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The valour and the horror.

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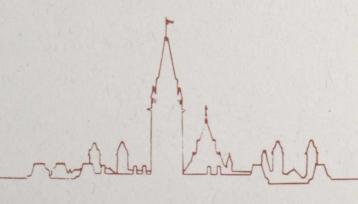


## LE SÉNAT DU CANADA

## The Valour and the Horror

Report of the Standing Senate Committee on Social Affairs, Science and Technology

January 1993





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Report of the Standing Senate Committee on Social Affairs, Science and Technology

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Marshall, Jack

\*Murray, Lowell, P.C. (or Lynch-Staunton) Neiman, Joan Phillips, Orville H. Sylvain, John

\* Ex Officio Members

The following senators also participated in the work of the Sub-Committee: The Honourable Senators Peter Bosa, Paul David, Richard J. Doyle, John M. Forrestall, Philippe D. Gigantès, Noël A. Kinsella and William J. Petten.

<sup>\*</sup> Ex Officio Members

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Nelman, Joan
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#### ORDERS OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Thursday, November 21, 1991:

"The Honourable Senator Marshall, moved, seconded by the Honourable Senator Kinsella:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the Veterans Health Care Regulations (SOR/90-594, August 28, 1990) and on all other matters concerning veterans affairs which may arise from time to time.

The question being put on the motion, it was adopted."

Gordon L. Barnhart Clerk of the Senate

Extract from the Minutes of the Standing Senate Committee on Social Affairs, Science and Technology dated Tuesday, February 18, 1992:

"The Honourable Senator Kinsella moved:

That the Committee refer to the Sub-Committee on Veterans Affairs the order of reference authorizing it to examine and report upon the Veterans Health Care Regulations (SOR/90-594, August 28, 1990) and on all other matters concerning veterans affairs which may arise from time to time.

The question being put on the motion, it was - Resolved in the affirmative."

Tônu Onu
Clerk of the Sub-Committee

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#### PREFACE

In early April 1992, the Senate Sub-Committee on Veterans Affairs, at the request of Canadian veterans across the country, decided to examine and report on the controversial CBC/NFB war series *The Valour and the Horror*. The ensuing hearings caused a great deal of public interest and comment. More than one thousand veterans and other members of the public took the time to write to the Sub-Committee or to the Chairman. All of these letters and briefs, regardless of their viewpoint, were studied by Sub-Committee members. They have been indispensable to our deliberations and we are grateful for them. To those veterans and other concerned citizens who participated in the hearings, we offer our sincere thanks. We would also like to express our appreciation to those individuals, a great number of them veterans, who worked closely with the Sub-Committee and actively supported and encouraged its activities over the past year. They have displayed tremendous courage under fire.

In the course of its study, the Sub-Committee sought the assistance of professional historians who specialize in Canada's participation in the Second World War. We thank them for taking the time to consult with our staff about various aspects of *The Valour and the Horror* and in particular we want to thank those who gave testimony before the Sub-Committee.

Finally, I wish to thank the members of the Sub-Committee for their hard work, and to acknowledge the invaluable assistance of the Sub-Committee's staff: the Clerk of the Sub-Committee, Tonu Onu and later Patrick Savoie; the Administrative Assistant to the Sub-Committee, Peter Phelan; and our researchers, Vincent Rigby and Grant Purves of the Research Branch of the Library of Parliament. Several members of the Sub-Committee's clerical support staff also deserve special mention: Mirella Agostine, Lucie Demers and Richard Jones from the Senate's Committees and Private Legislation Branch, and Paulette Bertrand from the Research Branch, Library of Parliament. I would also like to thank members of my own staff, in particular Janelle Feldstein and Laura Fox.

Sack Henskall

Chairman

Sub-Committee on Veterans Affairs

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Nack Marshall, CD Chairman

Sub-Committee on Veterans Affairs

#### CHAPTER I

#### INTRODUCTION

On 21 November 1991, the Senate authorized its Standing Committee on Social Affairs, Science and Technology to "examine and report upon the Veterans Health Care Regulations and on all other matters concerning veterans affairs which may arise from time to time." This mandate was assigned to the Sub-Committee on Veterans Affairs under the Chairmanship of the Honourable Senator Jack Marshall. However, as the Sub-Committee prepared to investigate the Health Care Regulations, veterans across the country turned their attention in another direction. The Sub-Committee, keeping in mind its mandate, had little choice but to take notice.

The Valour and the Horror, directed and co-written by journalist Brian McKenna, was first aired by the Canadian Broadcasting Corporation, in both official languages, in January 1992. Advertised as a documentary, the three-part series examined Canada's role in several notable military campaigns of the Second World War. The films were generally well received by arts and entertainment reporters and newspaper columnists. The first episode, Savage Christmas: Hong Kong 1941, covering the fall of Hong Kong in December 1941 and the tragedy that befell Canadian prisoners of war of the Japanese, was also favourably received by some veterans and veterans' organizations. However, the second and third films in the series, Death by Moonlight: Bomber Command and In Desperate Battle: Normandy 1944 respectively, caused a groundswell of protest among veterans who claimed the two episodes were inaccurate and heavily biased. Canadians who had fought in the air war were particularly upset and began to develop detailed critiques of the film on the bomber offensive.

On 18 February 1992 the Metropolitan Toronto Branch of the Aircrew Association addressed an open letter to Parliamentarians and enclosed a brief 3 page review of the *Death by Moonlight: Bomber Command* segment. The tone of the critique was matter-of-fact and reasonable. It concluded:

Nothing can be done now to rectify the distortions in *Death by Moonlight: Bomber Command* but the members of the Aircrew Association hope and expect that greater care will be taken by the producers of any future films in this series, and that CBC-TV will test the authenticity of the data - and require a balanced presentation - in any future documentaries from this source before presenting them to the Canadian public. (1)

Veterans and veterans' organizations, led initially by A.J. (Tony) Little, President of the RCAF Prisoners of War Association (Ottawa Branch), began to turn to the Senate Sub-Committee on Veterans Affairs for redress and a public forum from which to respond to the films when it became known that the CBC intended to respond to their complaints and critiques by airing the series again beginning in late March. This decision was interpreted by veterans as being arrogant and insensitive to their legitimate concerns. They were especially upset by the threat that the series would be distributed to schools across Canada as a National Film Board/CBC approved teaching aid on Canadian participation in the Second World War.

The Senate Sub-Committee did not decide lightly to undertake a study of the authenticity of *The Valour and the Horror*. It had just completed its long-awaited report on the merchant seamen and was poised to launch its in-depth investigation of the Veterans Health Care Regulations. But as the veterans' complaints about *The Valour and the Horror* grew louder, the Sub-Committee felt it had no alternative but to change its plans. The Sub-Committee's mandate, to examine and report on all matters concerning veterans affairs "which may arise from time to time," gave clear authority to examine a publicly-funded television series which had seriously offended a substantial portion of Canada's veterans, not to mention ordinary Canadian citizens who had some understanding of the subject material.

The announcement in the Senate that the Sub-Committee intended to study and report on The Valour and the Horror at once became almost as controversial as the film series itself. Critics said the investigation represented an attack on freedom of expression which offended the principle of the arms-length relationship which exists between the Government and cultural agencies. The members of the Sub-Committee considered these protests carefully in determining the objectives of their study, and agreed that these should be:

to give veterans and veterans' organizations a public forum in which to respond to what they consider to have been a public, unfair and malicious slander of their conduct, and the conduct of their leadership in the Second World War;

to hear from a number of specialists in the history of Canadian participation in the Second World War and to learn their opinions about the historical methodology and merit of *The Valour and the Horror* series;

to inquire into the roles played by two public bodies, the National Film Board and the Canadian Broadcasting Corporation, in the conception, production, financing and decision to air as a documentary, a highly interpretive film series on a historical subject; and

to give the producers of the films the opportunity to respond to attacks on their work and to introduce to the Sub-Committee any qualified historians who assisted them in making the final "cut" of the series or who were prepared to support its historical methodology and merit.

These objectives could hardly be considered offensive to either intellectual freedom or freedom of expression. The director of the film series, Brian McKenna, had been provided with more than \$3 million of public funds to make three two hour films, and the CBC had given him in various showings eighteen hours of broadcast time and audiences of millions before which to expound his views about the nature of Canadian participation in the Second World War. In contrast, veterans were allowed a short period after one of the network screenings in March to debate Mr. McKenna. In the meantime, they had received no response to the complaints they had addressed to the broadcasting regulatory body, the Canadian Radio-television and Telecommunications Commission, while the responses from the NFB and the CBC, whether signed by Senior Officers or employees in their public relations departments, not only fully supported the series but echoed the claims of the producers and director that the films were Moreover, these responses made no reference to the existence of an "bullet-proof." Ombudsman's office where complaints could be pursued or perhaps investigated. Under these circumstances, how could there be a violation of freedom of expression in the Sub-Committee's provision of a public hearing to the offended veterans and their organizations?

In the opinion of the Sub-Committee, the criticism that its hearings offend the principle of the arms-length relationship between the Government and cultural agencies is a red herring. Ministers exercise the prerogative and administrative powers of the Crown. They and they alone have the power to issue binding instructions to Departments and Crown Corporations and the unique power to propose or deny the expenditure of public funds. Without the principle, tradition and practice of the arms-length relationship with cultural agencies, the Government through the Minister responsible could compel the CBC and/or NFB to do something about *The Valour and the Horror* and could, indeed, reduce these organizations to little more than propaganda agencies.

Committees of the House of Commons and of the Senate have only the power (and the responsibility) to make recommendations. The Sub-Committee on Veterans Affairs has no power to compel either the CBC or the NFB. Neither the Government nor any other body is obliged to implement its recommendations. Federal funding frees the NFB and the CBC from the discipline and vagaries of the market place and public opinion. The arms-length relationship places them beyond the direct control of the Government. To argue that their activities and operations are also beyond the study of Parliamentary committees, even one which plays no role in scrutinizing their annual estimates, is to say that these organizations are beyond Parliamentary scrutiny for the expenditure of millions on *The Valour and the Horror* and are not obliged to explain why the series (or any series on any subject) cost so much. Consequently, the Sub-Committee found that it could not accept this interpretation of the arms-length principle.

They were submitted not only by veterans, veterans' organizations and historians, but also by journalists, documentary producers and concerned citizens. The vast majority of this correspondence - over 80% - was critical of the film. In selecting witnesses the Sub-Committee gave first priority to veterans' organizations and to those veterans who had researched and prepared substantial briefs or who had intimate, first-hand knowledge of the events and personalities referred to in the films. The Sub-Committee's second priority was to take testimony from a number of specialists in the history of Canadian participation in the Second World War and, in particular, the bomber offensive and the Normandy campaign.

From the beginning the Sub-Committee stressed its desire to provide those responsible for writing, directing and producing The Valour and the Horror - Brian and Terence McKenna, Galafilm, the CBC and the NFB - with a reasonable opportunity to defend the film series. There was a particular interest to hear from those who were credited for the research that went into the series because none of the specialists the Sub-Committee had contacted were prepared to defend it, in private or in public. On 16 June 1992, Arnie Gelbart of Galafilm, the producer of the films, suggested a list of five historians and nine veterans as well as Mr McKenna. Only two of the recommended historians were knowledgeable in the field. Professor Brian Villa from the University of Ottawa failed to respond to the Sub-Committee's invitation to appear as a witness, while John Keegan was sent a post-production script of the film and was asked for his comments. He also failed to reply. Likewise, Max Hastings, mentioned by Mr. McKenna as a supporter of the Bomber Command episode, did not respond to the Sub-Committee's invitation to offer his opinions. The Sub-Committee did hear from Professors Michael Bliss and Graeme Decarie, neither of whom has any expertise in Canadian military history. Professor Bliss, as well as a number of other individuals and organizations, spoke at length about the issue of freedom of expression. (2) Finally, a number of veterans were invited to speak in favour of the film series, among them some who had participated in the filming.

Throughout its hearings the Sub-Committee had scheduling difficulties which resulted from changes to the Parliamentary calendar. Consequently, the Sub-Committee was not able to hold to its original plan of hearing almost all its witnesses in June. Left with only two days of hearings in June, the appearance of most witnesses had to be postponed until November. In rearranging the schedule for June the Sub-Committee decided, in consideration of its objectives, to concentrate on hearing from panels of outside experts in the field of Canadian military history and from some of the veterans who felt that their opinions had been ignored first by the filmmakers and then by the CBC and NFB. When the Sub-Committee reconvened in November it

<sup>(2)</sup> Professor Bliss, one of the most vocal critics of the Senate Sub-Committee, labelled the investigation of *The Valour and the Horror* an "inquisition," and argued that it was a "menace to the liberal, unfettered flow of controversial opinions that is, and ought to be, the glory of a free society..." Proceedings, 8:94-95.

heard from a wide range of witnesses both for and against the series, including Mr. McKenna and Mr. Gelbart, as well as Joan Pennefather, Chairperson of the NFB. Representatives of the CBC refused to appear.

This report summarizes the Senate Sub-Committee's investigation of the authenticity of *The Valour and the Horror*, from its origins in the winter of 1992 to January 1993. The following two chapters appraise the two most controversial films in the series, *Death by Moonlight: Bomber Command* and *In Desperate Battle: Normandy 1944*. Chapter IV then examines the role of the CBC and the NFB in the production of the films. Finally, the Sub-Committee makes a number of recommendations based upon the evidence placed before it.

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#### CHAPTER II

#### DEATH BY MOONLIGHT: BOMBER COMMAND

"As Vice-President of Bomber Command Association of Canada, I wish to go on record as saying that our members are appalled, disgusted and insulted by this so-called documentary." William DuBois, Proceedings, 5:43.

"(Death by Moonlight) was a gross distortion of the very complex subject which was Bomber Command's war over a period of six years. Whether that distortion was the result of incompetence or of deliberate malice, I cannot judge."

Martin Middlebrook, letter to the Sub-Committee on Veterans Affairs, 26 October 1992.

#### AN ONGOING DEBATE

No episode of *The Valour and the Horror* has generated more controversy than *Death by Moonlight: Bomber Command*. Given its theme, this should not come as a complete surprise. As the Sub-Committee was reminded, the bomber offensive against Germany has long been the subject of controversy. During the Second World War, the strategic and moral implications of the campaign were discussed within the British Government, the military establishment, and to some extent even the public domain. Since then, historians have continued the debate. Some, with the benefit of hindsight and newly available documents, have questioned the bomber offensive on moral and strategic grounds while assessing its contribution to ultimate Allied victory. Because of conflicting evidence, wide differences of opinion continue to exist. However, most experts will agree on one point: the story of the bomber offensive is extremely complex. Meticulous research aimed at placing the campaign in its full historical context is required before any conclusions can be reached. Even then, the issues are rarely clear-cut.

These are the parameters within which Sub-Committee members have examined *Death by Moonlight*. They did not set out to condemn the film, as some have suggested, simply on account of the controversial issues it raises. Rather, what the Sub-Committee wanted to learn was whether the views expressed in the episode were based on thorough and balanced research, the essential ingredients in any historical presentation. The CBC and the NFB, as public agencies, owe that not only to the veterans depicted in the film, but to the millions of ordinary Canadians who watched the series and who have an important stake in our history.

#### PRIDE AND PAIN

The story of the 50,000 Canadians who participated in the bomber offensive against Germany is one of courage and perseverance. Night after night in the skies over Germany they risked their lives in a desperate attempt to bring the Third Reich to its knees. For years, Bomber Command was the only weapon the Allied forces could direct at the enemy. Many remember with patriotic pride the accomplishments of 6 (Canadian) Group, formed in January 1943 and by the end of the war one of the finest groups in Bomber Command. But for every veteran of the bomber offensive, such pride is tinged with sorrow; the painful memory of the nearly ten thousand Canadians of 6 Group and other Bomber Command squadrons who failed to return is never erased.

In Death by Moonlight, the viewer is told that these lives were needlessly lost in one of the most brutal, misguided campaigns of the Second World War. Conducted by a ruthless, dogmatic commander, the bomber offensive aimed at nothing less than the annihilation of the German civilian population. Strategically it was a dismal failure, contributing little to Allied victory, and morally it gave the Germans a respectable cause for which to fight. The ultimate victims, however, were the naive airmen themselves, hoodwinked by a murderous High Command which blithely sent thousands of young men to their deaths.

These views are set forth in *Death by Moonlight* with passion and conviction. Supporters of the film have pointed to its vivid portrayal of the valour of the ordinary airman and to the savagery and senselessness of war. They have also hailed its examination of the failures of Allied command. Members of Veterans Against Nuclear Arms endorsed the episode, suggesting that it conveyed "so powerfully the feelings, the emotions, the humanity, and the valour of the comrades we served with..." C.G. Gifford, DFC, who participated in 49 bombing raids against Germany, argued before the Sub-Committee that the film was a "largely accurate expression" of a point of view that had existed since the war. *Death by Moonlight* had performed a "great service" by opening up these issues to Canadians, and teaching them "that in war, both those in uniform and non-combatants pay the price of the errors, illusions and personal tragedies of political and military chiefs." (3)

It would be no exaggeration, however, to state that *Death by Moonligh*t deeply offended the vast majority of Canadian veterans and veterans organizations across the country. While in no way condoning the acknowledged inhumanity and destruction of war, many were nonetheless

<sup>(1)</sup> It is an unfortunate oversight that 6 Group is never once mentioned by name in Death by Moonlight.

<sup>(2)</sup> Marion Frank, President, Metro Toronto Branch, Veterans Against Nuclear Arms to Chairman, Senate Sub-Committee on Veterans Affairs, 10 August 1992.

<sup>(3)</sup> Proceedings, 9:111, 9:106.

"appalled, disgusted and insulted by this so-called documentary." One veteran argued that the film was an "entire misconception of what the war was about. I found the characterizations appalling...(T)he film was a caricature of who we were, what we were doing and the context in which we were doing it." Bob Ford, Dominion Chairman of the Royal Canadian Legion, representing 600,000 members including 230,000 veterans across Canada, told the Sub-Committee that *Death by Moonlight* (not to mention *In Desperate Battle*) had "seriously, perhaps irreparably, damaged viewers' understanding of Canada's participation in World War II." He concluded that the film was so distorted that "were it used as a sole source of information about the events depicted, unsophisticated viewers would have no alternative but to regard Canada as a nation of incompetents and murderers which, in concert with her equally bloodthirsty allies, waged relentless war on the valiant people of Germany."

The essential grievance of veterans is that any evidence which supports the legitimacy of the bomber offensive has been omitted, resulting in a gravely distorted picture. Not only is the complexity of the bomber offensive nowhere evident, but the context of the war as a whole is missing. As Professor (ret'd) William Rodney, DFC, who flew with 78 (RAF) Squadron during the war, stated: "By not accurately setting the bombing of Germany into its wartime context, and through serious - and what would appear to be deliberate - historical omissions, *The Valour and the Horror* grossly distorted Bomber Command's role and contribution to the Allied victory." As a result, many Bomber Command veterans feel they have been portrayed as naive, misguided murderers of women and children, who risked their lives and watched their comrades die to no apparent purpose. They also allege that numerous errors based on superficial research and a "propensity to dwell upon the banal in order to arouse emotion," (8) especially in the dramatic scenes, made matters worse.

Most of the military historians appearing before the Sub-Committee agreed. Professor William Carter of Royal Military College, who has written extensively on 6 Group, labelled *Death by Moonlight* a "sub-standard work. The context was not set; there were many inaccuracies and sweeping generalizations; in places, there was no sense of chronology; information was offered with no evidence to back it up, and there were major errors of comprehension." Hugh Halliday of the Canadian War Museum, a prolific writer on the

<sup>(4)</sup> William DuBois, Vice-President and Director of Bomber Command Association of Canada, Proceedings, 5:43.

<sup>(5)</sup> Ray Silver, Proceedings, 7:15.

<sup>(6)</sup> Proceedings, 6:81-82.

<sup>(7)</sup> Proceedings, 6:25.

<sup>(8)</sup> Professor (ret'd) Rodney, Proceedings, 6:34.

<sup>(9)</sup> Proceedings, 3:13.

RCAF, added that the film "makes many errors, some of omission - the lack of context - some of commission..." And Martin Middlebrook, perhaps the foremost authority on Bomber Command, informed the Sub-Committee that it "was a gross distortion of the very complex subject which was Bomber Command's war over a period of six years." Even Dr. Stephen Harris of the Department of National Defence, while acknowledging the claim that "for much of the war, Bomber Command spent much of its time bombing residential parts of German cities," admitted that there are some "major" errors in the film. (12)

The remainder of this chapter will examine some of the contentious issues in *Death by Moonlight* and assess the views expressed by witnesses before the Sub-Committee.

#### WHY AREA BOMBING?

The central focus of *Death by Moonlight* is the policy of area bombing, adopted in February 1942 by Bomber Command in an attempt to destroy Germany's cities and its capability to wage war. According to the film-makers, this was a "secret plan," whose real aim was "to intentionally kill civilians" with a view to breaking the morale of the population. (13) Few Canadian airmen, the viewer is told, would ever learn of the plan, as they would be misled by their superiors into believing that the bombing targets remained German factories and military installations, not the built-up areas of cities. Not even the Canadian Government was consulted.

The debate over the aims of area bombing remains controversial. However, as numerous witnesses pointed out to the Sub-Committee, no intelligent debate is even possible unless the context of the policy is properly explained. According to many, this was never done in *Death by Moonlight*.

It is stated in the film that "in the first four years of the war, Bomber Command seldom tried precision strikes against key industrial targets." (14) Historians and veterans alike informed the Sub-Committee that nothing could be further from the truth. One of the earliest goals of the bomber offensive was to destroy specific military industrial targets, and this goal was actively pursued for the first two years of the war. However, it had become apparent by the summer

<sup>(10)</sup> Proceedings, 6:11.

<sup>(11)</sup> Martin Middlebrook to Vincent Rigby, Sub-Committee Researcher, 26 October 1992.

<sup>(12)</sup> Proceedings, 3:52. Even those historians the film-makers cite as supporters of *Death by Moonlight*, such as Max Hastings and John Keegan, apparently had serious reservations. See, for example, Mr. Keegan's comments in the *Gazette*, 12 November 1992. See also Mr. Hastings' observations in "Comments on November 10 Galafilm Response to Ombudsman Report," p. 5, 11 passim.

<sup>(13)</sup> The Valour and the Horror, Post-Production Script, Death by Moonlight: Bomber Command, p. 27.

<sup>(14)</sup> Post-Production Script, Death by Moonlight, p. 19.

of 1941 that Bomber Command lacked the technology to conduct precision bombing at night (day bombing had been tried, but losses were too heavy). Indeed, most bombers were missing their targets, especially in the Ruhr Valley, by miles. Faced, therefore, with what it perceived to be the choice of abandoning the strategic bomber offensive altogether or aiming for the built-up areas of industrial cities in an attempt to break civilian morale and destroy German industrial capacity, the War Cabinet chose the latter and Bomber Command accepted the task.

Seen in the context of the war, it was not an unreasonable decision. In 1942, Britain's strategic position was still weak: the United States had not yet mobilized its resources and the Soviets seemed on the brink of defeat. The Allies were under intense pressure from the Soviet Union to open a second front, but the British and Americans would be in no position to invade the continent until 1944. The only major strategic offensive the Allies could launch against the German heartland was the bombing offensive. In addition to aiding the Soviets, such a campaign would help maintain the morale of the British people. In such desperate straits, Bomber Command "kept the balance of power from tipping to disaster." Walter Thompson, DFC and Bar, who completed two tours with 83 (Pathfinder) Squadron, pointed out that the film-makers made no attempt to provide this context, or to understand the fears and anxieties of the Allies. Instead, they criticised a strangulation victim "for reaching for and using a club rather than a rapier." (16)

In retrospect, there may have been other alternatives to area bombing - diverting more of Bomber Command's resources to the Battle of the Atlantic or the Middle East, expending greater energy on perfecting navigational aids and developing an escort fighter - but as Max Hastings, a strong critic of the bomber offensive, points out, "the directors of the Allied war effort could scarcely be expected to perceive all these issues quite as clearly as they appeared to a generation of liberals thirty years later." There is little evidence to support the argument in *Death by Moonlight* that precision bombing was a viable alternative in 1942 or 1943 if only Bomber Command had made the effort. Several witnesses pointed to American daylight precision bombing before 1944, which was far from accurate and resulted in heavy losses. Bomber Command was always trying to improve its precision strike capability - witness the development of navigational and bombing aids such as Oboe, H2S and Gee, as well as the

<sup>(15)</sup> Ray Silver, Proceedings, 7:9.

<sup>(16)</sup> Proceedings, 7:87. It is interesting that Brian McKenna, the director of the film, admitted before the Committee that the bomber offensive began "when England desperately had its back against the wall and had nothing else to hit Nazi Germany with." Proceedings, 9:78.

<sup>(17)</sup> Quoted by Professor Terry Copp, Proceedings, 3A:10.

introduction of Pathfinder squadrons - but most experts insist that an adequate capability was only achieved in late 1944. Even then, it was far from perfect and remained problematic against heavily-defended industrial targets. (18)

#### THE DELIBERATE ANNIHILATION OF CIVILIANS?

There was considerable debate before the Sub-Committee over *Death by Moonlight's* description of area bombing as a deliberate attempt to massacre civilians. While Doug Harvey, a participant in the film, informed the Sub-Committee that "our job, we figured, (was) to kill Germans," another Bomber Command veteran stated that "area bombing was not directed solely to homicide." John Bates of the Aerospace Heritage Foundation added that "a policy that sets out to deliberately kill civilians - and there was no such policy - is quite different from a policy of area bombing which may, as part of it, kill civilians. Those are two different moral structures entirely." (21)

The evidence would suggest that the film-makers' argument is far from convincing, keeping in mind that the bomber offensive was a complex strategy that defies simple definition. The killing of civilians was never "official" government policy. The aim of the bomber offensive after 1942, as Professor Carter explained, was

to destroy the major urban industrial centres of Germany and thereby destroy all the amenities of life that made the cities habitable and made production possible. Another goal was to 'dehouse' - in the terminology of the age - the civilian workers...The key for Bomber Command, whether it was by way of attacking industrial plant directly or breaking civilian morale, was to stop German war production, so Bomber Command would have continued to attack the major industrial centres even if large segments of the populations of these centres had fled. (22)

Clearly, semantics play a part in this debate. In attacking the industrial centres, the main objective was to bring the German war machine to a halt while at the same time cracking civilian

<sup>(18)</sup> See the testimony of Lieutenant-General (ret'd) Chester Hull, CMM, DFC, CD, Proceedings 4:9-10; John Bates, 4:25; Honourable J.R. Barr, 7:67-68; and Walter Thompson, 7:87.

<sup>(19)</sup> Proceedings, 4:57.

<sup>(20)</sup> Walter Thompson, Proceedings, 7:79.

<sup>(21)</sup> Proceedings, 4:24.

<sup>(22)</sup> Proceedings, 3:14-15.

morale; killing civilians was an unavoidable byproduct, a means of achieving the goal but not necessarily the goal itself. Although there is evidence to suggest that by late 1943 Arthur Harris, Commander-in-Chief of Bomber Command, was viewing German civilians as the primary target of the bomber offensive, he was probably accepting the reality that in attempting to wipe out entire industrial centres, civilians were becoming less and less "collateral damage."

The directive of February 1942 setting out the policy of area bombing was secret but only insomuch as all such directives were classified secret during the war. There was nothing secret in Britain or Canada about the intent or the results of the massive raids. The grave losses and the terrible devastation were reported daily on the BBC. Few aircrew were under any illusion after 1942 that they were unleashing incredible destruction on German cities and that civilians were being killed in large numbers. The unavoidable effect of creepback and the limitations of contemporary navigational and bombing aids were well-known. As John Bates and Murray Peden pointed out in their submission to the Sub-Committee, aircrew knew that

a torrent of bombs...aimed at a set of target indicators far below...would usually cover a circular area two or three miles in diameter, and that people not in shelters in that broad area were at considerable risk...No one could be under the slightest misapprehension that houses, factories, warehouses, gas and electric plants - in short everything in the area, was being hit by the saturation bombing. (23)

Walter Thompson posed a simple question: "How...could a pathfinder airman, whose job it was to mark targets with flares, not be privy to the policy he was carrying out?...We knew that the bombs would be widely dispersed." Aiming points were still often industrial targets, if for no other reason than to concentrate the bombing on built-up areas. But as several witnesses pointed out, the factories being targeted were often surrounded by workers' dwellings. The result could be every bit as deadly as a direct attack on a residential area.

As for the suggestion in the film that the Canadian Government was never consulted about the directive of February 1942, this may be true. At the same time, Mr. Halliday pointed out that the Government of Mackenzie King showed no interest in the higher direction of the war. (25) Had it been consulted, there is little doubt what its response would have been. It is clear from King's diaries that the Prime Minister knew civilians were being killed in the bomber offensive, but made no objections.

<sup>(23) 2</sup> June 1992, p. 15-16.

<sup>(24)</sup> Proceedings, 7:78-79.

<sup>(25)</sup> Proceedings, 6:10.

#### MORALITY IN WAR

According to German records, the bomber offensive killed about 600,000 Germans and seriously wounded many more. For some, the deaths of "innocent" civilians, including women and children, present a serious moral dilemma. In *Death by Moonlight*, the issue is black and white. The words of Freeman Dyson, an operational researcher with the Air Ministry during the war, are carefully chosen. The German night fighters, he argued, "ended the war morally undefeated... We had given them, at the end of the war, the one thing they lacked at the beginning, a clean cause to fight for." (26)

Many veterans appearing before the Sub-Committee found these words deeply disturbing. More than one suggested that using contemporary moral attitudes to pass judgement on events that happened fifty years ago was suspect at best. Given the stated aims of Hitler's Germany, and the barbaric acts that it committed during the war, including the devastation wrought by the Luftwaffe on British cities during the Battle of Britain and the Blitz (not to mention Warsaw and Rotterdam), few airmen worried about the moral implications of area bombing. The Honourable J.R. Barr stated that "we could not see that high, moral ground from 20,000 feet. It was covered with smoke - smoke from the gas chimneys and the death camps." As for the Luftwaffe, whether "morally undefeated" or not, there is no mention that by the end of the war the German air force was all but spent and could not fight back against Allied bombers.

The film's depiction of German civilians as "innocent" left many witnesses contemplating whether the film-makers understood the concept of total war. Professor Carter pointed out that:

A major error made by the film was the assumption that German civilians were innocent; that is, they were not involved in the war effort, that they were somehow detached from the Nazi regime and were nothing more than innocent bystanders. This is simply not correct. Civilians in Nazi Germany during the war joined the

Post-Production Script, Death by Moonlight, p. 40. Many witnesses found the portrayal of Freeman Dyson misleading. An operational researcher at Bomber Command headquarters, he is described by the film-makers as a "brilliant analyst" of the bomber campaign. However, he was only 15 at the outbreak of war, yet he is portrayed by an actor who is much older. Moreover, he never held a senior position at Bomber Command headquarters and as a noted pacifist his views should be treated carefully. See the testimony of Honourable J.R. Barr, Proceedings, 7:65-66.

<sup>(27)</sup> Professor (ret'd) Rodney, Proceedings, 6:25.

<sup>(28)</sup> Proceedings, 7:75.

military, worked in war industries and also worked as government employees, which made them, as I said, legitimate military targets. (29)

Airmen were aware that the deaths of workers, combined with the destruction of their workplace and homes, lessened the odds of their own deaths. Bruce Brittain, DFC, Director of the Normandy Foundation and a squadron leader with 6 Group, stated that when "bombing the Krupps works at Essen... I was conscious of the fact that we were engaged in total war and were fighting for our lives... Down below were huge factories producing guns and bombs with which to kill me. There were no civilians in my consciousness." (30)

The bombing of Hamburg, which *Death by Moonlight* holds up as the ultimate example of Bomber Command's brutal tactics, must ultimately be seen in this context. The film neglects to tell its viewers that Hamburg was a shipbuilding centre where much of the German submarine fleet was being constructed. As a major industrial city, it was a legitimate target. The Americans bombed the submarine factories and heavy industry south of the River Elbe, while Bomber Command went after the residential area north of the river where many workers lived and some factories were located. The aim of both air forces was the same: to destroy the city's contribution to the German war effort. Albert Speer, Hitler's Minister of Armaments and Munitions, was astounded by the devastation, but as it turned out, the damage caused by the raid was quickly repaired by gangs of labourers drawn from the thousands of workers diverted from offensive operations. (32)

#### THE BOMBER OFFENSIVE AS FAILURE?

In *Death by Moonlight*, the viewer is informed that the contribution of the bomber offensive to Allied victory was negligible. Civilian morale never cracked and German war production continued to rise well into 1944. The bombing of Germany, the film-makers insist, was an utter failure.

To be sure, Bomber Command, which sapped 25% of Britain's war effort, "never achieved the grand goals subscribed to by its authors." (33) If one judges the bomber offensive solely by Arthur Harris' standards - that it alone would win the war - then indeed it was a

<sup>(29)</sup> Proceedings, 3:14.

<sup>(30)</sup> Proceedings, 9:100.

<sup>(31)</sup> See the testimony of John Bates, Proceedings, 4:22.

<sup>(32)</sup> See the testimony of Robert Maxwell, DFC, Proceedings, 7:96.

<sup>(33)</sup> C.G. Gifford, Proceedings, 9:106.

failure. But by more modest (and one might say reasonable) standards, Bomber Command's contribution to Allied victory was vital, especially when it is remembered that Harris never received all the aircraft he asked for and the technology of the day was limited.

As Professor Rodney pointed out to the Sub-Committee, Death by Moonlight failed to "put into historical perspective the Command's impact on Germany's war economy or how it impinged on Hitler's strategy."(34) The bomber offensive did have an effect on the German war machine, as overall industrial production shrunk by 9% during the war. The Allies continually underestimated the elasticity of the Nazi economy (it did not even go onto a war footing until 1943) but one can legitimately ask how much more it would have grown without the efforts of Bomber Command. Perhaps more importantly, the bomber offensive performed its original function - creating a second front in the skies over Germany - remarkably well, drawing away vital men and materiel from the eastern front. Over two million men were involved in the air defence of Germany who would otherwise have been fighting against the Russians. Moreover, if the vaunted 88mm anti-tank gun had been deployed on the eastern front in greater numbers and not used so extensively as an anti-aircraft weapon defending the homeland, the balance may have been tipped against the Soviets. Between 30% and 50% of German artillery production came to be involved in defence against Allied bombers. Indeed, over half of German industry was working to meet the Luftwaffe's needs by 1944, making the job of the Allies in Normandy that much easier. (35) Albert Speer perhaps summed it up best:

The real importance of the air war was that it opened a second front. Unpredictability of the attacks made the front gigantic; every square meter of our territory was a kind of front line. To defend ourselves against air attacks, we had to produce thousands of anti-aircraft guns, stock-pile tremendous quantities of ammunition all over the country, and hold in readiness hundreds of thousands of soldiers, who also have to stay by their guns, often totally inactive, for months at a time. (36)

<sup>(34)</sup> Proceedings, 6:32.

<sup>(35)</sup> See the testimony of Hugh Halliday, Proceedings, 6:11 and Professor (ret'd) Rodney, 6:31-32. See also R. Beaumont, "The Bomber Offensive as a Second Front," *Journal of Contemporary History*, 22 (1987), p. 15-17; K. Werrell, "The Strategic Bombing of Germany: Costs and Accomplishments," *Journal of American History*, 73, no. 3, p. 709-713.

<sup>(36)</sup> Quoted by Robert Maxwell, Proceedings, 7:95.

Brian McKenna's response to this argument was telling: "How Bomber Command worked into the strategic alliance and the role it played is really the subject of a much more esoteric film." (37)

But Bomber Command not only opened a second front; it also performed a multitude of other tasks which contributed greatly to the Allied war effort. Precision strikes against such crucial targets as the rocket sites at Peenemunde and transportation and communication facilities in Normandy are curiously missing from *Death by Moonlight*. There is also no mention of mine-laying operations or the bombing of German invasion barges in 1940.

Clearly, there is another side to the debate over Bomber Command's effectiveness. It was the opinion of many witnesses who appeared before the Sub-Committee that *Death by Moonlight* deliberately chose to ignore any evidence which might suggest that the bomber offensive made an important contribution to Allied victory.

#### "BOMBER" HARRIS: AN HONEST PORTRAYAL?

Any account of the bomber offensive must ultimately come to terms with the figure of Air Marshal Arthur Harris. Commander-in-Chief of Bomber Command from 1942 to 1945, Harris remains one of the most controversial military leaders of the war. Loved by some, hated by others, he carried out Bomber Command's war against Germany with a single-mindedness and ruthlessness that few would deny. His supporters argue that such qualities were nothing less than essential in a campaign of this nature. Lieutenant-General (ret'd) Chester Hull stated that Harris was "tough but... honest." Mr. Gifford described him as an "aggressive, tough, blunt, single-minded chief with a great capacity for inspiring loyalty in his associates. Hus some would argue that these strengths were also his weaknesses. His stubborn nature perhaps blinded his judgement at times. As Mr. Gifford lamented: "Our youth and willingness to sacrifice was expended in that period more for Harris' obsession than for ending the war." (41)

Many of the witnesses who appeared before the Sub-Committee complained vociferously that, once again, none of the complexity of this debate emerges in *Death by Moonlight*. Instead, the viewer is treated to a caricature of Arthur Harris, portrayed by an actor (who incidentally

<sup>(37)</sup> Proceedings, 9:78.

<sup>(38)</sup> Several witnesses pointed out that Harris was merely carrying out orders; he did not, as the film implies on occasion, formulate the policy of area bombing. See the testimony of John Bates, Proceedings, 4:20-21.

<sup>(39)</sup> Proceedings, 4:13.

<sup>(40)</sup> Proceedings, 9:109.

<sup>(41)</sup> Proceedings, 9:110.

bears no physical resemblance to his subject) as a "cruel, sneering, often demonic murderer, having no compassion for those he sent out to bomb and those on whom the bombs fell." The Sub-Committee was told that in order to support this view the film-makers deliberately distort and omit evidence.

The viewer is first introduced to Harris in the context of British officers' "colonial attitudes" towards Canadians, attitudes which the film insists "came from the top." In what appears to be an attempt by the film-makers to display Harris' contempt for colonial troops (they neglect to mention that Harris was himself a colonial), the actor portraying Harris refers to them as being "damned bad horsemen and damned bad shots." However, as Donald Elliott, past President of the RCAF POW Association, pointed out to the Sub-Committee, these words from Harris' memoirs are taken out of context. The quote concludes: "...unless and until they have been put through the standard riding school procedure, in the days when horsemen meant something, and the standard musketry drill of the armed forces. After which they are no better and no worse than the British themselves." (43) While Mr. Halliday admitted that some RAF officers were condescending to Commonwealth personnel and at times lumped them together as "colonials", there is little evidence to suggest that such an attitude came from the top. Attempting to prove it "by mangling a quotation" hardly demonstrates unbiased research. (44) Several witnesses suggested that such an attempt reflected the film-makers' anti-British bias.

There is no doubt that Harris was bent on destroying German industrial centres as a way of defeating the enemy. To do it, he realized full well that German civilians would be killed in large numbers. He accepted that responsibility. *Death by Moonlight*, according to some witnesses, chooses to play up this side of Harris, insisting that killing civilians never bothered the Commander-in-Chief and citing his flippant remarks to policemen as his definitive attitude. Once again, to prove their argument, the film-makers bend the rules. The actor playing Harris states that "we shall destroy Germany's will to fight. Now that we have the planes and crews, in 1943 and 1944 we shall drop one and a quarter million tons of bombs, render 25 million Germans homeless, kill 900,000 and seriously injure one million." However, these words are derived (not quoted exactly) from a war cabinet paper by Sir Charles Portal, Chief of Air Staff, written in November 1942 "with the assistance of Harris." Who is to know how much Harris contributed to this document? Moreover, the figures cited in the memorandum are only

<sup>(42)</sup> John Turnbull, Proceedings, 7:20.

<sup>(43)</sup> See Proceedings, 4:35-36 and Sir A. Harris, *Bomber Offensive* (London, 1947), p. 63-64. When Honourable J.R. Barr asked one of the film's researchers why these words were omitted, the latter's response was that "we didn't have time." Proceedings, 7:65.

<sup>(44)</sup> Proceedings, 6:10.

<sup>(45)</sup> Post-Production Script, Death by Moonlight, p. 27.

<sup>(46)</sup> See D. Saward, Bomber Harris (NY, 1985), p. 175-77.

estimates based on the assumption that by 1944 the Anglo-American bomber force would have 4-6,000 bombers, which of course it never did. In other words, they are purely hypothetical, and to employ them in the film without explaining their context is misleading. (47) It calls into serious question the claim by Brian McKenna that "the words spoken by all the actors in the films are based on scrupulous research." (48)

Another attempt at showing Harris' bloodthirsty side appears to be equally dishonest. "In spite of all that happened at Hamburg," Harris' alter ego states, "bombing proved a relatively humane method. There is no proof that most casualties were women and children." The film-makers choose to omit a large part of this quote, taken from Harris' memoirs, including these words immediately following the first sentence: "For one thing, it saved the flower of the youth of this country and of our allies from being mowed down by the military in the field, as it was in Flanders in the war of 1914-1918." Harris continues in this vein for several sentences until he states at the end of the paragraph: "There is no estimate of how many of these were women and children, but there was no reason why bombing, like the blockade, should fall most heavily on women and children; on the contrary, the Germans carried out large schemes of evacuation, especially of children, from the main industrial cities." Whether the last claim is accurate or not, the words do not agree with those quoted in the script, nor do they refer explicitly to Hamburg, but to the bomber offensive as a whole. (50)

Harris' devotion to area bombing is taken even further. It is stated that he objected to the bombing of precision targets during the Normandy campaign because it would divert his forces from attacking German cities. In the end, he "got his way." Virtually every witness who appeared before the Sub-Committee pointed out the inaccuracy of this last statement. Although Harris was reluctant at first to commit his forces to the Normandy campaign, he did eventually obey orders. In a letter to Dwight Eisenhower on 21 September 1944, Harris expressed his personal gratitude to "my dear Ike" for the relationship they had enjoyed during the invasion and pledged "our utmost service whenever and wherever the need arises. I hope that we may continue the work together to its completion." Eisenhower, in turn, was most grateful to Harris for his assistance. Few historians would disagree that the precision bombing of communications and transportation facilities in France by Bomber Command was crucial to the success of the Normandy campaign. By ending the film with the disastrous raid on Nuremburg in March 1944, the viewer is left with a misleading impression. The Allied air offensive reached a crescendo after D-Day (more than half the bombs dropped on Germany during the war were done so after

<sup>(47)</sup> Donald Elliott, Proceedings, 7:107-108.

<sup>(48)</sup> Proceedings, 9:67.

<sup>(49)</sup> Post-Production Script, Death by Moonlight, p. 31.

<sup>(50)</sup> See Harris, Bomber Offensive, p. 176-77.

6 June 1944), and though Harris remained committed to the concept of area bombing to the end of the war, his aircrews continued to carry out a large number of strikes against oil refineries and other precision targets into 1945.

In *Death by Moonlight*, Harris' ruthlessness extended even to his own crews. Doug Harvey points out in the film that Harris removed much of the armour plating in aircraft in an effort to increase bomb loads. However, according to most veterans appearing before the Sub-Committee, such protective armour served little purpose and Harris was quite right to remove it. (511) Harris' decision to send his crews out on a clear moonlit night in March 1944 against Nuremburg, resulting in Bomber Command's worst losses of the war, remains controversial. However, to imply that he blithely sent young men to their deaths is almost certainly over-stating the case. There was considerable evidence placed before the Sub-Committee to suggest that Harris agonized over losses. (52) It should also be pointed out that Robert Dale, DFC, who carried out weather reconnaissance in a Mosquito aircraft ahead of the Nuremburg Raid, took exception to his portrayal in one of the film's dramatic scenes. He accused the film-makers of "putting words in my mouth" which were "technically inaccurate." (53)

In short, virtually every witness who appeared before the Sub-Committee denounced the cardboard portrayal of Harris in *Death by Moonlight*. The evidence simply did not support the view that he derived perverse pleasure from killing Germans or that he cared little for his crews. While Harris has been criticised before for his stubborn commitment to area bombing, he "was not the monomaniac portrayed in the film," according to Mr. Halliday. (54) Indeed, Professor Carter offered a radically different view, calling him "a great wartime commander." (55)

#### LACK OF MORAL FIBRE: A HORRIBLE SYSTEM?

The portrayal of Lack of Moral Fibre (LMF) in *Death by Moonlight* seems to fit in with the film's general theme of a callous High Command totally indifferent to the welfare of its men. LMF was a term applied to airmen who cracked under the constant strain of battle and were transferred for "mental reasons." In *Death by Moonlight*, it is described as a "horrible system" by Doug Harvey, and the viewer is told that "the harassment and humiliation of such men was

<sup>(51)</sup> See the testimony of John Turnbull, Proceedings, 7:23.

<sup>(52)</sup> See, for example, Professor (ret'd) William Rodney, Proceedings, 6:30.

<sup>(53)</sup> Proceedings, 7A:10. According to the film-makers, the words attributed to Mr. Dale were taken from Martin Middlebrook, *The Nuremburg Raid* (London, 1973) but no such words could be found in the text. See p. 101-2. It might be noted that former nursing sister Kay Christie made similar complaints about her portrayal in *Savage Christmas: Hong Kong 1941*. See Proceedings, 7A:9.

<sup>(54)</sup> Proceedings, 6:8.

<sup>(55)</sup> Proceedings, 3:52.

an RAF policy, but some Canadians applied it with vigour." The ensuing dramatic sequence features Wing Commander Merv (not Marvin, as stated in the film) Fleming describing how he dealt severely with such "plain cowards," sending them to the military jailhouse and eventually out of the squadron if they refused to come around. At least one Canadian, the viewer is told, committed suicide after being labelled LMF.

Virtually every veteran who appeared before the Sub-Committee expressed dismay at the portrayal of LMF in *Death by Moonlight*, and in particular the scene involving Wing Commander Fleming. According to several witnesses who knew Fleming, including John Turnbull, DFC, who served with him in 419 Squadron, his depiction in the film was over-dramatized and completely out of character, whether the words attributed to him were accurate or not. (56)

Moreover, very few veterans stated that they had ever witnessed such severity. This is not to say it did not happen, only that it was probably rare. There can be no doubt that the threat of the designation of LMF was very real in the RAF and it was held out to Canadians serving outside 6 Group. But the RCAF was a different story. In a submission to the Sub-Committee Noel Ogilvie, who served both as a member and president of the RCAF Special Cases Committee and Re-Selection Board from October 1944 to October 1945, elaborated on this theme. He describes a fair and for the most part compassionate procedure whereby airmen were judged first and foremost on whether they had carried on "to the best of (their) ability." In order for a man to be labelled LMF, the committee (which included various categories of aircrew in addition to two psychiatrists and one legal counsel) had to vote unanimously. While the penalty for LMF included the loss of the airman's flying badge (although not a dishonourable discharge), "more often than not" airmen said to be suffering from LMF were actually "recategorized" as inefficient or medical cases. Most of these men were assigned to groundcrews or re-posted to Canada with no penalty. Mr. Ogilvie points out that while the committee "was by no means perfect," it was "light years ahead of the way these individuals were treated in WWI. "(57)

Dr. Harris echoed these sentiments, arguing that the RCAF, rather than applying LMF with vigour, actually softened RAF policy. As he explained to the Sub-Committee: "Although there was probably harsher treatment of non-commissioned officers than of commissioned officers, and with armed forces it is ever thus, it seems that in the Canadian case, the treatment accorded those of whom there might have been suspicions about the refusal to fly was much better than it was in the British case." Dr. Harris also pointed out that the number of LMF cases either in the RAF or the RCAF was remarkably low; at most, less than half a per cent of all aircrew were ever considered even as possible LMF cases, and fewer than half of that were

<sup>(56)</sup> Proceedings, 7:19, 7:22.

<sup>(57)</sup> Submission to the Committee, 20 November 1992. See also Doug Harvey's testimony, Proceedings, 4:55-57.

found to be waverers. In short, a quarter of a per cent were classified LMF. "It happened to some, we cannot deny it, but it involved very few aircrew indeed." (58) Death by Moonlight glosses over this point, preferring, it would seem, to dwell on the sensational.

#### THE DAMS RAID: AN ACT OF FOLLY?

The depiction in *Death by Moonlight* of the famous Dams Raid by 617 Squadron in May 1943 was, according to a number of witnesses, seriously flawed. Indeed, its biased and superficial research seemed to mirror the shortcomings of the entire film. The suggestion, for example, that the attack was launched in order to score a "public relations triumph" and nothing more was met with scepticism by several of the Sub-Committee's witnesses. Dr. Harris stated categorically that such an argument could not "be supported based on the latest research." (59) Indeed, Mr. Halliday pointed out that the dams had first been considered as strategic targets as early as 1938. (60)

The criticisms did not end there. The bomb used against the Eder, Mohne and Sorpe dams (the film-makers neglect to mention the Eder at all) was hardly a "smart bomb;" while unusual, it was still just a conventional bomb without any internal guidance system, the only difference being that it was dropped from a Lancaster with a backspin so that it would skip along the surface of the water. (61) The bomb's inventor, Barnes Wallis, described in the film as "an eccentric scientist...who cooked the whole thing up in his spare time," was in fact one of the most celebrated British scientists and munitions designers of the war, who had staked virtually his entire career on the bouncing bomb. (62) He worked tirelessly on the project (often at home, where he conducted much of his research) long before it was even approved by Bomber Command.

The attack - carried out by nineteen Lancasters, not seventeen as cited in the film - (63) destroyed two of the three dams but the film-makers argue that the damage was minimal, especially since the Sorpe was never breached. Moreover, they suggest that the heavy losses suffered by the squadron - eight Lancasters - outweighed any possible gains. These claims are

<sup>(58)</sup> Proceedings, 3:49-50.

<sup>(59)</sup> Proceedings, 3:52.

<sup>(60)</sup> Proceedings, 6:11.

<sup>(61)</sup> See the brief submitted by Professor Carter, Proceedings 5A:4.

<sup>(62)</sup> See the testimony of John Bates, Proceedings, 4:26 and Frank Williams, 8:48. Mr. Williams, a former CBC documentary film-maker, interviewed both Arthur Harris and Barnes Wallis for his film on the dams raid entitled *Operation Downwood*.

<sup>(63)</sup> Frank Williams, Proceedings, 8:51.

debatable. While the Sorpe Dam was indeed never breached, Albert Speer suggested that if the bomb had exploded a few inches lower, the results may have been drastically different. The losses sustained by the Germans, minimized in the film, were not insignificant: repairs took most of the summer of 1943. Certainly, to suggest that the raid did more damage to England than to Germany is highly contentious. As for the alleged lessons to be learned from the raid, in particular that precision bombing was possible, Hugh Halliday commented that "the film producers cannot make up their minds about the Dams Raid; on the one hand, it is a model of the precision bombing they say Bomber Command could and should have been doing; on the other hand it is a PR stunt, an act of folly..." Finally, Death by Moonlight fails to mention that the Tall-Boy, which the film-makers seem to imply was scorned by Bomber Command, was in fact used against a variety of precision targets later in the war, including the battleship 'Tirpitz.' But these precise targets could only be bombed by very small forces. According to Walter Thompson, the capability to drop the Tall-Boy directly onto industrial targets from over 25,000 feet never existed. (66)

#### TECHNICAL DETAILS

While much of the controversy surrounding *Death by Moonlight* centres on lack of context and balance, witnesses appearing before the Sub-Committee also pointed out factual details - some minor, some not so minor - that displayed a certain sloppiness in research. Mr. Halliday pointed out that "the program takes an easy and hence misleading approach with technical details." (67) He noted, for example, that the British Commonwealth Air Training Plan produced 131,553 aircrew, not 137,000 as stated in the episode. The Lancaster bomber, described in the film as an "efficient killing machine" that could carry up to ten tons of bombs, could in fact only carry that weight of bombs near the end of the war, and only then if it had been specially modified. The statement that fighter pilots were given a campaign medal but bomber pilots were not is misleading. The only special award granted to fighter pilots was the "Battle of Britain Clasp," which was appended to the 1939-1945 Star. (68) Dr. Harris added another item to this list: bomb aimers were not terribly careful about bombing aircraft below them, since it was impossible to see other aircraft in the night sky.

<sup>(64)</sup> Frank Williams, Proceedings, 8:54.

<sup>(65)</sup> Submission to the Committee, p. 10.

<sup>(66)</sup> Proceedings, 7:87-88.

<sup>(67)</sup> Proceedings, 6:9.

<sup>(68)</sup> Doug Sample, an employee at the NFB and a Bomber Command veteran, pointed out this mistake, and apparently many others, to the film-makers, but he was ignored. Proceedings, 8:41.

Bomber Command veterans watched the film carefully for technical details. Many were disappointed. Airmen and members of the Women's Auxiliary Air Force, for example, would never have convened in the mess. "Mission," used extensively in *Death by Moonlight*, was an American term - Bomber Command spoke of "ops," "trips" or "sorties." Likewise, the British never used the American clock system to point out enemy aircraft; they would say, for example, "starboard beam." The suggestion that Bomber Command hid survival rates from aircrews also raised eyebrows. While no Command documents were ever circulated to the squadrons, aircrew could learn losses by doing a simple head count, listening to the BBC or asking the intelligence officer. The removal of a friend's personal gear had a more profound impact than any statistical reminder.

There was also a feeling that *Death by Moonlight* did not always accurately capture the mood of the times. The statement that French Canadians were "often angry about the poor treatment they received from their English speaking countrymen" seemed gratuitous to many. Several French-Canadian veterans who appeared before the Sub-Committee stated that they had never witnessed any discrimination or friction between French and English aircrew, and felt the dramatic scene involving Joseph Favreau was over-played. (70)

### CONCLUSIONS

In his appearance before the Sub-Committee, Brian McKenna referred to the investigation into the authenticity of *The Valour and the Horror* as an exercise "designed to shelter a politically correct view of history and to put a chill in the creative air." (71) He argued that it was time to stop making nostalgic films about Canada's role in the Second World War and take a harder, more critical look at our war-time experience. *The Valour and the Horror*, he insisted, did just that. Defending his films as "accurate," he engaged in lively debate with Sub-Committee members over some of the contentious issues surrounding the series.

The Sub-Committee, and no doubt the public at large, welcomes any critical examination of Canada's war-time history. However, Mr. McKenna's testimony notwithstanding, the Sub-Committee could only conclude that, based upon the evidence placed before it, *Death by Moonlight* was a seriously flawed assessment of the bomber offensive in the Second World War. While not challenging the concept that history is open to interpretation, the Sub-Committee could not ignore a considerable body of evidence which suggested that the film-makers had broken several fundamental rules of historical research. Even taking into account the restrictions imposed by television, these rules must still be meticulously followed if the final product is to meet acceptable standards.

<sup>(69)</sup> Proceedings, 5:46 and 5:52.

<sup>(70)</sup> See the testimony of Jacques Côté, Proceedings, 5:59, and Leonard Tremblay, 7:99-100.

<sup>(71)</sup> Proceedings, 9:61.

As Lieutenant-Colonel A.R.W. Lockhart, Chairman of the Conference of Defence Associations and a prominent journalist, explained to the Sub-Committee: "The historical method calls for a balanced review of all positions or at least the primary positions. Then clearly from those documented positions, one draws a conclusion." In other words, history requires an open mind and, in the words of Maurice Tugwell, President of the Mackenzie Institute, "a calm acceptance of evidence and a willingness to form conclusions in the light of that evidence, not in spite of it." The Sub-Committee is strongly of the opinion that the film-makers failed this test. Brian McKenna has allowed that many of the issues addressed in *Death by Moonlight* are "open to debate." Unfortunately, as the evidence placed before this Sub-Committee demonstrated, the full range of the debate is never suggested in the film. Given the nature of *Death by Moonlight's* audience - millions of Canadians with a limited knowledge of Canada's wartime history - the writers have failed to discharge their responsibility.

The film-makers' decision not to provide balance and context to their portrayal of events and personalities seemed to reflect a serious bias. As Mr. Halliday, who was approached by the film-makers during production, informed the Committee, it was clear that "the viewpoint was to be skewered - that the absence of context would not be accidental." Brian and Terence McKenna clearly believe that all war is deplorable - and of course, they are right. They also seem to carry a strong anti-British and anti-establishment bias. Unfortunately, fitting material into such an interpretive framework requires the distortion and omission of evidence. To make matters worse, the film-makers rely heavily on hindsight as a tool of history. Professor Copp of Wilfrid Laurier University pointed out that such a tool should be used to sharpen the historian's questions, not answer them. Otherwise, history becomes devoid of its complexities and nuances. Simple explanations become the goal, and the search for villains begins. Thus, in *Death by Moonlight*, the picture that emerges is terribly misleading. Were the Allies really relentless, even bloodthirsty aggressors, the Germans innocent victims, and Bomber Command aircrew the unknowing agents of slaughter?

The use of actors in such a production is dangerous. Dramatic sequences, even when accurately documented, are still open to considerable misinterpretation and bias through voice and demeanour. Sensationalism often prevails. For this very reason, Ken Burns, producer of the acclaimed PBS documentary *The Civil War*, relies exclusively on narrators reading exact quotations from letters, diaries and other documents. (75) When it is clear that the actors are not

<sup>(72)</sup> Proceedings, 9:15.

<sup>(73)</sup> Proceedings, 9:23.

<sup>(74)</sup> Submission to the Committee, p. 10.

<sup>(75)</sup> Proceedings, 7:112-113.

always uttering exact quotations extracted from the historical record, the dangers become even more pronounced. The botched quotations from Arthur Harris' memoirs and the contrived words of Robert Dale stand out.

Finally, the film's research is in places extremely sloppy. The number of factual and technical errors pointed out to the Sub-Committee was astounding. Some errors were brought to the attention of the film-makers by informed if unofficial advisers - Doug Sample, for instance - but the advice was ignored. The Sub-Committee was shocked to learn that professional historians and informed veterans did not play a greater role in the final production to avoid such mistakes, as well as correct any apparent biases.

Death by Moonlight is a highly personal film, one might even say an opinion piece - a filmed editorial. While there is some evidence to support the film's interpretation, by refusing to let the facts speak for themselves and explore all sides of the debate, the film falls short of the CBC's own documentary standards. As Colonel Lockhart stated, "when they wrap themselves in the sacrifice of so many people, and it has such an impact on the youth of our country at a critical time in our development, they have a responsibility to present a balanced view - and they have not done that." (76)

<sup>(76)</sup> Proceedings, 9:15.

### CHAPTER III

## IN DESPERATE BATTLE: NORMANDY 1944

"I consider... (In Desperate Battle) to be inaccurate, an offensive production and an insult to the men of the Canadian army." Brigadier - General (ret'd) J.E. Anderson, Proceedings, 8:85.

"(In Desperate Battle) is riddled with throw-away lines that contain half-truths and blatant inaccuracies. A staff officer would consider it sloppy. It also lacks depth of understanding as well as balance." Colonel John English, Proceedings, 3:75-76.

## AN UNTOLD STORY?

In Desperate Battle: Normandy 1944, the third and final instalment of The Valour and the Horror, purports to tell the story of Canadian participation in one of the most decisive campaigns of the Second World War. It focuses on the performance of Canadian troops and their officers in the summer of 1944 when the Allies stormed the beaches of Normandy and began the bitter struggle to break Hitler's hold on continental Europe. In some of the most vicious fighting of the war, the Allies ultimately defeated the Germans in Normandy and broke out into the open French countryside. But success came at a terrible cost. The Canadians, who remained in the thick of the battle from start to finish, left many of their finest soldiers behind.

According to the film-makers, "the true story of those battles has never really been told." This came as a shock to the veterans and professional historians who appeared before the Sub-Committee. Professor Reg Roy of the University of Victoria, who has written extensively on the Normandy campaign, acknowledged that war correspondents at the time did not always give the Canadian public the full story of the war, but for good reason: their dispatches were censored so as not to reveal sensitive information to the enemy. What was not revealed by reporters has since been uncovered by some of Canada's finest historians. Scores of books and hundreds of articles have been written about the Canadian army in

<sup>(1)</sup> The Valour and the Horror, Post-Production Script, In Desperate Battle: Normandy 1944, p. 2.

<sup>(2)</sup> Proceedings, 3:61.

Normandy - some favourable, some not so favourable. It is a subject that, like the bomber offensive, remains controversial. A story of complex strategy and squabbling generals, it invites differences of opinion.

The film-makers join this debate over military strategy and leadership and they express their opinions with great force. The viewer is told that the Canadian army suffered a series of "cataclysms" in the summer of 1944, military disasters that, to all appearances, overshadowed all of its accomplishments. The theme is one of untrained soldiers, incompetent and ruthless generals, and brutal acts of war. This is a bleak story from beginning to end. The only heroes, so the film tells us, are the common soldiers, thrust into the cauldron of war with only a dim hope of survival.

### AN ANGRY RESPONSE

Not one of the Normandy veterans who appeared before the Sub-Committee accepted this tribute with grace. Their statements revealed a common theme. Brigadier-General (ret'd) Ernest Anderson, a company commander with the North Shore (New Brunswick) Regiment on 6 June 1944, told the Sub-Committee that *In Desperate Battle* was "inaccurate...and an insult to the men of the Canadian army." (a) Captain (ret'd) George Richardson, who served with No 3 Forward Maintenance Ammunition Section in Normandy, insisted that "we were definitely not the drunken, vicious, bumbling idiots that *The Valour and the Horror* seemed to want everyone to believe we were... The whole tenor of (the film) seemed to denigrate our Allied and Canadian war efforts. (a) And Brigadier-General (ret'd) Denis Whitaker, who commanded the Royal Hamilton Light Infantry regiment in Normandy before being wounded on 18 July 1944, explained to the Sub-Committee that the production "deeply offended veterans because it consistently emphasizes failure and ignores the achievements of the Canadians forces on the battlefield." (b)

As with *Death by Moonlight*, there was a sense among veterans and veterans organizations that a grave injustice had been done to the honour of Canada's fighting men, and that the memory of those who had fallen in battle had been sullied. The veterans who appeared before the Sub-Committee did not want their story to be an exercise in hero-worship, or a glorification of war, but they did want it to be told with accuracy and fairness. One of their greatest fears was that ordinary Canadians would be left with a distorted and inaccurate image of a critical period in their country's history. Some of Canada's finest military historians appeared before the Sub-Committee, and they showed little hesitation in echoing the sentiments of veterans. While not disputing that mistakes were made in Normandy and that the

<sup>(3)</sup> Proceedings, 8:85.

<sup>(4)</sup> Proceedings, 6:90-91.

<sup>(5)</sup> Proceedings, 5A:9.

performance of the Canadian army was not always consistent, they found *In Desperate Battle* to be imbalanced and poorly researched. Professor Roy complained that the film-makers "selected only those parts of the evidence that would tend to prove their preconceived ideas. I would say that their use of implication and innuendo, their failure to double- and triple-check their information, their failure to seek information that might contradict their thesis - all this has led to a one-sided and warped view." (6) Professor Terry Copp of Sir Wilfrid Laurier University, author of several works dealing with the Normandy campaign, argued that "the script writers omitted any references to events which cast a favourable light on the leadership, training and performance of the Canadian army." (7) Even Colonel John English of the National Defence Staff College in Kingston, author of *The Canadian Army and the Normandy Campaign: A Study of Failure in High Command* (1991), was less than complimentary: "(I)t is riddled with throwaway lines that contain half-truths and blatant inaccuracies. A staff officer would consider it sloppy. It also lacks depth of understanding as well as balance." (8) The Sub-Committee could not find a qualified expert on the Normandy campaign to support the film-makers.

The controversy over the accuracy and balance of the final episode of *The Valour and the Horror* extends over a number of issues. Indeed, the Sub-Committee was taken aback by the full range of the debate. This chapter highlights some of the points of contention.

### THE CANADIAN SOLDIER IN NORMANDY

## **Unpatriotic and Untrained?**

It was the opinion of many witnesses appearing before the Sub-Committee that *In Desperate Battle*, whether intentionally or unintentionally, denigrated the common soldier in Normandy. Again and again, the Sub-Committee heard examples of distorted evidence aimed, so it seemed, at portraying the ordinary soldier in less than flattering terms. The film-makers insisted that *In Desperate Battle* was a testimony to the courage and perseverance of the Canadian fighting man, but repeated references to his restrained patriotism and inferior training struck a sensitive chord with veterans and historians alike.

For example, several witnesses took issue with the statement that many Canadians joined the army not for patriotism or adventure but to escape the ravages of the Depression. Professor Roy acknowledged that thousands may have joined the army in 1939 for a steady paycheque, but the economy quickly recovered after war broke out and full employment soon followed. Over the course of the war, the percentage of Canadians who joined up to avoid the dole was

<sup>(6)</sup> Proceedings, 3:73.

<sup>(7)</sup> Proceedings, 8:13-14.

<sup>(8)</sup> Proceedings, 3:75-76.

slight.<sup>(9)</sup> Indeed, Professor Robert Vogel of McGill University expressed the opinion that even in 1939 and 1940 the vast majority of Canadians who enlisted actually left jobs.<sup>(10)</sup>

The verdict of *In Desperate Battle* that Canadian training was "mostly casual and haphazard" and put lives at risk throughout the Normandy campaign was not greeted with equanimity by veterans appearing before the Sub-Committee. General Anderson commented that the 3rd Division "received the best possible assault training for over two years.... Certainly the success of the Normandy landing...would bear this out." Colonel (ret'd) Donald Thompson, who commanded 13 Platoon of the Cameron Highlanders on D-Day, pointed out that Canadian troops were inexperienced in battle, but they were not "poorly trained. They were well-trained. They had the benefit of Combined Operations Training in England and in Scotland." (12)

There is evidence to suggest that Canadian training, especially among some regimental officers, was not always taken as seriously as it should have been, and this had grave consequences. But there is also evidence that, on the whole, the Canadians were indeed well-trained - as some have pointed out, perhaps even "over-trained." Some degree of balance seems to be missing from *In Desperate Battle*. Ultimately, the real problem came down to experience. The Canadian soldiers who stepped onto the beaches of Normandy could not hope to match the experience of their German opponents. Many of the officers and NCOs of the 12th SS Division, for example, had seen action against the Russians on the eastern front. The Canadians in Normandy, on the other hand, through no fault of their own, had to learn as they went along.

#### Into Battle

In Desperate Battle's depiction of the Canadian soldier's performance in Normandy did not sit well with many of the witnesses. In the words of Colonel English, "sensationalism came to count for more than historical accuracy." (13)

Especially controversial was the dramatic re-enactment of Joseph LeBouthillier, a Lance Corporal with the North Shore Regiment on D-Day, receiving orders from his officer to shoot any soldier who refused to disembark from the landing craft. General Anderson, a company commander with the North Shore regiment on 6 June, was astounded: "I can say without

<sup>(9)</sup> Proceedings, 3:61-62.

<sup>(10)</sup> Proceedings, 3:97.

<sup>(11)</sup> Proceedings, 8:86.

<sup>(12)</sup> Proceedings, 6:73.

<sup>(13)</sup> Proceedings, 3:75.

reservation that he or any other man in the company never heard such an order." (14) He asked whether the producers had contacted other surviving members of the regiment to verify this statement. Professor Roy would not deny that LeBouthillier might have received such orders, but he expressed the opinion that, if so, it was an isolated incident:

Certainly, of the thousands of documents and administrative orders I have read relating to D-Day, I have never come across such an order. It would have been illegal. Officers in our army did not have such authority, other than through court martial procedures. Yet in the film, again by implication, this comes over as a common practice. One is left with the idea that the assault formations were reluctant to come to grips with the enemy and would be forced to land at gunpoint should they refuse. (15)

While the film-makers insist that *In Desperate Battle: Normandy 1944* was not intended as a comprehensive history of the Normandy campaign - in spite of its title - there are references to many of the major battles. Again, witnesses were dismayed that Canadian achievements are rarely included in these brief accounts. There is a sketch of the assault on the Normandy beaches, the greatest combined operation in military history, but there is no mention of the fine performance of Canadian troops, who advanced further inland than any other Allied division. Rather, the viewer is told that the Canadian public was misled by generals and journalists who claimed casualties were light, when in fact there were over 1,000 killed and wounded.

Such comments, the Sub-Committee was told, are misleading. Professor Copp pointed out that more than half of these casualties were non-fatal and quickly evacuated. Professor Roy further explained to the Sub-Committee that the Allies had initially feared that casualties might be as high as 25% on D-Day; as it turned out, they were less than half that figure. By that yardstick, losses were indeed light. Colonel (ret'd) Thompson told the Sub-Committee that the film-makers seem to have overlooked the very important fact that Operation Overlord was a success. (18)

Canadian and Allied casualties did indeed become heavy as the battle moved inland, but to attribute this simply to 'poor training' or 'poor generalship' was misleading according to G.G.

<sup>(14)</sup> Proceedings, 8:86.

<sup>(15)</sup> Proceedings, 3:63-64.

<sup>(16)</sup> Proceedings, 3A: 15.

<sup>(17)</sup> Proceedings, 3:64.

<sup>(18)</sup> Proceedings, 6:74.

Blackburn, an artillery officer in Normandy. The film fails to mention that German casualties were higher than those of the Allies, despite the advantage that the dense Norman countryside gave to the defenders. Ultimately, neither side had much room to manoeuvre in Normandy, resulting in frequent head-on collisions and high casualties. (19)

One such collision occurred on 7 June 1944, when the Canadians were hit hard by the 12th SS. In Desperate Battle pays careful attention to the heavy losses inflicted on the Canadians, but neglects to mention that for three days after 7 June the Germans attempted a series of attacks which were repelled in brilliant fashion by the 7th Canadian Infantry Brigade. Professor Copp pointed out that the "cutting edge" of the Hitler Youth was destroyed in these engagements. (20) The Sub-Committee could not help but take notice of these curious omissions.

# The Shooting of Prisoners of War

The Normandy Campaign was brutal by any standard, and few veterans would deny that atrocities were committed on both sides, including the shooting of prisoners of war. Colonel (ret'd) J.G. Poulin, DSO, CD, who served with the Royal 22nd Regiment in Italy and Northwest Europe, admitted that Canadians, in the heat of battle, sometimes killed potential POWs. But he cautioned that "such incidents...taken out of context and embroidered, can convey a very wrong impression on the gullible, the uninitiated." (21)

More than one witness suggested that *In Desperate Battle* did just that. Professor Copp believed it was unfair to equate an incident involving General Dextrase, who admitted some guilt in the drowning of German POWs, with "the systematic, cold-blooded execution of scores of Canadian prisoners waiting under military authority to be sent to prisoner of war camps." (22) Professor Roy concurred: "There are no incidents I know of where it was done systematically and in cold blood, as happened in the lines of the 'Hitler Youth' division. Furthermore, I think to compare the incidents is unfair." (23)

The allegation in the film that Canadian generals gave orders not to take prisoners in Normandy was also questioned. The evidence to support this statement is based on hearsay at best. Professor Roy, who has pored over thousands of documents and interviewed hundreds of veterans, insisted that he had "never seen an order saying that prisoners of war should be shot

<sup>(19)</sup> Proceedings, 6:95.

<sup>(20)</sup> Proceedings, 3A:15.

<sup>(21)</sup> Proceedings, 6:50.

<sup>(22)</sup> Proceedings, 3A:16.

<sup>(23)</sup> Proceedings, 3:65.

out of hand."(24) Indeed, the Canadian army issued a special order reminding Canadian troops that it would be a criminal offence to seek revenge against German prisoners.

#### The Battle for Caen

Historians appearing before the Sub-Committee were puzzled by the film-makers' statement that General Montgomery's objective at Caen was simply "to provide a public relations victory." (25) Caen was the hinge of the Normandy bridgehead; it was the centre of a network of roads and railways and it blocked the way to open ground where armoured divisions would have the freedom to manoeuvre. It had been an Allied objective early in the campaign, and for several weeks the Canadians and British had been trying desperately to capture it.

To help break the stalemate around Caen, strategic bombers were called in to offer close support for the first time in the war. The film-makers suggest that the bombers were meant to "boost Allied morale by levelling the place." In fact, the story is slightly more complex. The target zone originally overlay a chain of German-defended villages north of Caen but it was pushed southwards towards the town to avoid inflicting damage on forward Allied positions. As a result, much of Caen was destroyed, causing few military casualties but killing many civilians. Although it was not the success that the Allies had hoped for, it did destroy the command posts of 16th Luftwaffe Field Division and it provided valuable lessons for close air support in the future. Moreover, the effect on Allied morale should not be underestimated. As General Anderson pointed out: "Our men came out of their slit trenches where they had been for days and actually cheered the bombing. There was no further artillery fire on our positions."

The bombing of Caen remains one of the most controversial decisions of the Normandy campaign. It can be argued, in retrospect, that it was a horrible mistake, but *In Desperate Battle* makes no attempt to place it in context. Rather, the film-makers only seem interested in detailing the massive destruction caused by the Allies. Donald Pearce, portrayed by an actor,

<sup>(24)</sup> Proceedings, 3:64.

<sup>(25)</sup> Post-Production Script, In Desperate Battle, p. 19.

<sup>(26)</sup> Post-Production Script, In Desperate Battle, p. 19.

<sup>(27)</sup> See the testimony of Professor Copp, Proceedings, 3A:17.

<sup>(28)</sup> Proceedings, 3:80.

<sup>(29)</sup> Proceedings, 8:85.

intones that Caen was not "liberated" but "liquidated." Professor Copp pointed out to the Sub-Committee that Pearce was a reinforcement officer who joined the North Novas in October 1944, well after the bombing of Caen. (30)

## A QUESTION OF LEADERSHIP

One of the central themes of *In Desperate Battle* is whether the Canadians emerged victorious in Normandy "because of their generalship, or in spite of it." Canadian historians continue to debate the relative merits of Crerar, Simonds, Foulkes, Keller, and Kitching. Some have been criticised, as the film points out, "for being careless when caution was required, then being indecisive in situations demanding boldness." The same criticisms have been made of British and American generals in Normandy. No one will dispute that mistakes were made by Canadian officers, some of whom, as General Anderson admitted, were "not the best qualified." But the Sub-Committee was constantly reminded that any assessment of Canadian officers in Normandy must be supported by the evidence and be as balanced as possible.

The overwhelming response of witnesses before the Sub-Committee was that In Desperate Battle failed to pass this test. It was suggested on numerous occasions that the film unfairly maligned Canadian military leadership during the Normandy Campaign, refusing - once again to present any evidence that might suggest our generals were anything less than incompetent. While the film-makers admit that there is considerable controversy over this issue, little effort is made to show both sides of the debate. The resulting caricatures left many veterans angry. Major-General (ret'd) George Kitching, CBE, DSO, who commanded 4th Canadian Armoured Division in Normandy, wrote to the CBC that such attempts to "belittle senior officers...is a cheap and dirty way to gain attention and notoriety." (34)

# Crerar: A Legacy of Disaster?

General Harry Crerar was officer commanding the First Canadian Army in 1944. The viewer learns that he was promoted despite helping organize two of Canada's worst military

<sup>(30)</sup> Proceedings, 3A:18.

<sup>(31)</sup> Post-Production Script, In Desperate Battle, p. 52.

<sup>(32)</sup> Post-Production Script, In Desperate Battle, p. 52.

<sup>(33)</sup> Proceedings, 8:87.

<sup>(34)</sup> Major-General (Ret'd) George Kitching to Program Director, CBC, 28 January 1992.

disasters, Hong Kong and Dieppe, and that General Montgomery, commander of the Allied armies in Normandy, considered him second-rate, joking that "he took command at noon, made his first mistake at 12:05, the second after lunch." (35)

It was suggested to the Sub-Committee that these few words hardly qualify as a fair or professional assessment. In the words of Professor Roy, Crerar is "dismissed by quoting a nasty remark about him by the acerbic British commander Montgomery...(T)his denigration, this one-sentence sour comment on Crerar is all the film commentator has to say." (36) Professor Vogel also reminded the Sub-Committee that while Montgomery was critical of Crerar, he had given him a substantial part of the British army in Normandy, a point the film-makers neglect to mention. (37)

# Keller: A Matter of Overindulgence?

Few portrayals in the film caused greater outrage than that of Major-General Rod Keller, commander of 3rd Canadian Infantry Division. The film's suggestion in dramatic scenes that Keller had a drinking problem which compromised his ability to command was met with indignation by several witnesses. Colonel English acknowledged that Keller had problems: he had been warned about his drinking habits in 1943 after senior British and Canadian officers had complained, and in the summer of 1944 Lieutenant-General John Crocker expressed the opinion that he was unfit for command. But it was the opinion of Colonel English that the film-makers overstepped the bounds of artistic licence in portraying Keller as a "whisky-swilling drunk." (38) The evidence was simply not there.

Likewise, the argument that drink affected Keller's conduct during the campaign is extremely suspect. Larry Macdonald, a wireless operator with the Royal Canadian Signal Corps attached to Keller's HQ Staff in Normandy, was in regular contact with the general. While he admitted that Keller would occasionally have one or two drinks before dinner, never did Mr. Macdonald see him drunk or "incapable of command." (39) Major-General (ret'd) Kitching, who also was in contact with Keller in Normandy, made a similar observation, and suggested that some of Keller's problems may have stemmed from senior British officers who misunderstood their Canadian counterparts. (40)

<sup>(35)</sup> Post-Production Script, In Desperate Battle, p. 6.

<sup>(36)</sup> Proceedings, 3:62.

<sup>(37)</sup> Proceedings, 3:78.

<sup>(38)</sup> Proceedings, 3:75.

<sup>(39)</sup> Proceedings, 9:54-55.

<sup>(40)</sup> Major-General Kitching to Program Director, CBC, op. cit.

Colonel English believed that the film-makers had been warned about putting a glass in Keller's hand during dramatic sequences, but they ignored the advice. (41) This suggests to the Sub-Committee that the producers may have been more interested in sensationalism than honest historical research.

### Simonds: A Clear-Cut Verdict

While the treatment of Crerar and Keller irked many of the witnesses who appeared before the Sub-Committee, there was, in comparison, outrage at the handling of Lieutenant-General Guy Simonds, Commander of II Canadian Corps. Simonds, described by one veteran as a "hard-nosed no-nonsense general" and the "kind of man needed in charge," (42) has received mixed reviews from historians. To some he is exceptional among senior Canadian officers, to others he is average at best. But either way, there was considerable agreement before the Sub-Committee that, once again, the film-makers made no real attempt to give balance to their assessment. Professor Copp complained that "Simonds like all Generals must become a cardboard cut-out, bad guy - and besides he had a British accent." (43)

As with Crerar, Simonds is introduced to the viewer on less than flattering terms. He "earned his spurs" as a strike breaker in Nova Scotia and while the British liked him because of his upper-class background, he was less popular with Canadians, who often found him "arrogant and overbearing." Professors Copp and Roy pointed out that Simonds' accomplishments - his high academic grades at Royal Military College, his articles on modern tactics, his success in command of 1st Canadian Infantry Division in Sicily and Italy - are never mentioned. (44)

The viewer is also told that Simonds could be brutal; he considered men breaking down with combat shock to be "cowards, malingerers." This view fit in with the film's portrayal of the entire Canadian army, which made malingering an "offence punishable by five years of hard labour in prison. Other armies recognized shell shock for what it was...acute psychiatric collapse." (45) Professor Copp, who with Dr. William McAndrew has written Battle Exhaustion: Soldiers and Psychiatrists in the Canadian Army 1939-1945 (1990), took serious issue with these

<sup>(41)</sup> In Desperate Battle seemed to have an obsession with alcohol and the Canadian army. General Simonds, played by an actor, is shown having a drink at his command post after the Black Watch attack on Verrières Ridge. Both Major-General Kitching and Colonel English pointed out that Simonds rarely drank, and certainly not at his command post.

<sup>(42)</sup> Captain (ret'd) George Richardson, Proceedings, 6:89.

<sup>(43)</sup> Proceedings, 3A:14.

<sup>(44)</sup> Proceedings, 3:62-63, 3A:14.

<sup>(45)</sup> Post-Production Script, In Desperate Battle, p. 28.

statements, describing them as a "series of falsehoods and distortions," the most shocking of which was the cruel portrayal of Simonds. He explained to the Sub-Committee that

The Canadian Army developed the most humane system of treatment for battle exhaustion of any of the Allied armies. The British, and especially the American system of forward psychiatry, was strongly influenced by the Canadian. The Germans executed men who suffered psychiatric breakdown, the Americans and British tried to return too many of them to combat, the Canadians accepted the reality of breakdown and allowed the individuals to regain their self-esteem working behind the lines. (46)

The film-makers were given a manuscript copy of Battle Exhaustion by Professor Copp but to all appearances chose to ignore it.

The same theme of brutal leadership is pursued further. The suggestion that Simonds endangered the lives of Canadian troops by reducing the attack ratio from 6 to 1 down to 3 to 1 was greeted with derision by some of the historians before the Sub-Committee. They pointed out that the Canadians simply did not have the same number of men available as the Russians did on the eastern front. As Professor Roy stated: "I can think of no example where we or the British launched a set-piece attack with a six-to-one advantage over the Germans until the final disintegration of the German army in the last couple of days of the war." (47) Professor Vogel added that the film-makers, in making this comment, showed little understanding "of what it was that the Allies were doing or the difficulties they faced in the Normandy campaign." (48)

The viewer is told that Simonds made another "dangerous" decision in Normandy by refusing to replace General Keller when the latter offered his resignation. This is a highly debatable point. Several of the historians argued that Simonds, who had just arrived in France in July, could hardly be expected to replace Keller before he had adequate time to judge his recent performance in battle. It can be argued that dismissal would have reflected poorly on the troops that had fought hard under Keller and who respected him. Therefore, since there was no immediate replacement, and 3rd Division had performed well in recent battles, Simonds decided that Keller should stay. The latter quickly agreed. In the opinion of Colonel English, "that was a very sensible decision." (49)

<sup>(46)</sup> Proceedings, 3A:18-19.

<sup>(47)</sup> Proceedings, 3:67-68.

<sup>(48)</sup> Proceedings, 3:81-82.

<sup>(49)</sup> Proceedings, 3:96.

## Simonds and Verrières Ridge: Tragic Mistakes?

The tragedy that befell the Black Watch at Verrières Ridge on 25 July 1944 remains one of the darkest chapters in the annals of the Canadian army. The courage of the battalion, and in particular of Major Phil Griffin, can never be questioned. However, the Sub-Committee was led to believe that holding Simonds solely responsible for this disastrous attack is open to interpretation.

From the beginning, Operation Spring was less than successful. *In Desperate Battle* suggests that this can be traced to Simond's "disastrous plan of attack." The 3rd Division's failure at Tilly-la-Campagne, for example, is blamed almost entirely on Simond's "improvised planning," in particular the employment of artificial moonlight. This technique, as Mr. Blackburn pointed out to the Sub-Committee, had already been tried successfully by the British, and was to be used again by the Canadians to great effect. On this particular night it did not work, but to hold Simonds personally responsible seems unfair. The decision to replace some of the officers in the failed attack, including Brigadier Dan Cunningham, was not necessarily an attempt to shift blame. According to Professor Copp, Cunningham later admitted that Simond's decision was not unreasonable.

The Black Watch assault, one of our witnesses argued, was "a very well-planned, well-thought-out attack which goes very badly." (52) Poor operational intelligence that underestimated the strength of German opposition, communication failures and the inexperience of Canadian troops all played a part in the failure. The fog of war was never more apparent. As Professor Roy pointed out to the Sub-Committee, the commanding officer of the Black Watch and the senior major were both hit by machine gun fire before the battalion even reached its start line. Major Griffin's wireless was knocked out once the advance began, as were the wireless sets of the artillery officers accompanying the unit. Due to poor communications, the battalion's flanks were left exposed. And contrary to the statement made in the film, no one knew that there were mine shafts in the area where the Black Watch was to attack. (53)

Mistakes were made. The commander of Fifth Brigade, W.J. Megill, who admittedly had grave concerns about the plan and wanted the attack called off, told Professor Copp that when he went to meet Griffin, the latter was confident that with armoured support and

<sup>(50)</sup> Proceedings, 6:97.

<sup>(51)</sup> Proceedings, 3A:21.

<sup>(52)</sup> Professor Copp, Proceedings, 8:27.

<sup>(53)</sup> Proceedings, 3:70-71.

a new artillery plan the attack could continue. (54) Historians have only Megill's word to go on. The artillery did apparently fire, but in retrospect Griffin's estimate was wrong. Megill was also wrong for not stopping him. And Simonds was probably wrong for pushing the attack in daylight, although based on the information he had at the time, it was a reasonable decision.

As Corps commander, Simonds was ultimately responsible for every success and failure of his troops. However, as Major-General Kitching has pointed out, the details of the operations were handled by Major-General Charles Foulkes, Commander of 2nd Division, who is barely mentioned in the film. "Just how Foulkes went about his task was up to him. If anything went wrong in the deployment of the units of his Division, it was his responsibility - it was not the direct responsibility of General Simonds." (55)

The assertion that the full extent of the tragedy was covered up received little support before the Sub-Committee. There was an official inquiry into the battle after the war, and Simonds, who the film insists never answered his critics, in fact wrote a detailed analysis that was critical of battalion tactics. The allegation by Brian McKenna that the Department of National Defence destroyed incriminating documents has been effectively refuted by Professor Sydney Wise, former Director of History at DND. (56) Since the war historians have written a great deal about the battle. As Professor Copp stated bluntly: "There are no secrets about Operation Spring." (57)

While the attack of the Black Watch was a serious failure, the film-makers do not mention that the Royal Hamilton Light Infantry reached their objective during the same operation. (58) Nor do they point out that Operation Spring became, whether intentionally or not, a successful holding attack that allowed the Americans to break out on their front. (59) Nor is it mentioned that the Canadians did eventually break through the German defences, helped in part by Armoured Personnel Carriers introduced to the battlefield by Simonds, and played their part in closing the Falaise Gap. Mr. Blackburn lamented that "the tragedy is not so much what these people said, but what they did not say in their film." (60)

<sup>(54)</sup> Proceedings, 3A:24.

<sup>(55)</sup> Major-General Kitching to Program Director, CBC, op. cit.

<sup>(56)</sup> Sydney Wise, "There's No Smoking gun on Operation Spring," Globe and Mail, 26 November 1992.

<sup>(57)</sup> Proceedings, Copp, 8:28.

<sup>(58)</sup> See submission by Brig-Gen Denis Whitaker, Proceedings, 5A:9.

<sup>(59)</sup> See the testimony of Mr. Blackburn, Proceedings, 6:96. Many historians support this argument, including C.P. Stacey. See *The Victory Campaign* (Ottawa, 1960), p. 195-6.

<sup>(60)</sup> Proceedings, 6:98.

## **BULLET-PROOF RESEARCH?**

In addition to perceived distortions and questionable interpretations, a number of factual errors were brought to the attention of the Sub-Committee. A few examples will suffice.

Half the Queen's Own Rifles did not "lay wounded or dead" on the Normandy beaches; out of a regiment of 900, 145 were actually wounded or killed. Kurt Meyer did not command the 12th SS Division on 7 June; he commanded one of its regiments. On the eve of Operation Spring, a single German armoured division did not hold back a huge American army; rather, the entire German 7th Army was facing the Americans. Simonds did not take over command of the First Canadian Army from the British in July 1944; he activated Second Canadian Corps Headquarters in France. The Canadians did not eventually push the Hitler Youth off Verrières Ridge; the 12th SS was nowhere near Verrières. The visuals of mine shafts that were used by the Germans during Operation Spring are in fact shots of the German Siegfried line taken early in the war. And in the dramatic scenes, Simonds is shown wearing the red patch of the 1st Division when it should have been the dark blue insignia of the 2nd Canadian Corps. Likewise, Keller is incorrectly shown wearing the 1st Division shoulder patch instead of the 3rd. Small errors perhaps, but as some of our witnesses mused, acceptable for a \$3 million production?

### **CONCLUSIONS**

It is the Sub-Committee's opinion that In Desperate Battle is plagued with many of the same problems that afflict Death by Moonlight. Once again, the film suffers from a grievous lack of balance. As Colonel English and Professor Copp (both of whom were approached by the film-makers during production) testified, the writers were only interested in uncovering material that would develop their personal interpretation of the war. They omit and distort any evidence which might contradict their thesis that the Canadian army was poorly trained, poorly led and capable of war atrocities no different from those committed by the enemy. Through the use of hindsight, they pass judgement with the greatest of ease. They seek out villains - this time Guy Simonds and Rod Keller - who, with the help of drama sequences, become little more than caricatures. In the film-makers' haste to condemn war, they fail to understand its complexities. The result is a production that is aimed more to shock than to inform.

Taking into consideration the film's serious factual errors as well, one can only conclude that *In Desperate Battle*, like *Death by Moonlight*, is not really a documentary at all but a personal interpretation. The writers' conclusions may in places be supported by the evidence, but so many rules are broken along the way that the film's credibility is seriously undermined. The result of their labours is to demean the efforts of veterans and distort a critical period in our history.

#### CHAPTER IV

### THE ROLE OF THE CBC AND THE NFB

The Valour and the Horror was co-produced by Galafilm Inc. (a private corporation), the Canadian Broadcasting Corporation and the National Film Board with the financial participation of Radio Canada (the French Language service of the CBC) and Telefilm Canada. According to an internal NFB document acquired by the Sub-Committee, the CBC invested \$960,000, Radio Canada \$200,000, the NFB \$400,000, Telefilm Canada \$900,000, Alliance International (the distributer) \$200,000 and Galafilm \$180,000. These figures may not account for all costs of the production. Joan Pennefather, Chairperson of the NFB, testified that the value of the NFB investment in cash and services ended up being about \$729,000.

#### THE NATIONAL FILM BOARD

The NFB participated in the film series under the Independent Co-production Program which provides \$5 million in federal funding to enable the NFB to co-produce with private sector producers "culturally relevant" feature length films for theatrical release and documentaries. Under this program the NFB is restricted to a minority financial position and, in the words of Ms Pennefather, acts "as a facilitator rather than initiator." The NFB negotiates distribution rights with the private sector producer who generally retains cinema and broadcast rights while the NFB receives the non-theatrical or educational and home video rights.

Galafilm approached the NFB with the idea for a series of television films on the role of Canada's military in the Second World War. The proposed production would combine investigative journalism, history, historical film footage and photographs, war art and drama to tell the story. This was the same approach that Brian McKenna had used in *The Killing Ground*, a film made for the CBC on the Canadian experience in the First World War. The NFB evaluates such proposals according to four major criteria: the concept of the proposed film, the qualifications and experience of those involved in the production, the potential audience, and whether the project is adequately funded.

<sup>(1)</sup> Proceedings, 5:19-20.

<sup>(2)</sup> Proceedings, 5:17.

NFB approval of a documentary project under the co-production program is based on a general as opposed to a detailed statement of the concept of the proposed film. The NFB found that the idea of a film series on Canadian participation in the Second World War was appealing and that the principals involved - Arnie Gelbart of Galafilm, Brian McKenna who would act as Director, and Terence McKenna who would help write the script - were well-qualified and experienced. Since the CBC was known to be very interested in the project, a broad audience was assured and the involvement of other partners made the series financially viable. Consequently, the NFB decided to participate.

The terms of the contract between Galafilm and the NFB stipulated that both parties had to agree on all drafts of the script, on key creative and production personnel and on all stages of production. There was no provision that would oblige the producing company or the NFB to collaborate on an equal professional basis with historians whose expertise was the Canadian military in the Second World War, nor was there any requirement that the film series be prescreened before an audience of either specialists or veterans. On the contrary, the contract provided that in the event of disagreement the producing company had the right of final cut, and retained the contracted distribution rights. (3)

In response to questions whether the NFB made any efforts to ensure that the films were accurate and fair, Ms. Pennefather responded that the bulk of the research was clearly done by Galafilm, the producer of the films, but the NFB commented upon anything it found "unclear, illogical, or inappropriately done from a film standpoint." In terms of correcting inaccuracies, the NFB producer attached to the production, Adam Symansky, was reportedly "satisfied that where he felt there were important changes to be made, such changes were in fact made." (4)

Nevertheless, according to another employee of the NFB, a veteran of Bomber Command who completed 33 operations in the European theatre and who agreed to serve as an informal consultant on his own time, Mr Symansky expressed concern that the *Death by Moonlight: Bomber Command* film would cause the NFB the same kind of trouble as did *The Kid Who Couldn't Miss.* (5) Mr. Symansky had been the executive producer of the latter film, an in-house NFB production, that infuriated veterans by using dramatization and flawed research methodology to substantiate the film-maker's opinions about the military record of one of Canada's foremost veterans and military heroes, Air Marshal W.A. (Billy) Bishop. After an investigation by the Senate Sub-Committee on Veterans Affairs, the NFB agreed to re-label the film as a "docu-drama" and attach a disclaimer.

<sup>(3)</sup> Proceedings, 5:17.

<sup>(4)</sup> Proceedings, 5:21.

<sup>(5)</sup> See the testimony of Douglas Sample, Proceedings, 8:35-45.

The incident of *The Kid Who Couldn't Miss* is raised for two reasons. Throughout her testimony Ms Pennefather noted that a documentary film-maker starts with an idea or an area of interest. She continued:

The subject is then explored through research, and illustrated and further illuminated during shooting. The director and producer may know what they want at the outset, but they do not know what they will find. Research often leads to unexpected information, and the usefulness of film footage can often only be judged at the end. Thus the final story for the documentary film-maker is written in the editing room. (6)

Later on she quoted John Grierson's dictum that documentary film-making involved the "creative interpretation of reality" to make the point that "there is a choice made in every film from the various possibilities or information that you wish to portray."

The Sub-Committee is strongly of the opinion that when government-financed agencies make news or public information documentaries these realities underscore the necessity of attaching independent subject specialists to such productions and/or attaching adequate disclaimers to them. The viewing public has a right to expect that documentaries made with public funds are either as fair and balanced as possible, or are introduced with a disclaimer setting forth the perspective of the film-maker and noting that an expert in the subject being investigated, reviewing the same body of evidence, might reasonably arrive at very different conclusions.

Secondly, many veterans are frankly sickened by the thought that films like *The Valour and the Horror* are being made available to schools across the country as a teaching aid. From January to November schools purchased 137 complete sets of the film series and 44 individual segments of it. Academic specialists in the field of Canadian participation in the Second World War have had no difficulty in evaluating the relative worth of the methodology and perspective of the series. The films, however, received favourable reviews from many arts and entertainment columnists and have been defended by prominent commentators. The Sub-Committee doubts that the average high school teacher of social sciences or even of history has the background necessary to place Mr. McKenna's opinions in their proper perspective.

In an interview on the CBC radio program As it Happens on 18 November 1992, Ms. Pennefather said that the NFB would be making available with the film segments of The Valour and the Horror "public summaries of the film-makers' documentation and other points that have

<sup>(6)</sup> Proceedings, 5:15.

<sup>(7)</sup> Proceedings, 5:29.

been made to give the series and the debate a larger context." It is to be hoped that these "other points" will be made under the supervision of a historian whose specialty is Canada's military in the Second World War.

# THE CANADIAN BROADCASTING CORPORATION

The Sub-Committee's correspondence with the CBC over the latter's appearance during the hearings was extensive. The Corporation was strongly opposed to a parliamentary committee examining the historical validity and methodology of a program in which it had invested more than \$1 million of public funds, which was co-produced as part of its news and public information programming, and which was broadcast for a total of 18 hours in English and French. This program outraged many veterans and veterans' organizations, was publicly disparaged by virtually every military historian in Canada with expertise in the Second World War, and was found by the CBC's Ombudsman to be "flawed" and unable to measure up to the CBC's own policies and standards. CBC officers attended the first hearing as spectators and left midway to denounce what they had heard in a Parliament Hill press conference.

After the "summary report" of the Ombudsman appeared, the senior management of the CBC finally turned down the Sub-Committee's invitation to appear. The Chairman of the Sub-Committee made one last appeal to the CBC Chairman, Patrick Watson, the President, Gérard Veilleux, and the Ombudsman, William Morgan. These letters and the responses received speak for themselves and are attached to this report as an appendix.<sup>®</sup>

Lacking the testimony of officials of the CBC the Sub-Committee has to offer the following from the public record and from its files and testimony.

#### LEGISLATION

The Canadian Broadcasting Corporation is subject to the new Broadcasting Act. Clause 3 of the Act sets out the fundamental principles and general objectives of Canadian broadcasting policy. The revised mandate of the CBC is set out in paragraph 3(1)(m). Unlike the previous Act, which required the CBC to "contribute to the development of national unity," the current Act provides that the CBC's programming should "contribute to shared national consciousness and identity." Its programming must also be "predominantly and distinctively Canadian," reflect the "different needs and circumstances of each official language community," "strive for equivalent quality" in English and French, and be made available throughout Canada. The Corporation is to reflect and serve the regional nature of Canada and its programming should "actively contribute to the flow and exchange of cultural expression."

<sup>(8)</sup> See Appendix A.

In many respects the legislation puts the CBC in a favoured position compared to private broadcasters. Clause 3, for example, goes on to provide that where any conflict arises between the objectives of the CBC and the interests of any other broadcasting undertaking, the conflict will have to be resolved " in the public interest," and where the public interest would be equally served by either, in favour of the CBC.

As a broadcaster the CBC is subject to the regulation and supervision of the Canadian Radio-television and Telecommunications Commission as are private broadcasters. However, because of its status as the national public broadcaster, the CBC is treated differently. The CRTC cannot deny or revoke its "core services" licences, and its ability to enforce its conditions as against the CBC is limited. Should the CBC believe that a condition attached to it by the CRTC "would unreasonably impede the Corporation" it can refer the condition to the Minister of Communications who would have 90 days in which to issue a written directive. Such a directive would have to be published in the Canada Gazette and laid before Parliament, and would be binding on the CBC and the CRTC (Clause 23 and 23(2).

Clause 24 of the Act establishes a schedule of CBC core service licences that cannot be revoked; however, any non-core services (such as the all-news network and the proposed Windsor super-station) are not protected. The CRTC reports alleged CBC contraventions or non-compliance in connection with its core service licences to the Minister who would table the report in Parliament. This provision, which has never been used since its inclusion in the old Act in 1968, is intended to deter the CBC by threatening it with adverse publicity. (9)

Part III of the Act deals specifically with the CBC. Clause 35(2) sets out the Corporation's journalistic, creative and programming independence and freedom of expression, and the arm's length relationship with the government. Unlike the previous Act, the new Act provides for a part-time "Chairperson" who presides over meetings of the Board of Directors, and a full-time President. The President is the chief executive officer and supervises and directs the work and staff of the Corporation. He or she also acts as "Chairperson" of the Board when the incumbent is absent or incapacitated, or the position is vacant.

#### THE PREDOMINANCE OF THE CBC

Parliamentary appropriations for the CBC accounted for 45% of all federal government expenditures on culture in 1989-90. Traditionally the Corporation has obtained about 80% of its operating income from the parliamentary operating appropriation, and 20% from advertising. Although federal restraint programs have reduced the relative dependence on public funding since the mid-1980's, the parliamentary operating appropriation still amounts to about 69% of

<sup>(9)</sup> It should be pointed out that in December 1992, the CRTC concluded that *The Valour and the Horror* had not contravened either the *Broadcasting Act* or the Television Broadcasting regulations.

operating income. (10) Among other things these appropriations help to finance the Corporation's dominance in news gathering and analysis and in public information broadcasting.

Douglas Fisher, a veteran, ex-MP and long-time Parliament Hill journalist, testified that "Canada-wide and abroad, those who report and interpret to the public for the CBC far outnumber those who work in any operation which covers the affairs of government and politics, and interpret the world and its past." Almost one-third of the 370 odd members of the Parliamentary Press Gallery work for the CBC which is also a large-scale employer of free-lance journalists and prominent commentators and is a major market for independent film-makers such as Galafilm. (11)

Television has become the dominant medium for news and public information and a major 1987 Environics survey found that the CBC was the most trusted Canadian television network. The CBC-Radio-Canada received the highest scores for fairness (38%) and in-depth analysis (43%). However, a 1990 survey by CBC Research found that the Corporation enjoyed only a slight lead over its CTV rival in terms of providing news and information (83-80), contributing to general public knowledge (76-72) and providing high quality programs (65-63).

This degree of dominance in staffing, public funding and public trust brings with it a great responsibility, a responsibility which is not always met. In the words of Douglas Fisher:

Neither inside nor outside the CBC is there an appreciation of the enormous, always immediate responsibility to ensure fairness and honesty, and to emphasise objectivity in what goes to air or cable. One need not go beyond the *Valour* series or the previous McKenna epic on Flanders, or the vicious film which portrayed Billy Bishop as a liar and a coward to realize that fairness and balance are always at risk. The principle of fairness must be to the fore when programs are commissioned or assigned. It should be applied before programs go to the public. When such

<sup>(10)</sup> Colin Hoskins and Stuart McFadyen, "The Mandate, Structure and Financing of the CBC," Canadian Public Policy, XVIII, no. 3, p. 277 and 286.

<sup>(11)</sup> Proceedings, 5:81.

<sup>(12)</sup> Michael Adams and Jordan Levitin, "Media Bias as viewed by the Canadian Public," in Robert Fleming, General Editor, Canadian Legislatures, 1987-1988, p. 6. In contrast, the CTV network was given top ratings by 17% for in-depth analysis and by 18% for objectivity and accuracy.

<sup>(13)</sup> CBC Annual Report, 1990-1991, p. 20. All scores were out of 100. The dominance of Radio-Canada over its TVA rival was more pronounced but it trailed Radio-Quebec except in program quality.

procedures fail there must be redress, not a shameful willingness by those at the top to duck behind a general democratic principle...<sup>(14)</sup>

There are two major institutional bulwarks at the CBC to ensure fairness, honesty and objectivity in the Corporation's news and public information programming: the journalistic policy and the Ombudsman. The journalistic policy failed miserably to influence the production and airing of *The Valour and the Horror*, and the office of the Ombudsman only began an independent investigation after the Sub-Committee had announced its intention of holding hearings.

## THE JOURNALISTIC POLICY OF THE CBC

The CBC is in the process of reviewing its existing journalistic policy in light of the new Broadcasting Act. The revised policy is expected to remain essentially the same as the current policy, which was adopted in February 1988. The following extracts from the policy hand book Journalistic Policy have been chosen because they seem relevant to a discussion of The Valour and the Horror.

In the Foreword, then President of the CBC, Pierre Juneau, said:

Journalists will have opinions and biases of their own and their attitudes will naturally be affected by their geographic and cultural roots. But professional standards should prevent these attitudes from leading them into bias and prejudice. For journalists to be professional, in this sense, is not to be without opinions but to be self-aware and self-correcting, so that their reporting is done in a judicious and fair manner.

Under a section dealing with journalistic principles the code notes that information programs must reflect the following " established Journalistic Principles:"

- Accuracy: the information conforms with reality and is not in any way misleading or
  false. This demands not only careful and thorough research but a disciplined use of
  language and production techniques, including visuals.
- Integrity: the information is truthful, not distorted to justify a conclusion. Broadcasters do not take advantage of their position of control to in any way present a personal bias.

<sup>(14)</sup> Proceedings, 5:82.

• Fairness: the information reports or reflects equitably the relevant facts and significant points of view; it deals fairly and ethically with persons, institutions, issues and events.

The section on "Balance" once again draws attention to the necessity that journalists not allow their personal opinions and attitudes lead them into bias or prejudice. Program series must not adopt an editorial position supporting one side or another on a major controversial question, but must give adequate consideration to differing views. The section concludes:

Occasionally a program will be based on the personal view of an individual. When that occurs the audience must be made aware of the personal character of the program. The personal view must be that of an individual with demonstrable expertise in the subject matter of the program.

The discussion of journalistic principles concludes with a statement of the CBC's editorial authority, control and responsibility for all programs broadcast on its facilities. Specific reference is made to arrangements which involve program co-production or collaboration and program procurement with parties outside the Corporation:

All such arrangements are subject to the terms and conditions established by the Corporation or as required by law, and all completed programming produced or procured under such arrangements is subject to the pre-broadcast acceptance by the Corporation or its representatives and on such terms and conditions as the Corporation may decide (or as may be required by law), including compliance with Corporation policies governing standards of quality, journalistic principles and with reasonable professional standards of overall production.

A second part of the manual on the journalistic policy of the CBC establishes principles and guidelines for those responsible for the final preparation of a news or public information program. The editing process "must result in a true reflection of what was originally seen and heard and any terms agreed upon during the preparation of the program."

The mixture of actuality and dramatization, the technique of the "docudrama," is generally discouraged:

Journalistic programs must not as a general principle mix actuality (visual and audio of actual events and of real people) with a dramatized portrayal of people or events.

The audience must be able to judge the nature of the information received. The mixture of forms renders such a judgment difficult because it may lend the appearance of reality to hypothesis.

Should a situation arise in which such a mixture of forms is the only adequate method to convey the necessary information, the dramatized portion must be well identified.

Finally, the manual sets strict standards for investigative journalism:

"Investigative Journalism" must be practised within the discipline imposed by journalistic principles and the policies which flow from them.

While all journalism is, in a wide sense, investigative, the term can be particularly applied to the vigorous, intense examination of institutions or activities which concern public policy or touch upon the lives of a large part of the population. Investigative journalism should examine issues for their importance and should not be exclusively concerned with the revelation of errors, injustice or wrongdoing. Minor matters should not be treated when more significant topics warrant attention.

It is a particularly sensitive type of journalism which can have a powerful effect upon the public mind and, consequently, upon the livelihood and well-being of individuals and the viability of public institutions and private enterprises. It therefore calls for heightened skills and the maintenance of strict standards of accuracy. Investigative journalism must not be conducted without adequate resources and time available for exhaustive research.

Programs may lead the audience to conclusions on the subject being examined. These must be logical conclusions derived from the facts and not from expressions of editorial opinion or unfair methods of presentation. It is essential, therefore, that to conform with the principles of accuracy, integrity, fairness and comprehensiveness, the programs must be based on the most scrupulous and painstaking research. They should take into account all the relevant evidence available and should include recognition of the range of opinion on the matter in question.

The right of response is essential to investigative programming. In the interests of fairness, opportunity must be given for all parties directly concerned to state their cases...

In the opinion of the Sub-Committee, *The Valour and the Horror* failed to meet the criteria set out above and should never have been aired in its present form as part of the CBC's news and public information programming. In an appearance before the House of Commons Standing Committee on Communications and Culture, the Chairman of the CBC, Patrick Watson, rejected criticisms about bias or imbalance in the Corporation's journalism and programming, claiming that even during the constitutional debate: "We wanted to make absolutely clear that the standards laid down by the corporation in its policy book were not to be violated." What procedures does the CBC have to ensure that its journalistic policy is respected by its documentary film-makers? If such procedures exist, how and why did they fail during the co-production of *The Valour and the Horror*? If they do not exist, how can the most senior officers of the Corporation assure the public that these standards are more than window-dressing?

In his letter declining to appear before the Sub-Committee, the CBC Ombudsman, William Morgan, reiterated that "in the whole process from research to acceptance by program managers - just as in the support provided by an organization which has, in good faith, accepted programming for broadcast - it is impossible for those involved to do other than to work largely on the basis of trust." Professionalism and trust reinforced by superiors' knowledge of the individual journalist's strengths and weaknesses must be the basis of the newsroom, given the need to meet tight deadlines. The Valour and the Horror, however, was not a news item put together in hours or a documentary put together in a couple of weeks; it cost millions of dollars and was years in the making. In the opinion of the Sub-Committee, a different and much more exacting procedure than blind trust should have come into play where government agencies are, in effect, the sponsors and distributors.

Many of the professional historians who appeared before the Sub-Committee referred to the exacting process of peer review to which their own publications are subjected. The manuscript, whether of a book or of an article, is sent to external readers suggested by the author for their knowledge of the subject. They may make suggestions or even find serious errors or omissions in the text. The author must respond satisfactorily to these criticisms before the manuscript is accepted for publication. Used formally, this process can be time consuming, used informally it can take as little as a few days. Its purpose is not censorship, but protection of the publisher's standards and reputation, and incidentally, the reputation of the author.

<sup>(15)</sup> Quoted in *The Ties that Bind*, Report of the Standing Committee on Communications and Culture, April 1992, p. 15.

# THE CBC OMBUDSMAN (THE OFFICE OF JOURNALISM POLICY AND PRACTICES)

To most Canadians the existence of the CBC Ombudsman or Office of Journalism Policy and Practices has been a well-kept secret. The CBC annual report for 1989-1990 contained a brief report on the Office of Journalism Policy and Practices and its activities, but more recent annual reports make no reference to the Ombudsman or the Office. A press release of 4 June 1991 announced that the function of Ombudsman had been officially attached to the Office of Journalism Policy and Practices.

According to the 1991-1992 edition of the CBC Fact Book, the Office exercises its function of Ombudsman in two ways. First, it acts as a review authority in cases where a complainant is not satisfied with the response of an individual journalist, program unit or department. Second, it investigates and responds to complaints and comments addressed to the President, the Chairman or other members of the Board of Directors, or to the Ombudsman personally. To enhance the independence of the office, the Ombudsman (an English-language Ombudsman is based in Toronto and a French-language Ombudsman in Montreal) report directly to the President and, through the President, to the Board of Directors.

Little is known about the activities of the Ombudsmen or about the way in which they conduct their investigations. The release of Mr Morgan's report on *The Valour and the Horror* seems to have caused consternation among CBC journalists, program directors and producers as much for the way in which the investigation was conducted as for the actual findings. On the basis of the Sub-Committee's files, responses to complaints addressed to the Chairman or to the President of the CBC make no reference to the existence or functions of the Ombudsman, nor do the responses prepared by public relations officials.

The Ombudsman does not seem to have become involved in the investigation of complaints about the film series until May, when the President asked him to conduct a full review and suggested that the process include consultation with qualified historians. By this time several detailed critiques of at least the Bomber Command segment were in existence, and the Sub-Committee had decided that the CBC and NFB were so unresponsive that it would have to undertake its own study. Under what circumstances does an Ombudsman have the authority to launch an investigation and contact outside authorities? Does he or she routinely receive copies of complaints and monitor their progress through the Corporation to ensure that they are treated politely, thoroughly and quickly? In the opinion of the Sub-Committee, the independence of the Ombudsman function should be strengthened and the complaint resolution process speeded up.

### CHAPTER V

#### CONCLUSION

The Senate Sub-Committee on Veterans Affairs believes that its investigation of *The Valour and the Horror* has in no way infringed upon the principle of freedom of expression. That principle is inviolable, the very bedrock of democracy. Canada's soldiers, sailors and airmen fought for this freedom in the Second World War. Under no circumstances do surviving veterans, including those who serve on the Senate Sub-Committee, wish to see it compromised.

But the Sub-Committee also believes that this freedom, when exercised by agencies of the Canadian Government, carries with it important responsibilities. Above all else, public agencies owe it to the Canadian people to impart information as accurately and fairly as possible. If they fail to do so, the public can exercise its own right of freedom of expression. In the case of *The Valour and the Horror*, Canadian veterans, representing an important minority group, complained that a film production financed in part by two public agencies, the CBC and the NFB, failed to live up to those responsibilities. After their complaints fell on deaf ears, veterans appealed to the Senate Sub-Committee on Veterans Affairs to provide them with a public forum to air their grievances. The Sub-Committee, whose mandate is to examine all matters relating to veterans affairs, agreed to this request. It seemed entirely reasonable that government agencies such as the CBC and the NFB, funded by the Canadian taxpayer, should be held accountable.

It is the Sub-Committee's opinion that the criticisms levelled at *The Valour and the Horror* are for the most part legitimate. Simply put, while the film-makers have a right to their point of view, they have failed to present that point of view with any degree of accuracy or fairness. The second and third episodes, dealing with the bomber offensive and the Normandy campaign respectively, are riddled with inaccuracies and biased perceptions, and suffer from a critical lack of balance. In this respect, the Sub-Committee fully supports the CBC Ombudsman's conclusion that *The Valour and the Horror* is "flawed...and fails to measure up to CBC's demanding policies and standards." It is only unfortunate that the Ombudsman took so long in issuing his verdict and that those who complained to the CBC in the interim were in effect stonewalled by the Corporation. Accordingly, the Sub-Committee recommends that the complaint resolution process of the CBC Ombudsman be speeded up and that the

<sup>(1) &</sup>quot;CBC's Ombudsman Reports on The Valour and the Horror Series," 10 November 1992.

independence of the Ombudsman be strengthened. Moreover, the reports of the outside experts commissioned to assist the Ombudsman in his investigation of *The Valour and the Horror* should be released to the public.

Unfortunately, the damage has already been done, and it is the Sub-Committee's belief that any attempt to undo that damage will be of little consolation to the thousands of veterans who feel that their military service and the sacrifice of their comrades has been discredited. It will also be no easy task re-educating those members of the Canadian public to whom the films have given a flawed understanding of one of the most important periods in our nation's history. Nonetheless, steps can be taken. The Corporation, after stating in November 1992 that it would not re-broadcast the series in its original form given its serious shortcomings, has now announced that the films will in fact be shown again in February 1993. The Sub-Committee regrets that the CBC is prepared to break its commitment to the Canadian public, and in particular Canadian veterans, in so blatant a fashion. The Sub-Committee, therefore, strongly recommends that the CBC fulfil its promise to the Canadian public not to rebroadcast *The Valour and the Horror* on the CBC television network in its original form. Furthermore, the CBC should in the near future keep its promise to give veterans and interested academics on-air time to respond to the allegations in the films.

The Corporation indicated after the release of the Ombudsman's report that it was willing "to enter into discussions with the producers of the series to explore ways the material might be amended so that any future broadcasts would conform with the journalistic policy guidelines of the CBC. "(2) The Sub-Committee considers it unlikely that the film-makers, with their strongly-held views, would be willing to make any major changes. Still, Canadian veterans and the public at large deserve a better production than *The Valour and the Horror*. Rather than "putting a chill in the creative air," as Mr. McKenna suggested, (3) the Sub-Committee would like to see more films on Canada's war experience, provided they are well-researched and adequately balanced. Such films, while not glossing over defeats, tragedies and mistakes or adopting a nostalgic tone, should also point out our military triumphs and successes, which Canadians unfortunately have a habit of down-playing. The Sub-Committee therefore recommends that the CBC and the NFB select a new group of film-makers to produce

<sup>(2) &</sup>quot;CBC's Ombudsman Reports on The Valour and the Horror Series," 10 november 1992.

<sup>(3)</sup> Proceedings, 9:61.

<sup>(4)</sup> See the testimony of Mr. Halliday, Proceedings, 6:12-14, 6:20.

another documentary on Canada's experience in the Second World War which redresses the imbalances and corrects the inaccuracies of *The Valour and the Horror*, while at the same time critically examining Canada's role in such campaigns as the bomber offensive and Normandy.<sup>(5)</sup>

To achieve these goals, it is crucial that the CBC and NFB tighten internal procedures aimed at ensuring accuracy and balance. In the case of *The Valour and the Horror*, the Sub-Committee found such procedures to be seriously lacking. The NFB, based on a brief statement of the concept of the proposed series, handed over \$729,000 to the film-makers and gave them the right of final cut. They made little or no attempt to check the accuracy of the film-makers' research. To all appearances, the CBC relied almost exclusively on blind trust in the making of *The Valour and the Horror*, ignoring the Corporation's own journalistic code at virtually every turn. Most surprising was the failure of the two public agencies to ensure that the journalists' work was reviewed by qualified historians and/or informed veterans. This might have been done at an advanced screening of the series or through the reading of a production-script.

The Sub-Committee also expresses concern about the use of drama techniques in a film wearing the documentary label. The CBC's journalistic policy states that "programs must not as a general principle mix actuality...with a dramatized portrayal of people or events." In the Sub-Committee's opinion, this is a sensible guideline. Even when the words spoken by actors accurately reflect the historical record, bias and misinterpretation can easily be manipulated in dramatic scenes through facial expression or tone of voice. This clearly happened on a number of occasions in *The Valour and the Horror*. In addition, some of the words uttered by actors in the series did not accurately reflect the historical record at all, but were either distorted or simply made up. While the blending of drama and documentary may be more entertaining for the average viewer, it blurs the lines between fact and fiction and ultimately misleads the audience.

Gérard Veilleux, President of the CBC, has indicated that the Corporation's Vice-President of News, Current Affairs and Newsworld is undertaking a review to ensure "greater journalistic balance in the making of documentaries such as *The Valour and the Horror*." The Sub-Committee recommends that this review be carried out in a thorough and professional manner and that its findings be released to the public. Included in the final report should be an explanation of how and why the CBC's procedures failed to ensure that its journalistic policy was respected during the filming of *The Valour and the Horror*. The NFB should undertake a similar review. The Sub-Committee also recommends that the CBC

<sup>(5)</sup> Several amateur videos have already been produced in response to *The Valour and the Horror*, including *On the Wings of Valour* by Jeannie Morrison and a presentation made by Lieutenant-General (ret'd) Chester Hull before the Committee.

and NFB give serious consideration to establishing a more formal process whereby acknowledged outside experts are consulted to ensure accuracy and balance in government-funded documentaries. Finally, the Sub-Committee recommends that the CBC avoid dramatic sequences in future documentaries and that steps be taken to strengthen the guidelines governing their use in its journalistic policy.

While such measures may prevent further flawed productions from being broadcast in the future, they do not address the problem of the copies of *The Valour and the Horror* distributed by the NFB across Canada to schools, libraries and private homes. Veterans and veterans groups repeatedly warned the Sub-Committee that young school-children in particular would accept the biases and inaccuracies of the films at face value and would be unable to place the events in question in any context. Sub-Committee members, while well-aware of this danger, will under no circumstances support censorship, and for that reason will not recommend recalling these films. However, other measures may serve to mitigate the damaging effects of the cassettes.

The Sub-Committee believes that the NFB, in distributing *The Valour and the Horror* to schools and public libraries, should also provide material that adequately expresses other points of view about the subjects covered in the films. Professor Terry Copp, for example, has suggested that a small book or pamphlet be prepared which offers a balanced and accurate account of the events portrayed in *The Valour and the Horror* and sets out their context. Such a book "would do much to help Canadians understand our history and the role veterans played in ensuring a future as a free nation." (6) Accordingly, the Sub-Committee recommends that the NFB prepare, with the assistance of a military historian knowledgable about Canada's role in the Second World war, a small pamphlet which points out the inaccuracies and biases of *The Valour and the Horror* and exposes viewers, especially young school-children, to other points of view.

The Sub-Committee also believes that *The Valour and the Horror* cannot properly be labelled a documentary. The series presents arguable points as reported fact; by refusing to explore other sides of the debate, it resembles more an opinion piece than a true documentary. Its extensive use of drama and its careless handling of the facts only serve to underscore this point. The Sub-Committee therefore recommends that a disclaimer be boldly displayed at the beginning of all cassettes of *The Valour and the Horror*, including those already distributed to schools and public libraries, stating that the series is a docu-drama only partly based on fact. The disclaimer should also note that the opinions expressed in the series are those of the film-makers, and that military historians well-versed in Canadian participation in the Second World War have reviewed the same body of evidence and arrived at radically different conclusions.

<sup>(6)</sup> Proceedings, 8:11.

Finally, throughout the organization and conduct of the hearings members of the Sub-Committee have been made aware of the tremendous influence of the Canadian Broadcasting Corporation on the collection and dissemination of news and public information destined for radio and television. The Sub-Committee experienced the power of the Corporation on the opening day of is hearings when the senior management of the Corporation, complete with legal counsel and camera crews galore, staged a media event to protest the temerity of a parliamentary committee investigating the accuracy and fairness of one of its programs. The mandate of the Sub-Committee did not extend to studying the coverage by the CBC and its employees of the controversy, or to the reaction of senior management and employees to the release of the Ombudsman's report. Nevertheless, as a publicly financed news collecting and disseminating institution, the CBC gave every indication to members of the Sub-Committee that it was out of the control of its Board of Directors. Members of the Sub-Committee feel that the time has come to evaluate the degree to which government-financed agencies dominate news and public information broadcasting, the implications of this dominance, and whether it is in the public interest.

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#### LIST OF RECOMMENDATIONS

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The Sub-Committee strongly recommends that the CBC fulfil its promise to the Canadian public not to rebroadcast *The Valour and the Horror* on the CBC television network in its original form. Furthermore, the CBC should in the near future keep its promise to give veterans and interested academics on-air time to respond to the allegations in the films.

The Sub-Committee recommends that the NFB prepare, with the assistance of a military historian knowledgeable about Canada's role in the Second World War, a small pamphlet which points out the inaccuracies and biases of *The Valour and the Horror* and exposes viewers, especially young school-children, to other points of view.

The Sub-Committee recommends that the CBC and the NFB select a new group of film-makers to produce another documentary on Canada's experience in the Second World War which redresses the imbalances and corrects the inaccuracies of *The Valour and the Horror*, while at the same time critically examining Canada's role in such campaigns as the bomber offensive and Normandy.

The Sub-Committee recommends that the review being conducted by the CBC's Vice-President of News, Current Affairs and Newsworld be carried out in a thorough and professional manner and that its findings be released to the public. Included in the final report should be an explanation of how and why the CBC's procedures failed to ensure that its journalistic policy was respected during the filming of *The Valour and the Horror*. The NFB should undertake a similar review. The Sub-Committee also recommends that the CBC and NFB give serious consideration to establishing a more formal process whereby acknowledged outside experts are consulted to ensure

accuracy and balance in government-funded documentaries. Finally, the Sub-Committee recommends that the CBC avoid dramatic sequences in future documentaries and that steps be taken to strengthen the guidelines governing their use in its journalistic policy.

The Sub-Committee recommends that the complaint resolution process of the CBC Ombudsman be speeded up and that the independence of the Ombudsman be strengthened. Moreover, the reports of the outside experts commissioned to assist the Ombudsman in his investigation of *The Valour and the Horror* should be released to the public.

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# **APPENDICES**

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## APPENDIX A

## Correspondence

### THE SENATE OF CANADA

SUBCOMMITTEE ON VETERANS AFFAIRS



OTTAWA K1A OA4

#### LE SÉNAT DU CANADA

SOUS-COMITÉ DES AFFAIRES DES ANCIENS COMBATTANTS

3 December 1992

Mr Gérard Veilleux
President
Canadian Broadcasting Corporation
1500 Bronson Avenue
OTTAWA, Ontario
K1G 3J5

Dear Mr Veilleux

The members of the Sub-Committee cannot agree with your suggestion that an appearance of the CBC before the Sub-Committee would serve no useful purpose.

Admirable and courageous as the report of the CBC Ombudsman is, it raises more questions than it answers. The report as released to the public is only an incomplete summary. It omits any comment on how the CBC could co-produce and air an expensive "documentary" without any independent assurance that its methodology met the standards of historical research or the CBC Journalistic Policy.

. . . 2

Mr Morgan's public report fails to ask the question of why it took direct instructions from your office before he began an independent investigation. At any time the post-production script could have been circulated informally to historians in the field for independent comment about its methodology and conclusions.

There is also the issue of how senior officers of the Corporation responded to criticism of the film series and the prospect of an investigation by the Sub-Committee, lacking, as they did, any independent evidence the "The Valour and the Horror" at least met the Corporation's Journalistic Policy.

Finally, there is the most important issue of all: what steps should be taken to ensure that CBC documentaries are authoritative above all else? Does the Corporation have, or intend to develop, any guidelines on the collaboration of its film makers with outside specialists? Under what conditions should the Corporation air one-sided or advocacy documentaries, and how should the viewer be warned that these would not meet the standards of the CBC Journalistic Policy.

In the course of its hearings, the Sub-Committee has accumulated some evidence and opinions on the above subject. It would, however, benefit by the opportunity of hearing from you.

Sincerely,

Pack Marshall, CD

Senator Chairman,

Senate Sub-Committee on Veterans Affairs

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# Canadian Broadcasting Corporation Société Radio-Canada

P.O. Box 8478 Ottawa, Ontario K1G 3J5

December 8, 1992

Senator Jack Marshall, CD
Chairman
Senate Sub-Committee
on Veterans Affairs
The Senate of Canada
Ottawa, Ontario
K1A 0A4

Dear Senator,

I have your letter of December 3rd in which you reiterate your invitation for me to appear before your Sub-Committee to address a number of questions which you outline in that letter.

Let me again state the reasons why it would be inappropriate for CBC to appear before your Sub-Committee.

The review of The Valour and the Horror was conducted by the Ombudsman, a position which is established by the CBC's Board of Directors. That review was conducted over a period of some six months observing throughout the required due process and fairness. The Ombudsman conducted this review without any influence or interference either from the Board of Directors, from Management or any outside interest groups. This was necessary, you will appreciate, to maintain the high standard of integrity and credibility that must attach to the office of the Ombudsman and its incumbent.

When the Board of Directors established the office of the Ombudsman, it mandated a review of it after two years. This review is now in progress and will benefit from the lessons that we are determined to learn from The Valour and the Horror and from other of the nearly 600 reviews he has conducted.

The questions you raised in your letter can be said to be all of a broadcasting nature. Any elaboration by me or anyone else associated with the CBC before a political forum would constitute a violation of the arm's length relationship embodied in the Broadcasting Act. In any event all that can be said at this time is contained in the press release issued at the time of the Ombudsman's report.

I must respectfully repeat that an appearance of the CBC before your Sub-Committee would be inappropriate and would serve no useful purpose.

Yours truly,

Gérard Veilleux

cc: Mr. Patrick Watson Chairman

CBC Board of Directors

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#### THE SENATE OF CANADA

SUBCOMMITTEE ON VETERANS AFFAIRS



OTTAWA K1A OA4

### LE SÉNAT DU CANADA

SOUS-COMITÉ DES AFFAIRES DES ANCIENS COMBATTANTS

3 December 1992

Mr Patrick Watson
Chairman
Canadian Broadcasting Corporation
1500 Bronson Avenue
OTTAWA, Ontario
K1G 3J5

Dear Mr Watson

Thank you for your letter of 10 November 1992. On reflection, however, the members of the Sub-Committee cannot agree with the suggestion that your appearance before the Sub-Committee would not be beneficial.

Even as released to the public, the summary of the report of the CBC Ombudsman was honest and courageous in its evaluation of the historical and journalistic methodology of "The Valour and the Horror". As submitted to the President of the CBC, Mr Morgan's full report, was, according to my information, equally honest and courageous in its evaluation of the internal procedures of the Corporation for ensuring the authenticity of CBC news and public information programming, and in particular, of the "process" by which a badly flawed and very costly film documentary came to be made and aired.

Galafilm and Brian McKenna produced the film series Brian McKenna wanted to make, a "bullet-proof" documentary of his own opinions about war, British Imperialists, Canadian colonials, etc, as was and is his right. He has passionately and ferociously defended his film series against all criticism, and obviously will continue to do so; again, as is his right.

It was the responsibility of the CBC and its most senior officials to ensure that "The Valour and the Horror" was at least authoritative and accurate before accepting and airing the series. It now seems unjust and very unwise of senior management, having ex post facto and publicly criticized the series, to argue that a public discussion of the reasons for this failure and the steps that should be taken to prevent a reoccurrence would not be beneficial.

Sincerely,

Jack Marshall, CD

Senator Chairman,

Senate Sub-Committee
on Veterans Affairs



P.O. Box 8478 Ottawa, Ontario K1G 3J5

December 11, 1992

Senator Jack Marshall, CD
Chairman
Senate Sub-Committee on
Veterans Affairs
The Senate of Canada
Ottawa, Ontario
KIA OA4

Dear Senator,

Thank you for your December 3rd letter in which you, once again, invite me to appear before your Sub-Committee.

As I have mentioned to you in my last letter, the Board is satisfied that its position and that of the management of the CBC are clearly indicated in the press release issued at the time of the Ombudsman's report.

Furthermore, the position established in Mr.
Veilleux' reply to you, in his letter of
December 8, 1992, concerning the arm's length
relationship is accurate and reflects my own
position.

Yours sincerely,

Patrick Watson Chairman

#### THE SENATE OF CANADA

SUBCOMMITTEE ON VETERANS AFFAIRS



OTTAWA K1A OA4

#### LE SÉNAT DU CANADA

SOUS-COMITÉ DES AFFAIRES DES ANCIENS COMBATTANTS

3 December 1992

Mr William Morgan
Ombudsman
Canadian Broadcasting Corporation
PO Box 8478
OTTAWA, Ontario
K1G 3J5

Dear Mr Morgan

Your report, as summarized and distributed by the CBC, is both courageous and admirable. However, the part made public raised almost as many questions as it answered. In particular, it did not deal with the question of how "The Valour and the Horror" came to be made, aired and fiercely defended by most senior officers of the Corporation, without any independent assurance that its methodology and conclusions were historically sound, and that it adhered to the Corporation's Journalistic Policy.

The report says that your office investigated complaints into the historical and journalistic methodology of the series on the instructions of the President of the Corporation. This seems to suggest that your office had either received no serious complaints about the program or was waiting for the authority to begin a review. Under what circumstances would you have the authority to take at least informal steps to investigate the validity of such complaints, and to warn the President that a more formal review involving outside authorities would be advisable?

The Sub-Committee would appreciate your views to the above and many other questions. It would also appreciate access to the studies of the series by Professors Wise and Bercuson, and by authors Richards and Vincent. For this reason, we are very interested in having you appear as a witness, in camera if you prefer, and look forward to a positive response.

Sincerely,

Jack Marshall, CD

Senator Chairman,

Senate Sub-Committee on Veterans Affairs



# Canadian Broadcasting Corporation Société Radio-Canada

P.O. Box 500 Station A Toronto, Ontario M5W 1E6

December 7, 1992

Senator Jack Marshall, CD
Chairman,
Senate Sub-Committee
on Veterans Affairs
The Senate of Canada
Ottawa, Ontario
K1A 0A4

#### Dear Senator:

I write in response to your letter of December 3, 1992, in which you comment on my report summarizing the review I had been asked to conduct of THE VALOUR AND THE HORROR.

Contrary to the impression you seem to have formed, my report was not "summarized" by the CBC. The document was my own report, outlining and offering examples from a detailed and complex review process which had included posing many questions and requests for documentation to the producers of the series and careful consideration both of the views of a number of historians and of the further detailed representations and comments, over a subsequent two month period, from the producers and program makers themselves.

As reading the introductory section of my report will make clear to you, the review I conducted, as is normal in the work of this Office, was simply of the programs themselves as broadcast and in light of CBC's own journalism policies, standards and traditions. It was not a review of program management or contracting and acceptance processes. I also tried to make clear that, in a massive and complex program production effort of this kind, like in war itself or even in the conduct of a Parliamentary Committee, mistakes can be made and wrong steps can be taken without there necessarily being any evil or malicious intent.

I further pointed out that, in the whole process from research to acceptance by program managers - just as in the support provided by an organization which has, in good faith, accepted programming for broadcast - it is impossible for those involved to do other than to work largely on the basis of trust.

My report does not, as you have indicated, say that my Office "investigated complaints into the historical and journalistic methodology of the series on the instructions of the President of the Corporation". Those words appear nowhere in the report. Generally, when there are complaints about a program CBC has broadcast, those responsible for the program and the program managers for whose department the work was done are given the first opportunity to respond and this Office becomes involved only after that process has run its course and where the complainant clearly has still not been satisfied by any response received.

The historians with whom I consulted about the series provided their comments directly to me in context of the particular review I told them I was conducting. It would seem to me to represent a breach of faith if I were to pass along the material and comments provided to me by those historians solely in that specific context so that it may now be used in an entirely different one.

With regard to your invitation that I personally appear as a witness, whether in camera or otherwise, before your Sub-Committee, I have, as you know, declined such invitations from you and your staff before and feel that I must do so again.

As you may have had the opportunity to observe, I have silently endured a quite remarkable wave of untrue charges and smears, both from people hurt or angry that their program work was found less than perfect and from those who, generally with an imperfect grasp of the facts, chose to support them. I remained silent because I felt that the report I had prepared, after a fully independent and impartial review process, should be left to speak for itself. Despite all, that is still my position.

Sincerely,

William Morgan Ombudsman

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WM: nw

## APPENDIX B

# List of Witnesses

Name of Witness	Issue	Date
Agrange Heritage Equadation of Canada	6	02/06/24
Aerospace Heritage Foundation of Canada  John G. BATES, President	4	92/06/26
Don ELLIOTT		
Brigadier-General (ret'd.) J.E. ANDERSON	8	92/11/05
Association of Quebec Film and Television Producers Louise BAILLARGEON, President Roch DEMERS	9	92/11/06
Jean BABY	6	92/11/03
Robert BARCLAY	5	92/11/02
John R. BARR	7	92/11/04
Professor Jordan BISHOP (on behalf of C.B. Gifford)	9	92/11/06
G.G. BLACKBURN	6	92/11/03
Professor Michael BLISS	8	92/11/05
Department of History	CARCANTELL OF A	
University of Toronto		
Bruce BRITTAIN	9	92/11/06
Ken BROWN	4	92/06/26
Professor Bill CARTER Department of History University of New Brunswick	3	92/06/25

Name of Witness	Issue	Date
Professor Terry COPP Department of History Wilfrid Laurier University	8	92/11/05
Jacques CÔTÉ	5	92/11/02
Peter V. CRERAR	4	92/06/26
Professor Graeme DECARIE Chairman Department of History, Concordia University	8	92/11/05
William DUBOIS Vice-President and Director Bomber Command Association of Canada	5	92/11/02
Don ELLIOTT	7	92/11/04
Colonel John ENGLISH Staff College of National Defence	3 YA	92/06/25
Doug FISHER	5	92/11/02
Normand R. FORD	8	92/11/05
Galafilm Inc. Arnie GELBART Brian McKENNA		92/11/06
Professor Foster J.K. GRIEZIC Department of History Carleton University	Figure 8	92/11/05
Hugh HALLIDAY Curator of Posters and Photographs Canadian War Museum	6	92/11/03
Dr. Steve HARRIS Staff Historian, Directorate of History Department of National Defence		92/06/25

Name of Witness	Issue	Date
Wing-Commander (ret'd.) J. Douglas HARVEY	4	92/06/26
Dr. Lionel HASTINGS Honourary Secretary of the Guinea Pig Club (Canadian Wing)	5	92/11/02
Leo HEAPS	6	92/11/03
Lieutenant-General (ret'd). A. Chester HULL	4	92/06/26
M. Ian D. INRIG Dominion Secretary-Treasurer	8	92/11/05
The Army, Navy and Air Force Veterans in Canada		
Colonel (ret'd.) Murray C. JOHNSTON President	8	92/11/05
Friends of the Canadian War Museum		
Karl KJARSGAARD The Aircrew Association The Greater Vancouver Branch		92/11/04
Lieutenant-General (ret'd.) Reginald LANE National Chairman Federation of Military and United Services Institutes of Canada	7	92/11/04
Lieutenant-Colonel (ret'd.) A.R.W. LOCKHART Chairman Conference of Defence Associations	9	92/11/06
Terry LYONS	8	92/11/05
Larry MacDONALD	9	92/11/06
Sandra MacDONALD, President Canadian Film and Television Production Association	9	92/11/06
Robert MAXWELL	7	92/11/04

Name of Witness	Issue	Date
Michael OSTROFF Canadian Independent Film Caucus	9	92/11/06
Joan PENNEFATHER Government Film Commissioner and Chairperson National Film Board of Canada	5	92/11/02
Colonel (ret'd.) J.G. POULIN	6	92/11/03
Reverend Donald G. RAY	6	92/11/03
RCAF Prisoner of War Association (Ottawa Branch) Judge Edward HOUSTON Anthony J. LITTLE Gilbert McELROY	4	92/06/26
Captain (ret'd.) G.C. RICHARDSON	6	92/11/03
Professor William RODNEY Aircrew Association, Vancouver Island Branch	6	92/11/03
Dr. R.H. ROY University of Victoria	3	92/06/25
Royal Canadian Legion (Dominion Command) Bob FORD, Dominion Chairman Fred G. HANNINGTON, Dominion Secretary	6	92/11/03
Douglas SAMPLE	8	92/11/05
L. Ray SILVER	7	92/11/04
Lieutenant-Colonel (ret'd.) J.A. TASCHEREAU	6	92/11/03
Colonel (ret'd.) Donald M. THOMPSON	6	92/11/03
John THOMPSON Director Mackenzie Institute	9	92/11/06

Name of Witness	Issue	Date
Walter R. THOMPSON	7	92/11/04
Leonard TREMBLAY	7	92/11/04
Maurice TUGWELL President	9	92/11/06
Mackenzie Institute for the Study of Terrorism	,	
Revolution and Propaganda		
John TURNBULL	7	92/11/04
Professor Robert VOGEL	3	92/06/25
McGill University		
Geoffrey WASTENEYS	7	92/11/04
Frank WILLIAMS	8	92/11/05

· I C Bayliss

### APPENDIX C

## **Submissions Received**

The Sub-Committee received briefs, reports, articles, letters and telephone calls from the following groups or individuals:

Kim Abbott

Steve Ackerman

Gordon H Aiken

D Amiri

P Anderson

LGen (ret'd) W A B Anderson

Don Angus

Kell Antaft

Michael Antoniandes

Valerie Antoniandes

Frank J Archibald

Henry C Armstrong

J B Armstrong

George Ascroft

Betty Ash

W J Asselin

Harry Atkinson

Hong Kong Veterans'

Association of Canada

James Bacque

Lt (ret'd) Donald Baillie

Don Baird

J Douglas Baird

F/L (ret'd) Edgar Baird

Terry Barron

Frederick Barr

Col (ret'd) A J Bauer

J C Bayliss

A Lynne Beal

J R Beech

Leonard Beenham

F J Bélanger

Don Bell

LGen (ret'd) C H Belzile

Henry Beissel

BGen (ret'd) J A W Bennett

William R Bennett

Richard A Bethell

Frank Bertram

V Bjarnason

Veterans Against Nucelar Arms

Lillian E Bibby

Christopher Bievenu

Heroes' Memorial School

Jerry Billing

Jack Blyth

A K Bolton

J C Bond

Ronald Bosquet

Robert Bothwell

Guy Bourgeault

Conseil de presse du Québec

Marylin R Bowering

P D Bowring

Dr R D Bramwell

K A Branch

Maurice Brazeau

Paul Brick

Michael J Broderick

Gordon J Brooke

Ted Brothers

Vancouver Island Military Museum

Jean Brotzell

Kenneth W Brown

Derek V Browne

Dorothy M Browne

Charles Bruce

W H Bruning

George Buch

George Buchanan

N A Buckingham

Ted Buracas

Robert Burns

D R Burrill

Eileen Butson

Defence Medical Association

Central Ontario Branch

BGen (ret'd) Ron Button

Royal Canadian Air Force

Association

Jack Cahan

Brian Calvert

Alex Cameron

Al Campbell

Alice Campbell

Irene Campbell

Douglas K Campbell

Mark Campbell

William Carr

John B Carling

Paul Carney

Robert R Cassels

Army, Navy, Air Force Veterans

in Canada Inc

Glen Cawker

Canadian Airline Pilots Association

H C Chadderton

National Council of Veteran

Associations in Canada

Joe Chapman

Ralph Charad

Jewish War Veterans of Canada

Montreal Post

Anderson Charters

E Bryce Chase

Donald H Cheney

R J Chisholm

A G Christie

Patricia Christie

Lt (N/S) (ret'd) Kay Christie

Robert D Clark

LGen (ret'd) S Findlay Clark

J P Clarke

The Aircrew Association

Roy F Clarke

The Aircrew Association

Metropolitan Toronto Branch

Col (ret'd) F Le P T Clifford

W S Clatworthy

David E Code

Conference of Defense Associations

Ronald Morris Code

Professor Maxwell Cohen

M Coleman

David Cook

Robert Cooper

Colonel (ret'd) C M Cornish

J D Cowie

Perth Regiment Veterans Association

June Cowie

Royal Canadian Legion

Branch 160

R W Cown

Harold A Coyle

Michael P Coyle

Andrew B Cox

Lawrence A Cragg

Dr William H Cram

Dr J N Crawford

LCol (ret'd) Arthur Crighton

Raymond W Culley

Donald M Currie

William A Curran

Stan Dadswell

Dauswell

Robert G Dale

Hon Barney Danson

Manik B Datta

Scott Daum

LGen (ret'd) James I Davies

Charles B Davison

Reverend Wm B De Courcy

Joe Dehner

Louise Dennys

The Canadian Centre

International PEN

F M Densley

A L D'Eon

Professor Peter Desbarats

University of Western Ontario

J J de Vries MacRitchie

R G Dickey

LCol (ret'd) D Digby

Oscar Dirnfeld

Jewish War Veterans of Canada

Vancouver Post Nº 1

Daniel O'C Doheny

William Doherty

W E Doole

D M Dorward

Sir Arthur Pearson Association

of War Blinded

W A B Douglas

Muriel D E Down

Anne Dowson

H I Drake

Gilbert Drolet

A James Dugas

Col (ret'd) Ben Dunkelman

Gaston Dupuis

Andrew Durovecz

A David Dvali

Tom Earle

Bill Edwards

Gordon E Ehlers

Michael Elcock

Joe English

Ed Ennis

Jean Ethier-Blais

Centre québécois du PEN international

P H Etter

John D Evans

Veterans Against Nuclear Arms

Hamilton Area Branch

Gordon W Fairgrieve

Hartland Publications Limited

Richard H Fallon

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Bernard J Finestone

C Finlayson

Hartland R Finley

James E Finnie

Michael Fish

O Fisher

F H D Bill Fitzpatrick

Reg Forbes

Commonwealth Air Training

Plan Museum Inc

Daniel Francis

The Federation of

British Columbia Writers

Marion Frank

Veterans Against Nuclear Arms

Metro Toronto Branch

Irving B Frankel

Duncan Fraser

Jacques Frechette

Eric Friedrichs

H Fullard

H J Funnell

A Fussell

Robert Gagnon

Association des réalisateurs

Col (ret'd) John Gardam

Cam Gardner

MGen (ret'd) W M Garton

Denise Gascon

Syndicat des journalistes

de Radio-Canada

Dr L I Gaum

LCol (ret'd) J Gauthier

Canadian Infantry Association

Kenneth J Gdanski

Len Gelfand

Céline Germain

S H Ghant

A J Gibbons

John C Gibson

George Giguère

Dieppe Veterans and Prisoners

of War Association

W R Gilchrist

Emil Gilles

Stan R Given

Hon John Godfrey Stephen Godfrey Ruth W Goff Harvey Goldberg

Canadian Human Rights Commission

Al Golinker H Terry Goodwin

Ray Goodyear S H Grant

Sheldon Grant

Royal Canadian Naval Association 428

Jack Gray

The Writers Guild of Canada

W Gray

James A Green Ralph Green

Mrs F J Greenwood

Leslie M Greer

H Griffin

H Rae Grinnell

W J Groendijk

Eric Grove

Thomas C Guy

Ed Halayko

Armed Forces Pensioners /

Annuitants Association of Canada

Professor Bert S Hall Victoria College

Patricia Halliwell

Lech A Halko

Ross H Hamilton

Roy Hamilton

Lawrence C Hansen

Lloyd G Harding

Robert Harlow

M V Harpe

The Hon A Milton Harradence

Michael Harrington

LCol (ret'd) A J Harris

Royal Canadian Dental Corps

Association

A G Harrison

LCol (ret'd) D L Hart

Canadian Forces Communications

and Electronics Association

Michael Harvey

Carolyn Hawley

J B Hawley

C R Hawthorne

Freda Hayes

Ray Heard

BGen (ret'd) R G Heitshu

Alan F Helmsley

James G Henderson

Al Herbert

Howard Hewer

Ike Hewitt

Peter Heyes

K E Hill

Professor Roderick Hill

Alberta Hing

Peter Hoad

Robert Hodgins

G Hogan

George Hogg

Hal Holden

BGen (ret'd) D E Holmes

Canadian Airborne

Forces Association

W S Hopper

Norman Hopper

D H Horner

Len Hossie

432 Squadron

6 Group Bomber Command

Frank Houison

National Prisoners of War

Association (ET)

F H Howard

Albert Howting

Col (ret'd) W N Hoyle

John R Hudson

Diedre Hughes

Doris Humphries

Lloyd Hunt

Canadian Fighter Pilots

Association

Beatrice Hunter

Nursing Sisters Association

of Canada

LCol (ret'd) P W Hunter

Bettye Hyde

R Peter Hypher S Roy Inkster

LCol (ret'd) R V Inman

Elwood E Irwin

Professor Steve Iscoe

Queen's University

Leonard Isaacson

Roy Jamieson

May Jarratt

Nursing Sisters Association of Canada

Hamilton Unit

Pierre Jasmin
Artistes pour la paix

William J Jeffrey

D Jenkins

Donald W Jenkins

Phil Jenkins

Cedric Jennings

Michael C Jessen

Kenneth M Johnson

Peter H Johnson

John D Johnston

Air Vice Marshall (ret'd) L V Johnson

Jack W Jolleys

The Royal Canadian Legion

G L Jones

Jack Jones

Nippising University College

Stan Jones

Dr Eugene Kaellis

James Kafieh

F Dan Kaye

A Kazimi

Hank Keane

Professor A R Kear

University of Manitoba

Professor Michael Keefer

Guelph University

Robert B Keefler

F/L (ret'd) J N Keen

Air Force Officers' Association

Brian Tracy Kelly

John Kemp

Cliff Kennedy

Earl K Kennedy

Elmer C Kennedy

Basil S Kerr

Robert Kerr

Robert L Kift

Murray Killman

Samuel King

Thomas R King

J N Kirk

Paul Kitchen

MGen (ret'd) G Kitching

Karl Kjarsgaard

Ivan Kollar

Frek Kolthoff

Bert E Konig

National POW Journal

P Korwin-Syzmanowski

Dan Kostiew

C Kraseman

Mike Laffin

Bob Lagerquist

Bernice Laing

George H Laing

Mary Lamont

Alfred E Lamourea

Stan Lancaster

The Aircrew Association

Vancouver Branch

Janet Lang

Raymond B Lank

Canadian Aviation Historical Society

Ann Large

Ken Lavoie

Robert Law

Walter J Lawlor

Lyle Lawson

J P LeBlanc

Maurice Lecaillon

A R Lee

MGen (ret'd) Bruce Legge

The Royal Commonwealth Society

Lech Lesiak

S M Leslie

Commander (ret'd) Gerald S Levey

A J Lewington

Reginald W Lewis

Royal Canadian Legion

Fort York Branch Nº 165

Randy Lieb Sol Littman

> Friends of the Simon Wiesenthal Centre for Holocaust Studies

Ivan Lockhart Gehard Loerch Dr Alice Loomer Jack Lougheed

Maj (ret'd) William Love

S E Lumsden Charles Luter

Malcolm S MacConnell Lt J R MacCormack

Maj (ret'd) C G S MacDonald

Ian V Macdonald Robert McColl

Group Captain (ret'd) Kenneth McDonald

Col (ret'd) F F McEachern

Connie McEvan Alexander MacKay David MacKenzie Ian A B MacKenzie

B Allan Mackle Hon Angus Maclean

Donald F Maclean Peter K MacLeod

W J Magee

Group Captain (ret'd) T G Mahaddie

VAdm (ret'd) Dan Mainguy LCol (ret'd) R N McKay

J G Molloy John Mandley Philip Marchant Rodovan R Maric Philip Markham

Beatrice Marshall

Nursing Sisters Association of Canada National Executive

Elliott Marshall Robert G Marshall

Norma A Martin

Hon J R Matheson

R S Matheson John R May

426 Thunderbird Squaron Association

Don McBrearty

Directors' Guild of Canada Professor Susan McCorquodale

Memorial University of Newfoundland

Edward E McCullough Angus N McDonald

Captain Angus McDonald

Diana H McKay E R McLaughlin Tighe McManus

Roger A McMullen
Royal Canadian Leigon

Memorial Branch # 098

Alex McQuilkin Grant S McRae

The Aircrew Association Metropolitan Toronto Branch

Kenneth McRae

Canadian Paraplegic Association

Philip Joseph McRae

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Glen S Merrifield
Teresa Metters

A H Meyers H J Mickle

Martin Middlebrook

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Reverend Gerry Mitchinson

LCol (ret'd) F Moar

North Shore Regiment Veterans'

Association

LGen (ret'd) Robert Moncel

J L Monkman

Dr M I R Montgomery

A H Moore

Christopher Moore

LCol (ret'd) E M Moore

Medecine Hat United Service Institute

Patterson Armoury Kenneth F Moore LCol (ret'd) S R Moore

S Morant

R Wayne Morel

Bill Morgan

Ombudsman

Canadian Broadcasting Corporation

Donald S Morgan
D R Morrison

Royal Canadian Air Force

Prisoners of War Association

Harold Morrison

Jessie G Morrison

K L Morrison

MGen (ret'd) M Morrison

Neil Morrison

Bill Morry

Desmond Morton

Anton Mueller

D M Muir

Jeannie Muldoon

Wm Murphy

Larry Murray

Harry Myers

Gary D Naylor

William J Neil

The War Amputations of Canada

Derek Nelson

Capt (N) J Newbery

Maritime Defence Association

of Canada

June Newton

Jim Nightingale

Daniel Noonan

Veterans Against Nuclear Arms

Greater Victoria Branch

K E Oakes

Peter G O'Brian

David O'Brien

M E O'Brien

Darcy O'Connor

Earl A Olmstead

Gordon Olmstead

Canadian Merchant Navy

Prisoner of War Association

W G O'Neal

James Oran

Helen O'Reilly

Joyce O'Keefe

Professor Brian S Osborne

Queen's University

Capt (ret'd) Helen F Ott

E M Overn

Jacques Page

MGen (ret'd) W. G. Paisley

Alliance of Air Force

**Associations** 

ERT Park

F W Parker

Grant Parent

LCol (ret'd) John A Parker

Sam Pasternack

J S Paterson

J W Patterson

Robert Pattillo

Vice President (Communications)

Canadian Broadcasting Corporation

Douglas R Pearce

William D Pearce

Charles Pearse

Murray Peden

George E Penfold

Royal Canadian Air Force Association

Douglas H Penny

Doug R Penny

Ex-Air Gunner's Association of

Canada Inc

E A Pepper

Les Perkins

John Pettit

David P C Petrie

Selvyn Phinn

R D Plommer

Philip Pocock

Leslie E Pope

H Porter

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Bryan A Quinlan Joseph Quittner

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MGen (ret'd) S V Radley-Walters

Ken Ramstead E A Rankin

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Ken Reid

McCready D Reid

P M Rekis

LCol (ret'd) W Remple

E Rennie

Col (ret'd) M E Rich

Canadian Corps of Commissionaires

(Toronto & Region)

C F Richardson

Captain (ret'd) George C Richardson

Peter Riches Bill Riddell

Merchant Navy Association

Dan Riley Keith E Risler

Dr Marguerite E Ritchie

Human Rights Institute of

Canada

Hayden Roberts

Lawrence L Roberts

Ronald H Roberts

J A L Robertson

C A "Smokey" Robson

Professor William Rodney

Louis-Philippe Rodrigue

Carl Rollo

Royal Canadian Legion

R L Beattie Branch

Terry Rooney

Douglas F Rose

St Andrew's War Veterans Association

Don Ross

**Dorothy Ross** 

George A Rota

MGen (ret'd) D P R Rothschild

James B Rowan

William E Rowbotham

W M Ruddock

Eric Runacres

Don St Amour

The Royal Canadian Naval Association

Ottawa-Hull Branch

Fred Saeger

James W Sanders

Sir Arthur Pearson Association

of the War Blinded

Richard Sanderson

Howard A Sanderson

Creighton W Sargeant

Alan Sassoon

Alain Saulnier

Fédération professionnelle de journalsites du Québec

R J Scally

Col (ret'd) P Douglas Scanlan

R R Schramm

Wulf K F Schuldes

M T Schulstad

Dr C Karl Schulstad

R D Schulz

Dr Don Schurman

S Schweitzer

James G Scott

Esprit de Corps - Canadian

Military

Douglas T Shaw

George Shaw

John P Sherback

Barbara Sheridan

W H Sheridan

Raymond Sherk

LCol R W Shurb

Military Engineers'

Association of Canada

John Sigouin

William C C Silver

Ronald B Simpson

Royal Canadian Air Force Association

David Sisam

Betty E Slade

Orest Slepokura

Capt (ret'd) D L Small

The Monarchist League of

Canada

Arthur R Smith

E W Smith

National Headquarters

Canadian Naval Air Group

Association

Frank E Smith

Kenneth V Smith

S Donald Smith

Stan Smith

Walter Smith

Fred Snyder

George Sobering

Lancaster Project

Fred L Soloman

A Somerton

G H Southam

Larry Speiss

James A Spencer

Reverend Phillip Spencer

J Norman St Aubin

RCAF Benevolent Fund

Douglas A Stallard

W J Staple

Squadron Leader (ret'd) G L Starkey

Peter Steadman

D J Steel

D Steele

John M Stene

W M Stephen

I A Stevenson

D B Stewart

MGen (ret'd) John Stewart

Richard Stewart

David Stewart-Patterson

The Canadian Association

of Journalists

Cliff Stone

Campbell J Stuart

Alvin E Styles

Jack L Summers

James Summersides

First Special Service Force

Association

BGen (ret'd) H M Sutherland

John A Sutherland

George Sweanor

Ms Eileen Swinton

Michael Talmon

Dr David Taras

Carolyn Tavender

Cecil W F Thom

British Heritage Institute

(Canada)

Paul A Thomlinson

Denise Thompson

Stewart Thompson

Ruth Thorne

United Council of Veterans

Associations

M F Thurgood

E V Titheridge

Audrey Tobias

Veterans Against Nuclear War

Robert L Todd

Isolde Todoroff

P A Tomlinson

W/C (ret'd) C Torontow

William Townley

R Travell

Dal Travnick

J A Troy

Fred Tucker

Frank C Turner

W E Turner

W A Tuskey

D B Urquhart

Korea Veterans Association

of Canada

H E Vaughan

Gérard Veilleux

President

Canadian Broadcasting Coporation

Professor Brian L Villa

University of Ottawa

Dorothea Vincent

Fred Vincent

War Pensioners of Canada Inc

F G Vincent Toronto Branch

Ex W A G and Air Gunners

Association

William P Vrandenburg

Capt C D Waddell

Defence Medical Association

of Canada

Tom Wagner

Elizabeth M Waight Annalise K Walker

D R Walker

F/L (ret'd) G T Walsh

Wilkie Wanless Edward Ward

John Ward

Lillian Ward

Thomas A Wardle

Donald M Warner

A M Warrington

Reg Waterfall

David Watson Patrick Watson

Chairman

Canadian Broadcasting Coporation

Robert Kelley Watson Cdr (ret'd) F B Watt

BGen (ret'd) Jack Watts

Gordon S Way

C Web

Dyson Webb

Graham T Welsh

Heinz G Wenzek

Jack Western

Bomber Command Association

Canada Inc

Thomas A Weyersberg

LCol (ret'd) T R Wheler

Canadian Fighter Pilots

Association (Ontario Wing)

BGen (ret'd) Dennis Whitaker

F/L (ret'd) E F White

M White

Ralph S White

Vernon M White

Dorothy Whitworth

Geoffrey Whyte

J D W Wiebe

G E Williams

L Williams

Ray Williams

Dave Williamson

The Writers' Union of Canada

William S Willis

Gerald E Wilson

John P Wilson

Willis R Wilson

Peter Wintnick

Canadian Independent Film Caucus

Frank W Withers

Gen (ret'd) R M Withers

J D Wolchuk

James Wolfe

John H Woodrow
Dr John R W Wynne

W R Wynveen

John Young

W G Young

A Younger

NOTE:

In addition, many individuals and organizations contacted the Chairman or other members of the Sub-Committee directly.