and had no reasonable cause to believe that the matter

published was calculated to foment such opposition. So you have the warning and then you have a very heavy penalty attached to systematic anti-war propaganda.

We think that is a preferable course to executive action in dealing with newspapers which are suspected or believed to be intentionally putting out propaganda against the war. Our view on that has been very much strengthened by the action which we think illustrates what we want to say in regard to the Canadian Tribune, a paper published in Toronto.

BY MR. MCKINNON:

Q. May I ask you this question: You say your opinion or our opinion? A. Yes.

Q. You are representing the Civil Liberties League?
A. Yes.

Q. For all of Canada? A. No, sir, just for Toronto.

Q. For whom are you speaking? A. Just Toronto. We are not a branch of the --

MR. BLACKWELL: No association with the Civil Liberties League of Montreal.

WITNESS: Or any other association.

MR. SIFTON: It is an independent body.

MR. MARTIN: Which is a respectable body.

WITNESS: We think we are respectable.

MR. BERTRAND: It is not from the wicked city.

WITNESS: I wonder if I might take the time of the committee and read a letter that we wrote to the Secretary of State in connection with the Canadian Tribune case. It represents our point of view, and is as follows.

BY MR. SLAGHT:

Q. Before you do that would you mind indicating how far you would go in connection with the English regulations. You stopped when you got through with the operation of 2(c) of

the English regulations? A. Yes, Mr. Slight.

Q. Do I understand that you have considered the other subsections from 3 to 7 including the one which says:

A prosecution in respect of a contravention of this regulation shall not be instituted in England or Northern Ireland except with the consent of the Attorney General.

A. Well, to tell the truth we had not given any special consideration to that.

Q. All right, go ahead, but I thought we could follow your letter better if we knew how far you were going with 2(c).

A. I was not going any farther except to say, gentlemen, that 2(c) is what we have in mind. This is our letter, then:

We are writing to you in connection with the three weeks' suspension of the Canadian Tribune. May we make it clear that we hold no brief for this particular newspaper? Our Association is neither able nor called upon to pronounce upon the truth or otherwise of the conclusion that this newspaper has been "deliberately and systematically publishing material intended or likely to weaken Canada's war effort." If the conclusion is correct, we must express our surprise, not that action has been taken against it, but that the action has assumed so mild a form.

The suspension does, however, raise a grave question of public policy, with which our Association is necessarily concerned. This is the question of the procedure by which newspapers are suspended or banned. This is a general question, since it is obvious that the procedure adopted in one case may be adopted in others; and other newspapers have already published statements which have led to the suggestion, both in and out of Parliament, that they also should be banned.

We hold that the power to suspend a newspaper by executive action alone, should be exercised only in the most exceptional cases.

We recognize that there are such cases. The letter goes on to say:

We hold further that even in such cases its exercise should be accompanied by immediate procedure, before the courts or before some independent tribunal to be set up for the purpose, by which the propriety of the executive action may be determined.

It is an essential element of British justice that action should not be taken in so serious a matter as the banning or suspension of a newspaper without giving the persons concerned an opportunity to know the case which has been made against them, and to answer it, as soon as possible. It is clear that this principle has not been observed in the case of the Canadian Tribune. Not only was no proceeding commenced at the time of the suspension, but notwithstanding the lapse of more than eight days since the suspension, no proceeding has yet been commenced. The publishers have had no opportunity of presenting their case before any independent tribunal.

We believe that the established courts or other independent tribunals can be trusted to deal justly with any prosecutions which the advisers of the Crown may see fit to bring against those whom they consider to be abusing their freedom in such a way as to assist the cause of the enemy. We suggest that Regulation 15 requires amendment so as to conform with Regulation 2(c) of the British Regulations, by which severe penalties are imposed when, after warning, a newspaper continues to publish systematic anti-war propaganda, but such penalties are imposed only after

trial in the ordinary courts of law.

That represents the considered opinion of the association. May I expand on that with regard to this particular paper? The various members of our association would have different opinions, I presume, about the Canadian Tribune. The particular procedure with regard to the three weeks' suspension of that paper in the judgment of some of us at any rate is not likely to have the desired effect, because we feel first of all that it did not work out the way it was intended. We know from looking at a copy of this paper after the suspension was lifted, that the suspension enabled them to go around and procure considerable sums of money for a sustaining fund to be raised in defence of their position and that they had not been hurt. In effect it strengthened the position of a paper which the Secretary of State said that he believed was publishing systematic anti-war propaganda. What we feel very strongly is that in the case of that particular paper, had the matter been presented to court, some lawyers feel a conviction might very likely have followed from that and that in such a case a far more rigorous action should be taken, but that they should be given the opportunity unless there are exceptional cases of answering the charge against them and viewing the whole matter in a judicial way.

We do not say there may not be the case where executive action must be taken and taken quickly, but we say as a general rule, even when it is taken, we believe that court procedure would be more effective in suppressing this systematic anti-war propaganda. And we think something along that line may be justly charged against the Canadian Tribune. Naturally we cannot express any opinion in our association on that; but we think there might be a very proper case made out there and that the actual action taken, in our opinion -- while we are not trying to criticize

the action taken except as an illustration of our point -- did not serve the purpose. If you put our suggestion in 2(c) the executive would not have the responsibility necessarily of deciding that matter themselves; they could refer it to the court. Then, in an action such as the one I have cited, if a conviction followed very serious action would result, and we think very serious action should result from a conviction. Then, on the other hand, they would not be given the grievance which they have now.

BY MR. MARTIN:

Q. You suggest that the reviewing body should be a court or some other judicial body? A. Yes; we could not agree amongst ourselves as to whether it should be a court or some other quasi judicial tribunal set up to decide these matters. We were not clear in our own minds on that. Some of us felt one way and some the other when we discussed it. I think that is all we have to say about 15 and censorship. We have heard no complaint in our association about the operation of censorship at all.

BY MR. McKINNON:

Q. You would not take away from the executive the right of counsel to appear in exceptional circumstances? A. No.

Q. What would you call exceptional circumstances?

A. If there was the need of immediate action. Frankly I would not quote the Canadian Tribune as an example of an exceptional case, because they had been permitted to publish for a long time and therefore obviously there was not any need for immediate action to stop some particularly subversive thing. If they were guilty at all they were guilty because of a systematic course of policy, for you could take their whole paper and show by process of selection they were opposing the war effort. We

think that is something that could be adequately reviewed by a court. There was not any need for immediate action because the actual action taken of suspension indicated that it was not a serious type of case. For example, if one knew that a publication was going to get out something very widespread which was of a dangerous tendency and was going to do it to-morrow or going to do it shortly, we should be in a position to put on an executive ban. But only something of that immediate nature that required immediate executive action to prevent some dangerous thing occurring. It would be something like an interlocutory injunction in court, where you cannot go into all the facts you act quickly on prima facie evidence and prevent irreparable damage. In that case we believe in executive action.

But, generally speaking, even in such cases we believe after that action has been taken a court should be asked, or some other tribunal of a judicial nature should be asked to review the matter.

BY MR. CLAXTON:

Q. May I ask Mr. Brewin if he knows whether the suppression of the Worker and the Week in England—which was, I think, ultimately by executive action -- followed the procedure laid down in regulation 2(c) of the British regulations? A. No, it did not and it was justified in the British house by Mr. Herbert Morrison. The matter came up in debate as no doubt members of this committee are well aware in the house and at that time there was some criticism and the suggestion that they should have proceeded through the court rather than by executive action and it was justified by Mr. Morrison. Naturally his view was upheld by the house. His defence was that he did it on the grounds that it was an exceptional case that required prompt executive action and that is why he did not proceed under 2(c).

BY MR. SLAGHT:

Q. Do you happen to know who were behind the Canadian Tribune? A. I cannot tell you. Are you asking me for my personal opinion?

Q. You would not know? A. I know Mr. A.A. McLeod is the editor and I know something of Mr. McLeod's background.

Q. Is it said to be communistic? A. Yes. I do not know that I should be called on to express an opinion. I do not know if you want me to express any opinion about that, but I have very definite opinions about the Tribune.

MR. BERTRAND: You may say whatever you like; this meeting is in camera.

WITNESS: Yes; I appreciate that. I think many of the members of our committee feel the Canadian Tribune is systematically publishing anti-war propaganda and is inspired by sympathy with particular points of view that are opposed to the successful prosecution of the war. But we think it might be more effectively dealt with in another way than the way it was dealt with. That is our point.

BY MR. MARTIN:

Q. What kind of a quasi judicial body would you suggest?

A. What we have in mind is a three-man board composed of perhaps one judge -- we are very keen about the idea of having one representative of labour and perhaps one man with newspaper experience on this board and to set them up to review all these cases. I must say we have not gone into that in great detail because many of the members of our association were more sympathetic to the idea of referring it to the court.

Q. With regard to the quasi judicial body, would you give them final authority or simply authority to recommend? A. I think in a matter of that sort their recommendations should be

subject to the -- I am expressing a personal opinion because we have not gone into it -- to the recommendation of the minister who should take the final responsibility in that sort of case.

BY MR. MAYBANK:

Q. Their position would be just like the position of the judges now in internment cases? A. Yes.

Q. That is your personal view? A. Yes.

BY MR. SLAGHT:

Q. May I point out the English regulations do not contemplate that at all, Mr. Brewin. A. No.

Q. The Secretary of State gives a warning and then if it is desired he institutes proceedings in the court; there is no tribunal contemplated. A. Quite so.

Q. Or set up there at all? A. Quite so; and I think it would be only fair to say, Mr. Slaght, that I think the majority of the members of our executive who discussed this matter very carefully were of the opinion that they preferred the matter to proceed as in 2(c), go to court and not to another tribunal. Some of us feel that a special tribunal might be better to deal with these matters than the court; that is, I mean the magistrates court, and so forth. might not be just the best way of deciding certain matters of this sort.

BY MR. MARTIN:

Q. What happens in England after the Secretary of State or I suppose the Home Secretary there -- A. The Secretary of State.

Q. -- gives his warning? Is the paper allowed to be published until the matter is disposed of? A. The paper is then published. The warning is just a warning and there is a condition precedent to prosecution under subsection 2.

Q. What I should have said is, when prosecution is begun

is the paper discontinued and suspended until the court action has been disposed of? A. That, I think, is provided somewhere in here.

MR. MAYBANK: He could, of course, take simultaneous executive action.

WITNESS: He could, of course, take simultaneous executive action. I think it is covered. He would take concurrent action under section 2(d), presumably. I think, Mr. Chairman, that is all I have to say on that regulation. Then, in regard to the internment regulations, 21 and 22, our committee prepared a statement which was sent out some time ago. I think, in fact, Mr. Sifton has something further to say about one aspect of 21(3), that is the report to the minister of the action that has been taken, but generally speaking the hope of our committee was that the regulation might be revised to make the hearing of the tribunal closer to a judicial hearing, as close to a trial as possible. That was the general idea we had in mind. We fully recognize the necessity of the power of internment in section 21.

BY MR. MAYBANK:

Q. The quick action idea? A. Quite so. Then, we think that section 22 is obviously designed now to give a fair judicial review afterwards; but we think that experience has shown, as far as we have been able to gather it, that the judicial review is not entirely satisfactory. We fully appreciate, of course, that the difficulty of having a review similar to a court proceeding brings up the question of informers; and the public interest requires that the facts should not even be known. We realize that, but we still feel that there are points where the regulations could be strengthened and public confidence established. We are anxious to see the committee enlarged to three. I think when we were here

before we urged that when the committee sat last time. We still think that is feasible. One particular point we have in mind is that it is represented, and very likely unfairly represented in our opinion, that these internment regulations have been used unfairly against labour leaders. We have no reason to believe that is true or otherwise; we do not know. We certainly are not asserting it to be the fact, but we know very well that elements that might be described as subversive are representing that to the fullest possible extent.

BY MR. McKINNON:

Q. Would you agree that was communistic propaganda?

A. I think the communists use it. I do not say everybody that says that is indulging in communist propaganda. I say that is one of the things they use, certainly.

Q. It originates with them? A. I would not say it originally originated with them; I think it strengthens ^{their} influence to be able to say such things, and I think they exploit their opportunities to the full. I think we have to be very careful not to give the opportunity to anybody who wants to criticize these regulations to use this as an illustration of treatment of labour leaders, because the communists have exploited that to-day. As the regulations are now the door is laid open. That is why we make a suggestion for a three-man committee with a responsible representative of labour as one of the members. We do not say that necessarily he should be a representative of labour, but there are very fine trade union representatives in the country to-day, and if they were on that committee we feel the same accusation could not reasonably be levelled. It would inspire wider confidence amongst certain people in trade unions who were apt to think there is something in this idea, when they do not understand the background and when it is all done secretly

and rapidly. That is one thing that we recommend. We believe it would help if there was a three-man committee instead of just one judge operating.

BY THE CHAIRMAN:

Q. Is it your suggestion to have a three-man committee instead of one judge at the hearing in the first instance?

A. No; a hearing after the internment has been made. We want a three-man committee for the review under section 22. We would not have to go very much further than the section stands now. It would be just a revision of subsection 1 of 22.

BY MR. MAYBANK:

Q. You would leave the subsection as it is now except substituting three for one? A. Yes.

Q. And then you add to that it would be desirable to get certain types amongst the three? A. That is correct, yes. We heard criticism at an earlier stage as to the members appointed and the delays, etc. Quite frankly we cannot say very much about that because we do not know very much about it. We have heard that people were detained under this regulation and because there were only two members at one stage -- frankly I do know whether there are more than two now -- we heard of cases being heard and no decision made for a very long time, no doubt because of the pressure of work on the individuals involved. That was a strong criticism made at the time. How justified it is, frankly we do not know, but we think that it is an important thing that there should be sufficient tribunals to deal with these matters promptly, because when you take executive action and intern a man it is quite obvious that his business may suffer and it may cause irreparable damage to him, if the tribunal is subsequently going to find that because of the necessity of hasty action some mistake may have been made. We

think it is most important that the review should be made as prompt as possible. We did have suggestions made to us of specific cases where there was substantial delay. That is one of the main criticisms that we have heard made against the regulations. The criticism that we have heard, and it might be a perfectly proper criticism, is this. We understand that the tribunal is advised fully of the facts in the department; that the tribunal receives the information against the man whose case is being considered, which, no doubt, includes, and quite properly includes, many matters that simply would not be evidence in any court; that the tribunal receives that and then the onus is upon the man objecting, without knowing fully the case that is made against him. It was not our belief that that was the intention of the committee which preceded this committee. Subsection (d) reads as follows:

It shall be the duty of such Committee to inform the objector within a reasonable time before the hearing of the grounds on which the order has been made against him, and to furnish him with such particulars as are, in the opinion of the Committee, sufficient to enable him to present his case.

While we quite appreciate that in these cases it is impossible to confront a man with the witnesses who are giving the evidence against him, which, of course, is the court's safeguard that you have in trials --

Q. You go a step further, or even the evidence itself?

A. Or even the evidence itself; but we do say, if we can put it in legal terminology, is that a sort of pleadings should be given against him. I imagine many of the lawyers and many of the members of this committee are lawyers, the others must excuse me if I try to put this in legal terminology. The

material facts upon which reliance is placed to intern the man, to give him as full an opportunity as he can have to meet the case against him. That does not mean the evidence. And it is impossible, talking abstractly, to say how much it does mean. But we all know the degree of particularity you have in a statement of claim. Let me illustrate. We understand some of these union people have been interned, and there has been a great fuss about the Sullivan case in particular. Naturally it was said that the only particulars that he received at all were "that representations have been made that you are a member of a communist party." We feel, apart altogether from the merits of Sullivan's case -- about which we say nothing -- it is an illustration of not giving a man enough to enable him to meet the case against him. You see, the tribunal has all the confidential facts relating to him, and anybody who is acting for the man finds it exceedingly difficult to meet the case. Take this as an illustration: somebody accuses me of being a communist. How do I know what meeting I am supposed to have attended, what I am supposed to have said, or with what people I am supposed to have associated? All of these things are important. While you cannot give full details of that, and in some cases not knowing the inside story, because we do not know in the Sullivan case what further details could be given --

BY MR. MARTIN:

Q. If you were accused of being a communist you could handle yourself with great dexterity. A. Thank you.

BY THE CHAIRMAN:

Q. The first thing you would do would be to deny it?
A. I would deny it. Somebody may say that at certain times I attended such and such a meeting at such and such a place or that I was seen speaking to certain communists or that I

had written radical opinions about something.

MR. BERTRAND: Or expressed some.

MR. MARTIN: Or the fact that you defended them in front of this committee.

WITNESS: Yes. Or, if you like, defended them in court because I have defended people in the court, people alleged to be communists. My point is this, if I am accused of being a communist and I do not know what particular thing that I am supposed to have done or what particular set of circumstances -- not the details -- I am to meet, then I cannot begin to answer that case. Take this instance: Some of the members of our association have attended meetings called to consider the Sullivan case, for example, somebody may say because we have attended those meetings we are communists.

BY THE CHAIRMAN:

Q. Are there any members of your association interned now? A. No, sir.

BY MR. MAYBANK:

Q. Mr. Brewin, you were remarking that you realize very often a person could not be confronted with witnesses? A. Yes.

Q. You realize that. I draw your attention to the fact that sometimes you could not even learn the nature of the evidence in the case. A. Yes.

Q. By way of pleadings in the sense it is giving a person an idea of the nature of the evidence? A. Yes.

Q. Because in some of these cases if you disclosed to a person the reason why you were calling him a communist he could immediately deduce where it came from. Merely to go that far in some cases, as, for instance, the Sullivan case where information of the type you are now describing is given to him,

would make it a simple matter for him to begin to find out who supplied the evidence and so on. That is, you are disclosing your sources of information, the very thing which it is admitted cannot be done. That is an important aspect of the case, I suggest to you. A. There very well may be such, and I think somehow or other the regulations will have to deal with that point; but we also cannot help believing that there are a good many cases or could be a good many cases in which further particulars could be given and where they could be given they should be given, that is all.

Q. Your whole recommendation is, while you realize that you may not be able to give everything, for God's sake give as much as you can? A. Quite so. I wonder if I may take the time of the committee to give an illustration of what I think is extremely important, and that is more publicity on these matters. I was in a case in which a man was accused of having in his home certain communists who were manufacturing communist propaganda. The case went through the court in the ordinary way. I do not want to discuss that case or say there is anything in it to complain about, but the situation was this, and this affects the whole attitude with regard to publicity in these matters. At that time these two communists were admitted communists in the city of Toronto. They were admitted leaders, people in very high positions in the communist party, I am informed. They were interned under this regulation; and although in this house admittedly they were found manufacturing the most defeatist anti-war propaganda you could imagine -- I have brought part of it up here with me to the committee to-day. It was filed as an exhibit in this case. You would not have to read this through two minutes before you would be sure you could get a conviction against these people for

manufacturing. It is an absolute give away of the whole communist party programme in this war, because it is addressed to their members. It is called "Political Letter on our Present Tasks." It is issued by what is called "Political Buro," and it is supposed to be directed to telling members of the communist party -- they call it the alliance -- as to what their present duties are. It was found stencils were being made by these men who were arrested. They were caught completely red-handed. They admitted the responsibility for this. Copies of it were found in a typewriter, ownership of which was admitted, and it was admitted that this typewriter was the machine on which the documents were prepared. So there was no difficulty at all.

When you look at this document what do you see? It is apparent from the very face of it that it does not cover anti-war propaganda at all. It is a most deliberate systematic defeatist sheet. It says the military defeats of the British imperialists are the very things that their members are going to depend on. It attacks bitterly not only the government but the trade union leaders and the C.C.F., for example, for what it calls defenceism; that is enlisting people to believe they must take part in Canada's war effort. The whole thing is obviously revolutionary, obviously assisting the enemy. One only has to glance at it to see that. My point is this: We believe that in this particular case -- this is my personal opinion at any rate -- it would have been a great public service to have tried these people and let the people know what type of propaganda was involved. You did not need any informers in this case because the material was right there.

BY MR. BERTRAND:

Q. What happened to the case? A. These people were interned without trial. If it had not been for the fact that

they tried the landlord or the tenant who claimed he did not know anything about this matter, nobody would have known anything about it. This accused person happened to be a very brilliant young professor and he took the point of view that he did not know about this material, and he was entitled to his defence on that ground. But he was subsequently convicted on circumstantial evidence.

BY MR. DUPUIS:

Q. Was he not a man by the name of -- A. Levine, but that is not relevant to what I am saying.

BY MR. SLAGHT:

Q. The police found a draft of this literature in his own private desk? A. Yes, and he started to explain -- he did not satisfy the court in regard to that explanation -- that these men were working there and had shoved it in his desk when he came in.

THE CHAIRMAN: That is the obvious excuse.

WITNESS: I say he was entitled to his defence.

MR. SLAGHT: Certainly; I agree with you.

WITNESS: I am not bringing the case up to discuss it at all. What I think the committee should bear in mind and what I think is an important question is the difference that should be kept in mind with regard to policy in the case of internment of people where you have the most patent demonstration of the whole tenure of the communist party and what they are doing. This was a clear case, and they interned the people instead of telling the public what these people were doing. These men should have been convicted and sentenced to long terms, in our opinion, possibly even charged under the Treachery Act.

BY MR. MAYBANK:

Q. That is a question of policy. You are suggesting that

there was more propaganda value for the communist party in having treated these people that way rather than trying them. That is your point? A. Yes.

Q. How can we get that in the regulations? You say we could have proceeded against these men through the court. The Minister of Justice had two courses open to him. He could have proceeded against them through the courts but he took the other course. Do your representations go beyond that proposition?

A. Yes. Our whole representation is whether it be by trial or hearing, that where publicity and taking the public into your confidence is possible it should be done.

Q. That is hardly a proposition devoted to some change in the regulations, but is a representation that you would like to have conveyed to the government, not to overlook any bets of this kind, whether it is itself a variation in the regulations?

A. We should like to see the tribunal that hears these cases hear them in a quasi judicial manner and be given the right to give reasons for what it is doing, if the minister agrees to that.

BY MR. SLAGHT:

Q. Did anybody hear their cases at all? A. I do not know.

Q. Would you care to deal with this part of your submission which interests me, but I see another side to it. This literature you bring to us -- I have not read it, and I doubt if any other member of this committee has read it, I doubt if half of one per cent of the people of Canada have read. If you proceed against these gentlemen by way of trial you must file that as an exhibit, and as I understand it your idea is you want the newspapers to put a flare on it and blazon ^{it} all over the country. I suggest to you that the people that we are speaking of at the present time are enemies of our national life, and if you spread

that material around Canada you would be just falling into the trap they have laid like nobody's business. To give that to newspaper publications you will be giving them space that they could not buy and giving them a tremendous propaganda fillip that they could obtain in no other way. Would you deal with that, because for the moment I have an open mind? A. I suppose that is a matter of opinion, and I have the advantage of looking at what is in here, and perhaps I am looking a bit further to the future. But I think this is the sort of material that would, on its face, convict these people so clearly and so definitely that you could act against them without their, at some later stage, being able to come forward and say we were interned without any reason given. It would discredit them for all time.

Q. That does not touch the point I am putting to you.

A. We feel this particular type of propaganda, that is, private instructions to party members, would so discredit all this type of propaganda that it would, instead of increasing the influence of these people, cause them permanently to lose any influence they could possibly have.

MR. BERTRAND: We have to take into consideration these measures are temporary. They may last two or three years, not more, I hope, and if we change them the harm done may be far greater than the few inconveniences that may arise now.

MR. SLAGHT: I think that criticism was directed at the Arcand case in Quebec also. The Justice department considered all that -- I do not speak because I am informed of that, but I fancy their conclusion in that case and in this case was directed by the fact that if they gave Arcand a trial in court and all the publicity that would go with it eventually more harm would be done by stirring up the minds of some of the youths

who are disgruntled and urging new doctrines. Publicity is just what these fellows want.

MR. BERTRAND: They desire to be heard publicly and have a chance to have their doctrines spread in the press.

MR. MARTIN: It seems to me there was another point in the Arcand case. Here was a man who had direct contact with Hitler. Publicity would be of great value to a man like that, and I think there was complete justification in the documents found in the Arcand case for his internment. I do not know anything about the particular document you have in your hand, but if it is as you say it is then possibly it would have the same effect.

WITNESS: I should be very glad to file it; it was a public exhibit.

BY MR. BENCE:

Q. My understanding of the document which you file is that it is so repulsive to the ordinary man in Canada that when he reads it he will immediately become suspicious of the propaganda that comes from the same type of source? A. Yes; and he will say that the communist party and anybody having anything to do with it cannot be trusted because in time of war they were assisting the enemy. I would quite agree with the proposition with regard to the purveyors of surface propaganda might make martyrs of them and give them greater publicity than they would otherwise get; but this particular thing is not surface propaganda; it is apparently instructions they send to their own members, and shows in my mind so clearly the dangerous nature of their activities that I think it would be in the public interest to have the cases tried in court. Perhaps I should not complain as long as --

BY MR. McKINNON:

Q. You mentioned a doubt in a lot of people's minds over the internment of those labour leaders. Just recently the

Trades and Labour Council of Canada and the federated bodies, the railway organizations, including all the running trade, submitted their briefs to the government. Not one of them complained in any one of these briefs that I know of. If they were uneasy and if they were at all suspicious that the government was not doing the right thing we would have had representations from them. There is no representation from them to that effect, Mr. Chairman, is there?

THE CHAIRMAN: No.

MR. MCKINNON: Who are they representing, they are so important?

MR. SLAGHT: Mr. Brewin did not say the labour leaders told him. He said he heard rumours.

WITNESS: Yes, we heard about that, and also I think that is an illustration. I think the president of that particular council himself probably knows something about the facts. I think he dissuaded them from protesting in regard to one individual case. The very fact that some group of unionists do not for particular reasons see fit to make this representation does not mean that among some of the rank and file propaganda does not take some hold. It is my opinion they do not make formal representations partly because this whole matter is being concentrated on the case of one man, and they have no confidence in the case of that particular man and the merits. Nevertheless, I believe if the procedure that I suggest were followed doubt and suspicion in the minds of the rank and file of the labour people would be removed to some extent.

BY MR. BERTRAND:

Q. You do not suggest all these cases should be tried?

A. No.

Q. Or that all the internees should have been tried or should be in the future? A. No.

Q. You leave certain discretion to the minister? A. Yes.

Q. You say in certain cases it would be good if more publicity were given as to the reasons why they are interned?

A. Yes. Now, may I go back to what I was saying a while ago? I am afraid I departed too much from the argument I was making on section 22. We do suggest that the committee be increased; that there should be a statement of the grounds for making an order. Instead of the particulars as set out here there should be a fuller statement of the grounds for making the order, setting out the material facts upon which the minister relies.

BY MR. SLAGHT:

Q. Have you drafted anything on that? A. No; I am afraid this is merely a draft of our official representation. Let me put it this way: We believe there should be a clause requiring the Minister of Justice to send to the objecting person a statement of the grounds for making an order, which is in now, setting out the material facts upon which he relies to justify such order but not be evidence.

BY MR. BENICE:

Q. That is a very difficult thing to do. A. It is a difficult thing.

MR. SLAGHT: It is pretty close to what we have here. The section as we have it here reads:

It shall be the duty of such Committee to inform the objector within a reasonable time before the hearing of the grounds on which the order has been made against him, and to furnish him with such particulars as are, in the opinion of the Committee, sufficient to enable him to present his case.

We have in this section the word "particulars." You want to substitute the words "particular facts," which is very little

different, in my view. As I understand you, you would take away any right of the committee, which is a Supreme court judge, to decide in his discretion that certain particular facts ought not be passed to him and you would compel him to pass all particular facts. We may not all agree with your proposition, but it is worthy of careful investigation.

WITNESS: We do suggest that the minister should send a statement of the material facts, and to tell the truth we have not recorded to what extent the committee should then be given the discretion or the minister be given the discretion to withhold these material facts in special circumstances. I believe we would be quite happy to see a proviso that the material facts be sent except in such cases as the Minister of Justice thinks it inexpedient in the public interest. In other words, we want the material facts where possible, not in every case, but wherever possible.

MR. SLAGHT: That might be well considered. It is very little different from what we have now.

WITNESS: Very little different.

MR. DUPUIS: This is what section (d) says:

. . .within a reasonable time before the hearing of the grounds on which the order has been made against him, and to furnish him with such particulars as are, in the opinion of the committee, sufficient to enable him to present his case.

WITNESS: Yes.

MR. DUPUIS: I do not see much difference myself.

WITNESS: All I can point out is that we think the practice of the committee has not gone quite as far as we think members of this committee meant them to go. In other words, it has been represented to us that in quite a large

number of cases there has been a general statement something like this: The case against you is that you are a communist; or, the case against you is that you are a fascist; or, the case against you is that you are of hostile origin, or something like that.

MR. DUPUIS: May I suggest to you your criticism is more against the application of the law than against the law itself.

MR. BERTRAND: In other words, you want to take away the discretion of the committee. The committee in its opinion gives the facts that are sufficient to enable the accused to present his case. You want all details to be given.

MR. MARTIN: No. I think he wants to substitute the discretion of the committee. Instead of giving the committee discretion he wants the discretion given to the Minister of Justice.

WITNESS: Yes, that is correct, and it is just a form of words. I think the present words would seem to me to be clear enough, but the committee has interpreted them in a different way apparently, as far as one can judge up to now. The matter has been brought to our attention and therefore we suggest there might be some way of clarifying it. Perhaps we are not the ones to try to do that. Perhaps some procedure could be found whereby it could be expressed a little more clearly and strongly than seems to be the case now.

BY MR. SLAGHT:

Q. Let me put this to you for your friendly comment, Mr. Brewin. Do you think that you restore public confidence in the administration of the regulations by taking away from a judge, who is obviously free from political life, a high judicial officer, the statutory power to give this information and put it back in the hands of the Minister of Justice and

let him be the dispenser of the particulars? Offhand it would occur to me that might alarm public opinion rather than allay it in any way.

BY MR. MARTIN:

Q. The criticism that I have heard from other groups such as yours, well intentioned and so forth, has to do with this very point that Mr. Slaght makes. You want to try to put into the hands of the committee the responsibility that now rests in the minister's hands? A. The only reason for framing it in that way is that we think the minister has responsibility for laying the case, and he should present it to that extent. This gives the committee the obligation -- perhaps I could put it in this way -- we think that the committee is a court and the Minister of Justice, if not being the prosecutor, at least he is responsible for laying the material facts before the court. In the present situation the committee is given the responsibility of finding all the facts, investigating the facts, and they give the particulars.

BY MR. MAYBANK:

Q. Let us call him the prosecutor. The prosecutor gives the information. The trial, if you can call it a trial, proceeds in front of the committee who makes the recommendation. Thereupon the prosecutor who has supplied the material reviews it and registers negation against the recommendation. There is that possibility. So that when you put that responsibility upon the minister it may look all right at the moment, but it does seem to me that you are overlooking the fact that at the same time you are making the prosecutor the final court of appeal. A. It is the minister in the first instance who is responsible for laying the matter before the tribunal to some extent, at any rate, in that he is the one who should normally and naturally

furnish the particulars. It is true he may have some final executive discretion after that. It is a difficult matter. So far as the hearing and practice is concerned we think it might be judicial and that the minister should present the particulars and then the tribunal, if you like, should still retain the right to decide whether sufficient particulars have been given.

Q. You would get the same system of criticism if you did that. I think if you did that you would be back on our necks next year. A. I will leave that then. Perhaps I have not presented the thing accurately or rightly of what we do feel, and if our recommendation is not specific enough, it might be so. But we do feel the proceeding before the tribunal should be as nearly as possible a trial; that even though all the evidence may not be presented the tendering authority should present something of the nature of the matter formally before the reviewing tribunal. That then the man could present his case before the reviewing tribunal and the tribunal make up its own mind with the minister exercising his executive discretion in exceptional cases. But in the meantime let the hearing before the reviewing tribunal be as closely as possible a quasi judicial proceeding with counsel. That could not happen in all cases because in some cases you could not have the cross-examination of witnesses, but you could have the authority responsible for bringing the matter before the tribunal put in as fair a form as possible the nature of the case before the tribunal.

BY MR. SLAGHT:

Q. You could have the cross-examination of witnesses. Counsel could join in the cross-examination. A. Where that is possible, of course, we are in favour of it.

Q. That is possible in every case. A. We understand that the reviewing tribunal has the full material.

MR. MAYBANK: Yes. There may be some evidence that he has that will not be communicated at all to the accused.

MR. SLAGHT: Yes, that is true.

MR. CLAXTON: I understand that at times the witness who cause the police to recommend the internment of the man is not before the committee at all. Is not that so?

MR. ANDERSON: That is correct.

MR. CLAXTON: There is no cross-examination of the witnesses for an internment?

MR. ANDERSON: There may be cases where evidence is available.

MR. CLAXTON: Not in ordinary cases?

MR. ANDERSON: There was a case in Montreal where the Crown produced at least a dozen witnesses.

MR. CLAXTON: Before the accused?

MR. ANDERSON: No. Counsel were there and they were subject to cross-examination. But in some cases certain witnesses cannot be produced. There are witnesses giving evidence, for instance, saying that they saw John Jones at a public meeting or that John Jones took part in a meeting where there were a thousand people. That could be done without any harm, probably.

MR. MCKINNON: In a case where it is possible that has been done.

MR. ANDERSON: Yes.

BY MR. SLAGHT:

Q. You have not touched the question of onus of proof. Under these wartime regulations we are proceeding contrary to our court practice. An internee gets before the tribunal. The onus of proof is on him to show that he should be released. This

is the practice in war time. Listening to you I gathered you want to reverse that and bring in our regular British justice administration that a man is presumed innocent and so on. You want to set up the Crown, the police or the minister in this court to start out to make a case de novo against the interned man. Do you go that far, because if you do we would have to consider a very radical change in the whole scheme of the present practice? Do you go that far? A. We go so far as to say that the method of proof must necessarily be entirely different; hearsay evidence has to be presented.

Q. I am speaking to you just on the question of onus. You understand what I mean? A. Yes, I understand. We think there should be some onus, some responsibility of presenting reasons why a man is interned, perhaps not as strong an onus as a criminal case. There you have to prove beyond reasonable doubt, any reasonable hypothesis. Some presentation of material should be the responsibility of the tendering authority.

BY MR. MAYBANK:

Q. Would you put it, as in the nature of a civil case, the balance of probability rather than onus of proof? A. Yes, and leave to the minister the right to tender the amount, apart from that, if he feels it is necessary, and abolish a lot of the rules of evidence, about hearsay evidence and so on and the rules of evidence that you must disclose the source of your information. Various things of that sort might well and we think must necessarily be abolished in war time.

BY MR. ANDERSON:

Q. Is not your whole point the committees at present, although they have the authority, do not give sufficient particulars? If they gave sufficient particulars would not that answer your whole question? A. I can only say that we

would like to see it as close to a trial as possible; but we see it would mean serious inroads on the ordinary rules of evidence, important inroads on the ordinary rules of evidence which we do not object to being changed very radically from the ordinary course under this reviewing practice.

BY MR. BENCE:

Q. You would not suggest the onus throughout should not be on the man who is accused? You know what I mean about that?

A. Yes. I do not know about the onus throughout the case. I do not see why the ultimate onus should not be on the accused; in law, what is regarded as prima facie, the ultimate onus may rest somewhere else. I do not see any reason why the ultimate onus should not rest upon the man interned.

MR. MAYBANK: I do not want to interfere at all with the witness or the delegation in the way they are presenting their matter here to-day, but I should like to read a little note I wrote and passed to one of the colleagues of the witness. This is what I said: "I fear Brewin's tendency towards comprehensiveness plus the numerous questions are having the result of shutting out other representatives of your organization. If you agree you might whisper or write to him a note." Now, nothing happened in that regard and I just desire to say that I passed the note.

WITNESS: I want to touch on two more points, and that is in regard to --

THE CHAIRMAN: There is only one half-hour left.

WITNESS: I will finish my remarks in two minutes. I was trying to answer the remarks of the committee and perhaps got led astray. I have a few remarks to make in regard to sections 39 and 39(a). We still feel what we represented before, that these regulations as to making statements should be aimed at

intentional statements, at calculated statements. We have run into innumerable occasions of chance remarks, offhand remarks being prosecuted, which we do not think should be brought into the courts of law. We still would like to recommend that this interference, which is necessary in war time with the right of free speech and free criticism be restricted to people who intend to make remarks, and of course that brings up the legal rule of intent and natural consequences of those remarks. But it would exclude those who make hasty and offhand remarks in beverage rooms.

BY MR. SLAGHT:

Q. Have you considered the English Act as to compelling intent to be proven or proving it by a defence where it is likely to do that. My recollection, without going back to that is that we have followed the English Act. It says:

Intended to cause disaffection or likely to cause disaffection.

The last phrase negatives the necessity for the prosecutor showing any evil intent at all. I think that is the way it is in England. A. I think, Mr. Slaght, I can answer that briefly by referring to regulations 39(a) and 39(b) which refer to false statements. It is expressly made a defence under one of these sections -- and I have not got it immediately in my mind --

Q. Just pass along, Mr. Brewin, and I shall look it up for you. A. I think you will find the English regulations have a defence which enables you to say you made the statement in good faith and believing it was true, just as we have in Canada. The insertion of that proviso would meet our point.

MR. SLAGHT: The English Act reads:

No person shall

(a) endeavour by means of any false statement, false

document or false report to influence public opinion in a manner likely to be prejudicial to the defence of the realm or the efficient prosecution of the war, -- So that deals with rumours quite apart from intent.

MR. CLAXTON: Perhaps I ought to refer to the section in the English Act to which Mr. Brewin would like to refer. It is 39 BA, on page 86, and reads as follows:

Subject as hereinafter provided, any person who publishes any report or statement relating to matters connected with the war which is likely to cause alarm or despondency shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds or to both such imprisonment and such fine:

Provided that a person shall not be convicted of an offence against this Regulation if he proves

- (a) that he had reasonable cause to believe that the report or statement was true; and
- (b) that the publication thereof was not malicious and ought fairly to be excused.

WITNESS: That is the proviso. We think the English one makes it intentional or likely, and this gives the proviso that cuts very much into that. We think in some way or other the same results would be achieved here so that you do not have so many barroom prosecutions. There is only one other point with regard to declaring a party illegal or an organization illegal that we should like to touch on. Whatever may have been done in the past we do not criticize that at all. We feel that there again the alternative procedure should be carried out but that executive action should be provided, enabling application to the court in cases the minister feels that that could be done, but

taking the onus off the minister in relation to what might be doubtful cases, in which he does not want to take the responsibility. For example, one has heard suggestions that various organizations ought to be banned, organizations of a dubious nature. In those cases where there is no need for immediate action we feel there again the court procedure could probably be adopted.

BY MR. BERTRAND:

Q. That is leaving the discretion to the minister?

A. Yes, leaving the discretion to the minister, quite so. But if he has that procedure available just as a matter of policy we believe he would very often prefer that method of procedure.

Q. If an association is, in the opinion of the minister of the Crown, bad enough that it should be banned, taking into consideration the fact that we are at war and that we have to move fast, I do not know how we can do otherwise. A. We agree with that, sir, but we feel that he should have the right if he does not want to proceed rapidly, to proceed by motion to the court. It would give the accused parties a chance to have their cases reviewed.

BY MR. MARTIN:

Q. From your point of view you would be safer with the Minister of Justice than with the ordinary Supreme court judge at this time? A. Our point of view is not that the organization should not be banned if they are performing or doing anything prejudicial to the safety of the state; we think they should, but we think care should be taken to give them the opportunity of stating their case if possible.

BY MR. DUPUIS:

Q. Would you be satisfied if this committee decided to adopt your viewpoint? Would you be satisfied if the committee

decided to bring some of these cases to court, to hear them in camera? A. There might be a discretion given along that line, yes.

MR. BERTRAND: They are heard in camera to-day, are they not?

THE CHAIRMAN: Yes.

WITNESS: I apologize for taking so long.

The witness retired.

MR. CLIFFORD SIFTON, called:

WITNESS: There is only one point that I should like to deal with, and it is a short point. I think it is important. It has to do with section 21(3) and more particularly subsection (b). I make a suggestion also, with a little less emphasis, with regard to (a) as well.

The effect of this section is that presumably as a safeguard of some sort or other the parliament of Canada having decided to take the liberty of speech away from the protection of the court by the ordinary established laws in certain circumstances and vesting it in the Minister of Justice, they have seen fit to require that the Minister of Justice shall make a certain report with regard to the exercise of this particular exceptional power over all persons in Canada. And it is with regard to whether or not that report can be improved upon in the general public interest that I wish to make some comments. There is no question about the propriety, in my opinion, of this power being vested with the minister. There is no argument about that; it is merely a question of having decided that, then is it possible to improve somewhat the safeguard or reliance upon parliament as a safeguard.

These regulations say that every four weeks the minister shall make a report to parliament as to the number of persons,

not the identity of persons. This is how the section reads:

- (a) The number of persons detained under orders made pursuant to this regulation; and
- (b) The number of cases, if any, in which the Minister of Justice declined to follow the advice of any advisory committee which may be appointed under the next following regulation.

From looking at this statement and regulation I believe the result is that any person in Canada can be grabbed out of his house at night or at any time or off the street, and as far as any rights are concerned nobody can find out where he is. A person may be interned following these regulations and there is no possible way of finding out unless you get in touch with the authorities and the various authorities for the most part will say yes, we have got him, if you happen to go and ask them. No member of a family nor an associate of an individual has a way that he can find out that his friend or member of his family who has disappeared, is in custody, under these regulations. There is plenty to be said for delay in the report; I do not question that at all. You can imagine any number of reasons. For instance, if I am engaged in or thought to be engaged in subversive activities it is perfectly obvious that they should have the right to come and stand in front of my place to catch whatever comes in. There may be thousands of other good reasons for hush hush about having me grabbed up; but in the meantime after that period of time has elapsed, and necessarily under all circumstances that can be imagined, it must necessarily be a reasonable time. I am not concerned with a day or two or a week or two or whether a month is desired. I do not urge that the period be too short. But after the delay, say thirty days or whatever delay you gentlemen might see fit to place on it,

after that certain delay it seems to me the minister should see that the whereabouts of the incarcerated is made known. As the law now stands the minister has certain responsibilities and obligations imposed on him and vested in him by the parliament of Canada for reasons which I do not choose to discuss, because in my opinion it is not in the interest of Canada at war to disclose them. But having done that which the law requires him to do if the prisoner were identified I do not think it would affect the regulations whatever, and so long as the minister does what he should do within the prescribed limits I am quite sure you gentlemen in the house would accept whatever he said.

BY MR. BERTRAND:

Q. Is there any case that you know of now where the relatives did not know the man was interned? A. No. I am not suggesting there has been any abuse, but I do suggest the thing is one open to abuse and it would be desirable in these circumstances to amend the regulations so as to require a declaration of the identity of the people, just as (a) and (b) say here except to put in the individual instead of number of people, just that mention of names.

BY MR. SLAGHT:

Q. Parliament only sits part of the year, and you would not accomplish your purpose by your suggestion. I understand your purpose is to let the relatives and friends know that so and so has been interned. If you added identity to the return it would only be available when parliament is sitting and it would not be of any help when parliament is in recess. A. That is correct, sir.

Q. Have you provided for anything which might function when parliament is not sitting, making it desirable to say thirty days after internment that notice may be given to a wife

or such other relative or something of that kind? Would you not accomplish what you are after much better than by trying to amend 3 (a) and (b)? A. I mentioned there was the matter of emphasis involved. I was going to make two suggestions for the purpose of making the point clear. To start with I took the one point and I was going to go on and make a secondary point. First of all, explaining that if there is a court procedure the safety of the individual rests in the independent judiciary. Here we have seen fit, for reasons which I accept, to wipe that out completely. It is a very drastic thing. In its place we have put a discretionary executive power vested in the Minister of Justice. Now the only safeguard we retain, and I think under these circumstances it is the best safeguard, conceivably the only reasonable one, is the common sense of the House of Commons. With that I am perfectly satisfied.

Q. That has been questioned at times. A. Since the protection would only be effective from the moment that parliament meets, my second point would be, if you think well of the first one, that you might then consider the desirability of saying that during the session the report should be to parliament and during the recess the report should be made by some other device -- I would suggest publication in the Canada Gazette, or some simple way of making a public report.

BY MR. DUPUIS:

Q. Do I understand your point to be that the family and friends of the internee are not informed? A. They may not be. They are not required to be informed. That is one point, sir, and the second point is, the people on whom we rely, the members of the House of Commons are not given such information as they might be given; in other words, they are not given names.

Q. Therefore you would be satisfied if the family and friends were informed in whatever way possible outside of this

committee? A. The public informed.

Q. You want the public informed too? A. I think so, for safety's sake. Suppose I have got a wife. Somebody runs me in. You provide my family with that information, but I may be at outs with the family.

Q. Families or friends or whatever you like. I would suggest this for your consideration. Would you be satisfied if after a person is interned he requests those in authority to inform this particular person, family or friend that he is interned at such a place? As far as the members of the House of Commons are concerned they can be given a confidential list of those who are interned. A. No, at the moment I can see no advantage in the lists being confidential. There may be some point in it being confidential when it first happens, but thirty days after the event there is no danger. I see no overriding public interest which compares, in my judgment, with the safeguarding of the --

BY MR. BERTRAND:

Q. You want the public to know? A. I want the public to know, yes.

BY MR. BENCE:

Q. Why should not there be a list published periodically in the newspapers? A. I do not see why you should pay for it going in the newspapers. Publish it if you like, but the information should be given thirty days after the event anyway.

BY MR. BLACK:

Q. Do you know what the practice of the authorities is at the present time with regard to the men interned? Does the Department of Justice inform his wife or not? A. It would be only hearsay so far as I am concerned, presumption.

Q. Is there any reason to complain? A. I suggest it is a

matter of the safeguarding of the persons, and that is vitally important. You might say that the Hitler system is perfectly satisfactory because he operated it all right, but I would not submit to that for a minute. What we are interested in is to so arrange it that you have all the safeguards that are reasonable.

BY MR. BENICE:

Q. Do you not see that there may be an unfortunate result arise if names were publicized? It may so happen that people in internment camps were there for only six months and were released. If their names were given and immediately printed when the people were sent to the internment camps --

MR. McKINNON: It may work a hardship on the families and especially on children going to school.

MR. SLAGHT: This provision about parliament was put there purposely, as I recall it. To give the publicity you now seek would, I believe, work a hardship on individuals whether they were guilty or not. They may have little children going to school, and if that individual was put in an internment camp for a month or so the whole neighbourhood knows about it. To do as you suggest would, I believe, work a hardship on his family and relatives by blazoning him as an individual who happened to be in an internment camp. Do you think if the committee seriously considered recommending some notice from the Justice department be sent within thirty days that there would be much trouble with it? Do you not think that would not be better than to amend 3 (a) and 3 (b)?

MR. MAYBANK: If I am charged as a robber I have the right to communicate with some person outside but no person outside has any right to communicate with me. No person outside has any right in the matter. If I desire it to be kept secret no

person outside has anything to do with it. It is left to me. It is not considered that anybody has any right except the accused robber. Now, would not you give the person absolutely every right he has got and every right he should have if you said to him, after a certain period of time, we will notify whomsoever you say?

MR. BERTRAND: There is nothing to stop the internee from notifying anybody that he wants notified.

MR. MAYBANK: I do not think he has it as a matter of right.

MR. ANDERSON: Within thirty days he will have written a letter to his family, and in practice --

MR. MAYBANK: In practice. Mr. Sifton is not complaining about the practice, Mr. Sifton wants it as a right.

WITNESS: I have a suggestion that I think will meet all this. Mr. Slaght, to start with I think you mentioned that probably the public know anyway and I think his own little family probably know. You would give the interned prisoner or person the right to request the minister not to disclose his name. That is your argument. It seems your situation is met because you are saying that you do not want this man's family hurt. He is the person that should have the privilege, if you like, of saying. What I am getting at is this: the protection is not individual protection. The protection is in some cases notoriety in some exchanges in the House of Commons. That is completely nullified if somebody tells my wife I am some place; and my poor wife is probably left where she has no means, and there may be nothing done about it. The protection that is afforded by giving it to parliament is of a brief nature, and the protection is watered down to that extent. I am suggesting if you go so far as to give the interned person the right to forego that protection that you have met that argument and that

the other protection is highly desirable and not objectionable from a point of view of accomplishing what this executive power was intended to accomplish.

MR. DUPUIS: Mr. Chairman, for the information of the committee I have here the evidence to show that any prisoner of war who is interned has the right to write to his relatives or friends. I have here postal cards showing that.

WITNESS: That is a practice, and not a right.

MR. DUPUIS: It is the general practice because we have postal cards printed for prisoners of war. The ones I have here come from Petawawa and is from an interned man. We have war postal cards which they can write whenever they like.

WITNESS: To elucidate the question may I put it another way? Would you be calling it a kindness to take away the present judicial safeguards with regard to the ordinary personal freedom just because you have some beneficent dictator that was going to be kind about it anyway?

MR. BERTRAND: They have the right to communicate with individuals, and I think that ought to meet your argument.

MR. SLAGHT: ^{Put} the commandant of the camp under obligation to communicate or send out the communications within thirty days. It would have to be censored, of course. I think it could be changed so that anybody whom the interned selected could either communicate by telegram or letter. We could make it compulsory that the commandant should send that information.

MR. MARTIN: Mr. Sifton goes further than that. He suggests that the public have an interest in the internment and the public, represented by the House of Commons, should be given notice and to safeguard against the possible publication throughout the information of internment in cases where publication would not be desired the internee should have the right to

notify the Minister of Justice that he does not want his name to be disclosed. Is not that it?

WITNESS: I am obliged to you. That is precisely what I had in mind.

MR. ANDERSON: May I interject there is one other point involved in that question and that is the polices' point of view. There may be, for instance, people in there for espionage and it would not be desirable to have that made public.

MR. MAYBANK: I think there would have to be a proviso in that event.

MR. ANDERSON: The people may say yes, we want it published and the police may not want it published.

WITNESS: We are suggesting that you could have a certain delay.

MR. MAYBANK: Aside from the delay there might be people whom we would desire to hold completely incommunicado all the time during the war. You would have to have a proviso that there may be cases where you would never give information.

THE CHAIRMAN: We have only five minutes left, gentlemen.

WITNESS: I am obliged to you.

The witness retired.

MR. L.E. BLACKWELL, called:

WITNESS: Mr. Chairman, this is the final statement to be made on behalf of this committee. My submission has reference to section 58, and as the time is very brief I will refer very briefly to the section. This is the section where a justice of the peace may grant a warrant to search premises, and the effective words are:

. . .seize any article found in the premises or on any such person which the officer has reasonable grounds for believing to be evidence of an offence of the foresaid.

Then, section 4 says:

...order that any articles seized shall be forfeited to the Crown, destroyed, returned to the owner, or otherwise disposed of as he may see fit. . .

Here are the words that raise the question:

Notwithstanding that no person has been committed for trial for, or convicted of, an offence in connection with such article. . .

The justice of the peace in consultation with the Attorney General of Canada or the attorney general of any province may seize any article and destroy that article, and the accused person may depend for his successful defence upon that article. But the article may be destroyed before he has had his trial. Of course, we do not question what laudable object or purpose might be in mind in authorizing any such destruction,

BY MR. SLAGHT:

Q. May I suggest one to you now? A. Yes, Mr. Slaght.

Q. A man is picked up on information that he is very bad and dangerous. He is picked up and interned. On his internment he has not been committed for trial or convicted of the offence. But at the time he may have in his custody something that it is very desirable should be retained by the Crown. A. Then there can be no possible objection, Mr. Slaght, to the retention by the Crown. The submission we make is the authority conferred on the justice of the peace only in consultation with the Attorney General of Canada or for a province to destroy that article.

BY MR. BERTRAND:

Q. You object to the word "destroyed" mostly? A. Yes; we have no objection whatever to custody.

THE CHAIRMAN: It is not only in consultation with, it is

with the consent.

BY MR. SLAGHT:

Q. May I suggest another reason? Suppose the man picked up has a couple of time bombs in his possession and they are certain to go off in four hours. Do you suggest that after the man is in an internment camp the bombs should be preserved?

A. I cannot see the slightest difficulty, Mr. Slaght, in sufficiently revising the section to authorize the immediate destruction of any dangerous object.

Q. If ^{you} go out to find exceptions I do agree with you this is rather startling. A. It is very startling.

Q. Would you be satisfied if there was a provision put in there that before any such article is destroyed an appeal should be had to a county court judge? A. That would certainly improve it. Our submission is directed to his power of destroying without --

BY MR. BERTRAND:

Q. If these articles are time bombs, then what?

THE CHAIRMAN: You might be sure that before the appeal is heard the bombs will have exploded.

BY MR. BLACK:

Q. Do you know of any abuses of this section? A. I know of no abuses of this section. Our committee is of the opinion that where possible these matters should not be left open to abuse.

MR. ANDERSON: There is nothing to prevent a man making a claim for any such document which he considers desirable.

WITNESS: I cannot see the point of destruction.

BY MR. HAZEN:

Q. Have you provided an amendment to this? A. No, I have not provided an amendment.

MR. SLAGHT: If Mr. Brewin would like to draft an amendment covering an appeal before destruction we would approve having it sent to us.

MR. ANDERSON: What about putting it the other way? Making the suggestion that everything shall be confiscated by the Crown if it is not claimed thirty days after the seizure. May I point out there are thousands of items of literature, tons of literature belonging to illegal organizations that have been seized, and if we had to keep these it would occupy much space in government property. Nobody is arrested or charged in connection with it because they do not know to whom it really belongs.

MR. MARTIN: He is not referring to that. He is just objecting to the kind of individuals who have authority in this matter.

WITNESS: Oh, no.

MR. MARTIN: Justices of the peace.

WITNESS: No, no.

THE CHAIRMAN: He objects to destruction.

WITNESS: I did not care to submit any amendment because I thought Mr. Slaght immediately had in mind the danger which would readily occur to the committee with regard to what might be done about it.

MR. BERTRAND: They object to the word "destroyed."

MR. SLAGHT: What about all that literature?

THE CHAIRMAN: Thank you very much, Mr. Blackwell.

The witness retired.

The committee adjourned at 1 o'clock to meet again on Tuesday, April 1, 1941.

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EXHIBIT NO.1

September 13, 1940.

Dear Friends:-

Enclosed you will find an important document issued by the Political Buro entitled "A Political Letter on Our Tasks".

This document must be made use of by our entire Alliance, both to raise the political understanding of every member and to improve our agitation and mass-work at this critical period.

It is proposed that each branch organize thorough-going discussion on this letter. That can be done either by (1) the secretary or chairman giving an outline based on the letter; or (2) reading one section at a time and then having a discussion on its contents. In this way it should be possible to devote a period of four weeks for such discussion. Every effort should be made to get full attendance at such meetings, so as to enable every Alliance member to understand the tasks facing us today.

While the Buro will issue additional material relating to the letter, each branch should consider how our work can be improved, arising from the tasks facing us today.

Yours truly,

D. B.

A POLITICAL LETTER ON OUR PRESENT TASKS

September, 1940.

To All Members of the Alliance:

In the course of organizing and leading militant struggles of the workers and farmers for their immediate demands, it is our task to carry on the most widespread and concrete revolutionary propaganda under the slogan: An Independent Socialist Canada!

The King Government and the capitalist class, for their own profit and to advance their own imperialist ambitions, have destroyed all semblance of Canadian independence and are selling Canada as a war pawn to the British and, now, to the U. S. Imperialists. We must open the eyes of the Canadian masses to the fact that this path of the capitalist class and the King Government is plunging the country into the centre of the imperialist catastrophe and threatens to make our country an arena of the spreading imperialist carnage. We must show that there is still time to withdraw the nation from this disastrous course and to take the alternative path, the path of peace, independence and Socialism. We must help the petty-bourgeois masses, especially the western farmers and the French-Canadian masses, to break their war coalition with the big bourgeoisie in the King Government and to take the path towards independence and peace. This can only be achieved by a vigorous and relentless struggle against the traitors and capitalist agents within the working class, the C.C.F. and reactionary trade union officials, who have become the most shameless, cheap tools of the big bourgeoisie and are being groomed for their counter-revolutionary role in the approaching crisis. The alliance must awaken the working class to the realization that a revolutionary crisis is maturing in Canada, that the fate of Canada depends on the working class. The working class can win the support of the petty-bourgeois masses and save the nation only by raising the militant strike struggles against the home-plunder program of the bourgeoisie to the level of a revolutionary political struggle to remove the capitalist class from power and establish a new independent and Socialist Canadian state.

The Military Defeats of the British Imperialists

The alliance must wage a vigorous fight against the efforts of the Canadian bourgeoisie and their C.C.F. lackeys to exploit sympathy for the British people and reluctance to see the British Isles invaded in order to promote their criminal war plans. Despite the desperate campaign of lies, the military reverses of British imperialism are creating favorable conditions for opening the eyes of the people to the real situation.

Unlike the cynical, profiteering bourgeoisie, who are coining human blood into gold, we feel genuine and true sympathy with the awful torture of the British and other European peoples, and are fighting for the only road that will offer help and succor to them in their terrible suffering. It is necessary to make clear to the Canadian masses that the British people are suffering the hellish tortures of war because the British tory ruling class has held and continues to hold power with the aid of the despicable "Labor" traitors. This is the tory ruling class that helped Hitler to power over the prostrate body of the revolutionary German working class. This is the class which helped Hitler to arm. This is the class which destroyed collective security which the Soviet Union and Popular Front France started to build. All to the end of opening the way for

a German-Italian-Japanese war against the Soviet Union. All to the end of blacking out the great beacon of Socialism which is lighting the way of mankind to a new world of peace and prosperity. They are the criminals, who rejected peace and only last January proposed to Hitler that he join with them in a war against the Soviet Union. The Churchill-Chamberlain-Atlee Government and the tory ruling capitalists it represents are the Fifth Column of Britain. On this government, and on it alone, must be placed the shameful guilt for the war tortures of the British people, who suffer hell while the rich remove their families and race horses to North America.

The alliance must vigorously expose the British imperialist criminals in order to unmask the real character of the alliance of the Canadian government and the Canadian capitalists with them. We must especially make clear that British imperialism holds 400,000,000 colonial slaves under the most despotic military dictatorship and in the most appalling conditions of misery known to the history of mankind. We must give the scorn and ridicule due when owners of 400,000,000 colonial slaves pretend to be waging war for the liberation of a few million people in Europe, when the most tyrannical government in the world, which oppresses more peoples than all other imperialist governments combined, pretends to be waging a war for "democracy" a war "between the forces of good and evil". We must show that decadent British imperialism, with its declining production, is waging a war to maintain its colonial loot, seized before the newer capitalist powers developed and now doomed to be the centre of barbaric imperialist conflict as long as the imperialist system survives.

Above all, we must make clear that British imperialism will seek to drag Canada to ruin, as she has dragged numerous small countries, in order to save her domination of the world. We must show that it is the inseparable connections of Canadian capital with British capital that plunged Canada into the war and now threatens to drag the nation into the centre of the catastrophe. The Canadian people have no interest in the maintenance of the rule of British capitalists over 400,000,000 colonial slaves; we want to see them liberated and free. But Canadian capital is tied and dependent in its relations to British capital. It is therefore tied to the maintenance of the British slave-empire. The law of profits dictates its purpose of sacrificing the Canadian people in war to maintain the imperial despotism of the British capitalists. The C. P. R., the most ruinous capitalist enemy of the Canadian people, the plunderer and pillager of our country, links the Canadian bankers and the British in a common plunderbund. The whole network of dependent relations in finance, trade and industry of "our" capitalists with British capitalists now places Canada in the most imminent danger. It is these real relations, the relations of profit-seeking, insatiable capital, that expose the hollow sham of Mackenzie King's deception of "Nationhood" and "Equality of Status", for there can be no "nationhood" or "independence" for the Canadian people so long as the capitalist class, with its slavish, dependent ties of capital abroad, remains in power.

The defeat of British imperialism on the continent of Europe has brought the war to its most acute phase. The French bourgeoisie, after military defeat, has made peace with Hitler in order to maintain its class domination over the French working class, just as the British capitalists will do in the event of their final defeat. The danger of military defeat hangs over the criminal and incompetent ruling class of Britain; Unprecedented cataclysmic events are on the order of the day. Some of the circles of British capitalists are preparing to move, in the event of such a defeat to Canada, still controlling their colonial slave-empire and to continue the war from here to preserve their imperialist spoils. This would suit the imperialist appetites of sections of the Canadian and U. S. bourgeoisie only on the condition that it offered them an opportunity to acquire loot for themselves. Already the Canadian bourgeoisie has occupied Iceland, Newfoundland and the West Indies, crushing the independence of these peoples under military distatorship and establishing the basis for

(Page 4 follows)

for the permanent acquisition of these territories for exploitation by the Canadian monopolists. On this path, Canada will be brought to utter ruin, drawn into the vortex of the barbaric slaughters of the big imperialist powers, dooming the youth and manhood of Canada to certain death on imperialist battlefields for the aggrandisement of Canadian capitalists and their "foreign" bosses.

U.S. imperialism is supporting British imperialism and preparing to enter the war at an opportune time, not because of the mythical "Anglo-Saxon community of interests", but because this is the best way for the U.S. capitalists to get as much as possible for themselves in the new imperialistic battle for the redivision of the world. They have now incorporated all South America and the western Atlantic islands of Britain and France in a new imperialist system of U.S. hegemony. Economically more dependent upon U.S. than upon British imperialism because of the inseparable ties with the dominant U.S. Monopolies in Canada, the Canadian bourgeoisie has now been incorporated into the U.S. imperialist system under the disguise of a "defense union". This union is anything but "defensive"; it is the expression of the predatory expansionist purposes of U.S. monopoly capital and its Canadian offshoots. The real purpose of this alliance is to establish a basis for "sharing" in the spoils already seized (Iceland, Newfoundland, West Indies) and to enable the U.S. imperialists to use Canada as a pawn in their expansionist plans... (Some U.S. imperialists even dream of U.S. monopolies capturing the British Empire through Canada becoming its centre.) U.S. expansionist aims are bringing it into war in Europe and with Japan, and Canadian capital is dragging Canada into these new and catastrophic dangers to be used as British imperialism used Belgium, Holland, Norway, and Poland.

The picture is clear. On the one hand, the Canadian bourgeoisie is dragging the country to catastrophe through its dependents relations with the British bourgeoisie and on the other, it is storing up new imperialist wars and disasters for the nation by an alliance with the expansionist-imperialist ambitions of the U.S. capitalists. This reflects the profound crisis of capitalist policy now maturing in Canada. The Canadian bourgeoisie rides precariously on the horns of a dilemma. So long as the aims of U.S. imperialist expansion coincide with support of British imperialism this crisis is masked. But this situation will undergo a profound change as the military decisions in Europe become clear. Beneath the obvious bourgeois vacillations and uncertainties of integration in two imperialist systems, there is in fact a fundamental and irreconcilable contradiction of imperialist interests. The Canadian bourgeoisie can serve two masters at the expense of the people only so long as the momentary relation of world forces makes that service suitable to the masters. The inevitable ripening of this contradiction is already commencing. The deceitful cloak of "Equality within the Empire" under which the Canadian bourgeoisie concealed its dependent relations with British capitalism and the trite catchword about "3000 miles of undefended frontier" under which they concealed their dependent relations with U.S. imperialism can no longer serve to hide from the Canadian masses the fact that the Canadian capitalist class by its foreign ties of capital endangers the whole future of the nation. It is dragging the nation to war-ruin in the death-crisis of one slave-empire and entangling the country in the imminent wars of another predatory slave-empire.

The development of the catastrophic crisis of world-imperialism confronts the Canadian people with the greatest crisis in their history. The present capitalist government and the capitalist class are driving a course which means not only ruin in the present war but further and deeper involvement in imperialist conflict without end. The alternative is clear and practical. The geographic position of Canada makes it possible for the Canadian people to save themselves from the worst effects of the mounting savagestorm of imperialist conflict by removing from control those whose profit-seeking capital is tied to the war-making imperialist systems. While there was still hope, because of the Soviet Union, of building collective security before the outbreak of war, we urged against isolation a policy in favour of a struggle to break with the Chamberlain war-policy and the establishment of peace on a safe collective foundation. This was made impossible by the British and the Canadian ruling classes. Now it is our duty to point out that the only safe path is to take advantage of our Canadian geographic position to save the country from the holocaust. Canadian capital robbed the Canadian people of independence and concealed its war-entangling ties with British imperialism by King's deceit of "no entanglements". Instead of peace commitments of a free and independent people, there were the hidden war entanglements of profit-seeking and dependent capital. The capitalist lies have come home to roost. The consequence of all this deception rise stark and terrible before the Canadian people now. Not security but ruin lies in the foreign dependent ties of Canadian capital. Canada can never have peace and independence so long as the foreign ties of capital dictate her fate. Unless broken these ties will spell her doom. The sole immediate road to peace and security for Canada is independence and the removal of the war-entangled capitalists from control of the country.

Socialism or Counter-Revolution in Europe

To open the eyes of the Canadian masses to the real situation it is especially important to expose the sordid "victory" propaganda of the Churchill-Chamberlain-Atlee government echoed by King and the entire bourgeoisie. This propaganda is exposed out of the mouth of Churchill himself. In all his statements, he is compelled (to gain credence for his words) to reveal, at least in part, the real strategic plan of British imperialism in the war. This plan is to "hold out" with appalling cost to the British masses until the revolutionary Socialist working classes of the continent are able to organize revolutionary uprisings against the bourgeoisie and Nazi power, and then to step in at the opportune moment to dictate terms to their German and Italian rivals as the price for crushing the Socialist Revolution.

It is necessary, patiently, clearly and forcefully, to explain to the Canadian masses that the British and Canadian plan for a strategic offensive in 1941 and 1942, with which Col. Ralston, the bankers' stooge, tries to hoodwink the Canadian masses, can be nothing more nor less than counter-revolutionary intervention in the continent of Europe against the Socialist Revolution. It is necessary to make clear that when the British imperialists, with a million and a quarter soldiers, speak of "delivering Europe from Hitlerism", they are practising the most shameless and bare-faced deception. Geniuses at getting others to fight their wars for them and at massacring defenseless men, women and children in the colonies, the British capitalists are militarily impotent in Europe today and are basing their strategy on the hope of being

able to bring into play their consummate skill as the hangmen of popular revolutions. The total aeroplane production of Britain, U.S.A. and Canada in the next two years will not make possible, from a realistic military standpoint, even the commencement, not to speak of the fulfilment, of a military offensive on the continent of Europe. The British army combined with an American expeditionary force of the same size as in the last war would be unable to hold any part of Europe, even if they succeeded in gaining a foothold, so long as the Nazi military machine is not destroyed from within by the Socialist Revolution. These facts must be clearly brought home to the Canadian masses.

The real deliverer of Europe will be, and can only be, the revolutionary Socialist working class of France, Germany and the other countries dominated by German imperialism. A revolutionary crisis is rising in Europe. The conditions are maturing for a successful Socialist revolution. This will not be an easy or simple task for the revolutionary workers of Europe. Only fools will speculate as to just when the revolutionary uprisings can and will commence. But the Canadian working class must know that the Communist Parties of the European countries are at their posts, organizing the forces of Socialist liberation. They must know that their working-class brothers of Germany and France are the only deliverers who can and will liberate Europe.

Standing mightily and powerfully behind the revolutionary working class of Europe is the Soviet Union, which has already opened the doors of freedom to 23,000,000 people in the Baltic States, in Bessarabia and in Bucovina and has closed the way to the spread of the flames of war in eastern Europe. The Socialist Revolution in Europe, now maturing out of the present war, will rise with the invincible support and the unconquerable power of the mighty Soviet Union standing behind it. This is the only real path of deliverance in Europe.

British imperialism with its waunted plans for an offensive in 1941 and 1942, supported by Canadian and U.S. imperialism, is preparing not to deliver but to enchain Europe, to smash the revolutionary struggles of the peoples of Europe, to crush the true deliverers of Europe and drown them in blood in its desperate attempt to restore British hegemony in Europe. British imperialism is not the deliverer but the insatiable power that brought Europe to its present debacle. The pyromaniac now poses as fireman to conceal his crime. We must ask the masses to see clearly the hypocrisy and stupid lying of Churchill-Chamberlain-Atlee with the "victory" propaganda and to discern beneath this deceit the criminal intention of these imperialist strategists to "win the war" by stepping in at the right moment to snatch victory from the real deliverers, the Socialist proletariat.

Precisely because the destiny of the British people is of such great concern to the Canadian people, it is necessary to make clear to them that the choice before the British people is not the victory of British or German imperialism. Military of British imperialism is a fiction. The choice is Socialist liberation of Europe or British counter-revolutionary intervention. The war which started as a conflict of imperialist, capital governments must end as a conflict of the people with their own imperialist capitalist governments. If the war is to end simply as a military decision between the two imperialist governments, then any fool can say what that decision will be. From the standpoint of the British working class, then there are only two probable courses of development. Either total defeat of its capitalist government, in which case the proletariat must take advantage of the resultant chaos to overthrow capitalism. Or the success of the Churchill "holding out" strategy, in which case the working class must develop its

revolutionary struggle against the capitalist government as quickly as possible to prevent the success of the second phase of that strategy, -of stepping in to bury the Socialist Revolution and on its grave, the continent, to reestablish British hegemony. From the standpoint of the British people and the British working class, the most desirable course of the present war is the defeat of its own government for two clear reasons: first, because this defeat would give the British working class the earliest and best opportunity for overthrowing British capitalism and freeing the colonial slaves, and secondly, because these circumstances would be the most favourable for the growth of a revolutionary crisis in Europe in view of the greater instability of German capitalism and its lesser ability to restore stability to European capitalism. Only the cheap lackeys of imperialism, like the C.C.F. leaders and the British "Labour" leaders, who have sold their souls completely to capitalism, can pretend to stand for Socialism while denying these obvious facts. The Canadian working class should understand that the best way and in fact the only way in which the British workers can promote the deliverance of Europe is by overthrowing the British capitalist government and establishing a free Socialist Britain, not by supporting the British Tory government.

Canada and the Proposed Offensive.

The Canadian bourgeoisie are full accomplices of the British in their counter-revolutionary strategic plan for the war. On one hand, while cynically exploiting the pretext of the "war effort" of two divisions of Canadian soldiers in England, they are crushing the last remnants of the democratic liberties of the Canadian people, setting up the foundation of a permanent fascist state structure and carrying through a colossal swindle of the Canadian masses, accompanied by an orgy of grafting and corruption. On the other hand, in the name of "home defense" they are preparing a predatory expeditionary force through conscription to act as a counter-revolutionary gendarme in Europe, smothering the socialist revolution after the people have delivered themselves from their oppressors and restoring the oppressors to power on conditions acceptable to British, Canadian and U.S. imperialism.

The Canadian masses must clearly understand two patent facts: first, that conscript, compulsory military training is not for "home defense", but for foreign expeditions, and second, that such expeditions cannot have any other than a counter-revolutionary role. No Canadian expeditionary forces, joined with either British or U.S. forces, can ever liberate Europe. That must be exposed as a fiction and a myth. The only purpose that could be served and for which such forces are intended is to crush the deliverers, the revolutionary working class, and restore the power of capitalism under the domination of British imperialism.

The direct connection between the struggle of the Canadian people and the liberation and deliverance of the peoples of Europe must be clearly explained to the masses. Support of the "war effort" of the Canadian bourgeoisie, submission to the military dictatorship and conscription, sacrifices of living standards and war impoverishment will not aid the British people, will not and does not mitigate their sufferings by one iota, but on the contrary enables the Canadian capitalists to grow rich from and prolongs the misery and tortures of the British and European peoples. The despicable role of the Canadian grafting government and the Canadian capitalists as vultures feeding up on the miseries and tortures of the people of Europe must be exposed. Only by a resolute struggle against them and their jackal role in the war can the Canadian people assist in the

deliverance of Europe. The fight to withdraw Canada from the war is not only a fight to save Canada from ruin, and catastrophe, but is also a fight to speed the deliverance of Europe, to stop the counter-revolutionary plans of British and Canadian imperialism, to speed the overthrow of the British and Nazi war-makers and the establishment of free socialist governments by the peoples of Europe.

It is necessary to expose the capitalist propaganda, which seeks to make the masses believe that the Communists are really the agents of Hitler, supporters of German imperialism. In our fight for withdrawal from the war, we must make it clear that we are not proposing a separate peace with Germany. On the contrary, by proposing an Independent Socialist Canada, we are proposing the only course of action by which the Canadian people can help the struggles of the working class of Europe to overthrow the war-makers on both sides and put an end to the war by establishing socialism.

The Path to the Struggle for and Independent Socialist Canada.

The policy of the alliance in the struggle for an independent Socialist Canada must be developed at every stage in keeping with the actual relation of class forces, which will undergo rapid changes as the military situation in the war shifts and as the immediate struggles at home are raised to a higher and more militant level.

At the present time, vacillations are beginning to appear in the policy of the big bourgeoisie and the King government, as a result of the military defeats of British imperialism and the extreme uncertainty of the situation. The whole bourgeoisie is terrified at the prospect of total British defeat and the collapse of their British chauvinist and ideological influence among the masses and the present form of their state structure, tied to the British imperialist system. At the same time, the government and the big bourgeoisie are pushing forward large-scale war preparations, growing enormously rich by war plunder of the masses, planning counter-revolutionary intervention in Europe, when the favourable moment arrives and strengthening their military dictatorship at home to enforce the fascists regimentation of the whole nation for their profit.

The petty bourgeoisie of the cities and the farmers are intoxicated with the poison of chauvinism, duped by the bourgeoisie, especially through the C.C.F. and Social Credit parties. They are, nevertheless, showing increasing signs of vacillation away from the bourgeoisie. This is manifest in the rising movement of the western farmers against the effort of the government and the bourgeoisie to throw the costs of the military defeat heavily upon the farmers and it is even more sharply evidenced in the stand of Mayor Houde of Montreal, who represents the commencement of a spirit of resistance against the big bourgeoisie among the French-Canadian petty-bourgeoisie and workers.

As the consequences of the war become clearer, as the counter-revolutionary foreign interventionist character of the war strategy of the big bourgeoisie becomes more apparent, as the meaning of British defeats and the military-imperialist adventures of the Canadian bourgeoisie becomes more visible, the vacillations of the petty-bourgeoisie will grow more violent with an increasing striving to save themselves from war ruin in the direction of extricating Canada from the imperialist entanglements of the big bourgeoisie. All the nationalist illusions and all the instability between the big bourgeoisie and the working class will come more and more into the open.

The working class is the only class that can lead the country out of the chaos and ruin achieved by the big bourgeoisie. It will be more and more able to fulfill this task only if, as a result of patient and widespread propaganda, the alliance is able to free the working class decisive elements from the poison of "defencism", win the majority of the workers away from the influence of the C.C.F. and the reactionary bourgeois agents in the trades unions and establish a militant, class-conscious majority in the trades councils and decisive industries and factories. The working class will be able to gain the support of larger and larger sections of the petty bourgeoisie and especially the farmers, breaking them away from the poisonous "defencist" illusions handed out by the big bourgeoisie, only to the degree that the alliance gains a majority among the active sections of

workers for a consistent revolutionary, socialist policy of militant struggle against the big bourgeoisie.

1. The point of departure of this policy must be the exposure of the counter-revolutionary, anti-socialist character of the policy of the big bourgeoisie in the European war. As opposed to this policy, the working class must put forward the policy of aiding the Socialist Revolution in Europe, aiding the overthrow of capitalism in all belligerent countries as the only road of deliverance from the German as well as from the British imperialists who are staking everything on being able to win the war by drowning the Socialist revolution in blood with the aid of the Canadian bourgeoisie. The working class must explain that its struggle against the war policy of the big bourgeoisie is not for the purpose of establishing a separate peace with the Nazi Germany, which is unnecessary because of the favourable geographical position of Canada, but for the purpose of giving all support to the only force that can deliver Germany and Europe, namely, the force of the Socialist Revolution, and preventing British, U.S. and Canadian imperialists from taking advantage of the work of Socialist Revolution to win the war by crushing the revolution and restoring capitalist rule on its own terms.

2. The working class must declare that there can be no salvation for the Canadian people from war plunder and ruin in foreign imperialist entanglements at the hands of the big bourgeoisie, short of the removal of power from the hands of the capitalist class. The working class must expose the inextricable connections and dependence of the big bourgeoisie of Canada, economic, financial, political and ideological dependence, on the imperialists of Britain and the United States and show that this dependence deprives the Canadian people of any real independence and will lead the nation into ceaseless and ruinous war so long as the big bourgeoisie holds power with the support of the petty-bourgeoisie. The working class must show the petty-bourgeoisie that the question of Canadian independence is now not only or essentially a "national" question, but a class question, a question of whether the big bourgeoisie has power with the support of the petty-bourgeoisie or whether the working class has power with the support of the petty-bourgeoisie.

3. The working class must put forward a program of a Socialist Independent Canada as the only way out for the Canadian masses. This program must include:

- (a) A new Canadian state, not merely the old state of the big bourgeoisie, which from top to bottom is dominated by the big bourgeoisie and can never be an independent state of the Canadian people. The new Canadian state must be born from and created by the Canadian people, the working class in alliance with the farmers based upon the widest genuine Socialist democracy, control of the press and radio in the hands of the people, arming of the people for genuine home defense as against the fascist-capitalist controlled army and regimentation for foreign intervention, guarantee of recall for all elected representatives with salaries reduced to the level of wages.
- (b) Nationalization and amalgamation of the banks and large scale industries and railways under the control of the new state.
- (c) Immediate raising of the living standards of the workers and farmers, and abolition of unemployment by removing the national economy from the stranglehold grip of the monopolists and banks and organizing it

for rapid expansion on the basis of the needs of the Canadian masses. The new state will lead Canadian agriculture towards the prosperity of voluntary collectivization by demonstrating through example its economic, social and cultural benefits for the farming population.

- (d) The new state, being truly independent, freed from the dependent foreign ties of the capitalists, would carry out a policy of foreign relations determined solely by the best interests of the Canadian people.
- (e) The new Canadian state will immediately grant the French-Canadian people the right of self-determination right up to separation, and will seek to convince them of the advantages of Canadian voluntary union, providing the means through referendum for the French-Canadian people freely to determine their future proposing full social, economic and cultural autonomy and equality as the basis for unity.

This five-point program for a new, independent Socialist Canadian state must be widely popularized among the masses. They must realize that, irrespective of the military decisions of the war, the continued rule of the capitalist class, even during the brief respite periods between wars, will mean economic impoverishment such as the Canadian people have never experienced before. Only such a program can solve the problems of the western wheat farmers, the French-Canadian farmers and the petty-bourgeoisie of the towns, who face ruin as well as the problems of the working class of Canada. The capitalists and their politicians are bankrupt, holding in store at home only national destitution and chaos, while recklessly steering the ship of state on to rocks and disaster abroad. In the immediate economic struggles and in agitation for separate demands of the workers and farmers, it is now essential to bring forward this program of a new Socialist Canada, concretely connecting each of its main points with the given economic struggles of the workers and farmers, agitating for the nationalization of the banks and big industries, for the imprisonment of the profiteers and big monopolists, for the arrest of politician-grafters and a public trial of the war-guilty politicians before a people's tribunal, not as "illusion-breeding demands" upon the capitalist state, but as revolutionary slogans against the whole system of capitalist rule.

Every alliance organization, from the highest committee to the branch, must now reveal the utmost determination, skill and persistence in bringing to the masses this program for a new Independent Socialist Canada, which will regenerate in the conditions of our day the glorious traditions of the real Fathers of Canada, Mackenzie and Papineau.

EXHIBIT NO. 2

Statement of the Civil Liberties Association of Toronto on
the Internment Procedure under the Defence of Canada Regulations
Nos. 21 and 22.

During the last session of Parliament this Association presented to Parliament a brief on the subject of the Defence of Canada Regulations, and also, through its president and honorary secretary, made representations to the Special Committee of the House of Commons which was entrusted with the task of revising the regulations.

The association now desires to call attention to some features which it believes still call for amendment.

Regulation 21 empowers the Minister of Justice to make an internment order whenever he considers such action necessary in order to prevent a person from acting "in any manner prejudicial to the public safety". This authorizes confinement without trial and without any of the ordinary safeguards of appeal and publicity.

The committee, and Parliament, have sought to guard against possible evil consequences from this authority, by providing for a review of the case of any interned person who applies for it. Regulation 22 therefore provides for the appointment, by the Minister of Justice, of Advisory Committees to hear such applications and to make recommendations to the minister, and such applications are to be disposed of "promptly and justly".

On its face this regulation would appear to provide for a prompt and satisfactory review of such cases and a prompt recommendation to the Minister. But information received by this Association from various quarters strongly suggests that this is not the case in practice.

A press despatch from Ottawa under date of September 30 suggested that the number of persons interned at that time was approximately 1,500. This Association believes that of this number probably at least one-half have applied for a review. But the same despatch goes on to state that "several applications have been heard", but that they have led to few releases.

This Association has information of one case which was heard in review in August, and concerning which no recommendation has yet been made, notwithstanding that at the time of hearing the Advisory Committee seemed disposed to concede that the internment had been made in error.

It thus appears to this Association that a very serious delay is developing in the disposition of these cases. Nor is the reason far to seek, in view of the fact that only two Advisory Committees, one French and one English, have been set up to deal with the entire list of cases.

But the personnel of the committees and the nature of the hearing also appear to call for reconsideration. The Regulation expressly states that a committee may consist of one person, who in that event must be a high judicial officer; and both the existing committees are so composed. This Association believes that not only should there be a large number of committees to dispose of all applications with reasonable speed, but also that each committee should consist of at least three persons, one of whom should be qualified to represent Labor.

With regard to the nature of the hearing there are several objections to the existing system. The Regulations require that the interned person or his counsel shall be informed of the grounds of his internment and furnished with particulars sufficient, in the opinion of the committee, to enable him to present his case.

If this provision is to achieve any useful purpose it is imperative that it should be fully carried out, and that the committee should afford the interned person sufficiently definite particulars to enable him to bring rebuttal evidence if able to do so. Mr. J. L. Cohen, K.C., in a recent report presented to the Canadian Seamen's Union and by them submitted to the Trades and Labor Congress, stated that in a case in which he appeared he made frequent formal requests for particulars and was unable to obtain anything further than that "Representations had been made that-----was a member of the Communist Party". We submit that this does not constitute particulars sufficient to enable the interned person to present his case. No overt act is alleged about which evidence could be taken; no document is cited, about whose authenticity and significance evidence could be taken; there is nothing available to the accused or detained person but a general allegation, against which he can offer nothing but an equally general denial.

Further, we are informed that it is the practice to submit to the Committee the departmental file bearing on the case under review, the contents of which are necessarily of a most confidential nature, and cannot be divulged to the accused or his representative. We submit that this in itself must render it extremely difficult for the Committee to maintain an impartial attitude, and must tend to convert the "review" into little more than a continuance of the police investigation. The Committee has no power to release the interned person; it can only recommend to the Minister, who is not compelled to act upon the recommendation; and we suggest that these confidential files should not be communicated to the Committee, but should merely be placed before the Minister when the police are convinced that a recommendation for release should not, in the public interest, be acted upon.

We therefore recommend that the Regulations be amended to provide (1) that there shall be a sufficient number of advisory committees to ensure prompt disposal of the applications for review; (2) that the committees consist of not less than three persons and shall be so constituted as to call forth the confidence of all sections of the community; (3) that the hearing before the committee be as nearly as possible the same as a trial of the detained persons on the grounds alleged in the order but free from the rigid rules of evidence where sources of information must be kept secret in the interests of the state; (4) that the appointment of such committees shall be mandatory and not permissive, as now appears to be the case because of the substitution in the Consolidation of September 12, 1940, of the word "may" for the word "shall" in Regulation 22, Section 1; (5) that in place of Section 22 (3A) (d), which provides for the giving of such particulars of the charge as the committee sees fit, should be inserted a clause requiring the Minister of Justice to send to the objecting person a statement on the grounds for making the order, setting out the material facts upon which he relies to justify such order; (6) that all information supplied to the committee should be made available to the applicant for review.

Such amendments, we feel, will bring reassurance and confidence to the people of Canada, and in particularly to Labor. It will enable them to devote themselves to the main task of the hour, namely the prosecution of the war, with no fear that there may be developing in Canada a dangerous tendency to abandon those fundamental principles of British justice and liberty which are essential to the preservation of the democratic way of life.

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