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CRITIQUE

Government Internment Policy, 1939-1945[1]

John Stanton

DURING WORLD WAR II CANADIANS hosted, for the most part unknowingly, tens of thousands of people whom the federal government interned. So skilfully secretive were the police and the army that even politically-aware persons like myself were ignorant of the large scale of what was happening. Only the removal of Japanese Canadians from British Columbia coastal areas was generally known. Mainly farmers and fishermen, these people were victims of the combined effects of an endemic anti-Asian racism and a craven Ottawa government determined to do as Uncle Sam had done with Japanese Americans.

Far more numerous than the Japanese Canadian internees were those who were sent from England where Churchill feared a "fifth column" if the war went badly. There were also German and Italian prisoners of war and native Canadian Nazis and Fascists.

I knew noone from any of these groups, but I did know some Socialists, Communists, and union leaders who comprised the smallest group of internees, about one hundred.[2] They shared six characteristics with all other internees: incarceration for an indefinite period, for no stated reason, with no hearing, appeal, compensation, or civil rights. And, if one may judge from the "camp" I saw at Petawawa, Ontario, the living conditions were horrendous.

A few days before the King government declared war on Nazi Germany, I well remember hearing about internments in German communities. The move then

[1]Principal Sources: National Archives of Canada (NAC), specific files mentioned in subsequent footnotes.

[2]See Appendix One for some names.

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seemed to be but one of many defensive measures, although as time went on, I began to realize that much more was involved, as normal civil rights disappeared and Canada developed the potential for becoming a police state.

I recall, for example, the case of young Sid Zlotnik. I defended him on a charge of breaching a Defence Regulation and won a Not Guilty verdict. We left the courtroom in a happy mood. It lasted only a few seconds as two RCMP officers arrested Sid, apparently on the same charge as the judge had just acquitted him of. He spent, I believe, about two years in internment. So much for the RCMP's respect for a court decision.

In the Canada of 1940 there was a good deal to be concerned about. That is why, even years after some of the events, I believe that the government's internment policy deserves critical scrutiny.

A number of questions present themselves:

— by what legal machinery were internments authorized, and how was the ancient right of habeas corpus, which originated with Magna Carta in 1215, denied to internees?
— what line of reasoning, what "philosophy," underlay the internment policy?
— were internments lawfully made?
— what policies governed the many releases of interned German Nazis in the first nine months of the war?
— why was it decided in May or June 1940 to declare the Communist Party and various other organizations illegal, thereby facilitating the internment of certain members, including more than 30 union people?
— what type of politician was Ernest Lapointe, the Minister of Justice under whom the internment policy was first established and who was by law personally responsible for interning people and also for releasing them?

These questions are worth trying to answer, if only to bring light into a dark corner of our history. Perhaps the last question should be answered first. A vignette of Ernest Lapointe may be of interest. He was Mackenzie King's chief Québec lieutenant and a member of King's Liberal government from October 1935 until shortly before his death in late 1941. His successor as Minister of Justice was Louis St. Laurent.

Ernest Lapointe

I MET LAPOINTE once in circumstances which disclose a good deal about this second most-powerful politician in Canada during our country's entry into the war and its first two wartime years. I had gone to Ottawa in May 1938 as a member of a delegation from the Canadian Youth Congress, a federation of young people's organizations with a membership across Canada in excess of half a million. These organizations had sent more than 700 representatives to Toronto to discuss ways and means to improve the lot of Canada's young people. The discussions resulted in resolutions from which a brief was formulated for submission to the federal

government. It dealt with such problems as unemployment and the need to insure against it (there was no unemployment insurance in Canada at that time) and also with the need to provide work and upgrade educational opportunities. A third concern was the deteriorating international situation and the need, as the young people saw it, for the government to support more vigourously the League of Nations and policies of collective security in Europe.

Arrangements had been made for us to present our brief to Prime Minister King. Some members of the delegation, including myself, reached Parliament Hill in a very old car and stopped to ask the way to his office. The man who assisted us surprised everyone by introducing himself as Norman McLarty, the minister of labour. He was a pleasant, smiling man who told us that we would be seeing not Mr. King but Mr. Lapointe, who was to meet us in the prime minister's office.

A few minutes late our delegation was ushered into a high, airy room in the East Block, in the middle of which was seated a large, balding man, who greeted us in a cursory way and offered a flabby handshake. During the submission he scowled, kept glancing through the window, and generally conveyed complete indifference, even boredom. He was entirely noncommittal as to what, if anything, the government would do about our requests, and made only one comment: that in matters concerning war and peace, young people should mind their own business and leave the decisions to their elders and betters. He was not impressed when someone pointed out that war was in truth the business of the young, if only because they did most of the dying.

During the interview I saw, projecting from underneath a red velour drape which covered an alcove near the office desk, the toe of a brown boot similar in style to those worn by the RCMP. Why Lapointe would feel the need for physical protection from a few rather earnest young people I cannot imagine. Perhaps the policeman's presence was directed by higher-ups in the RCMP who were always very suspicious of the Youth Congress.

When we were taking our leave Lapointe brightened a little as he made a comment to the one woman on our delegation. It was, he said to her, "very unusual" for a girl to take part in any deputation and that in his province (Québec) this would not have happened.[3]

Further light is thrown on Lapointe by recalling his attitude to the Padlock Act of 1937, whose official title was "An Act to Protect the Province (i.e. Québec) Against Communistic Propaganda."[4] It rendered unlawful the use of any "house" for the propagation of communism or bolshevism. If anyone possessed or controlled a house and violated this provision, the house could be padlocked for up to a year on order of the attorney-general (an office then held by Premier Maurice

[3]I resisted the temptation to say "Church, Kitchen, Kids, eh Ernie!"

[4]This Act became law in Québec on 24 March 1937, as Chapter 11 of the *Statutes of Québec*, 1937. The material used in this analysis is based on the reasons for judgement of the Supreme Court of Canada in *Switzman*, v. *Elbling and Attorney-General of Quebec* (1957), 7 D.L.R. 2d, 337.

Duplessis) and the person in question could be imprisoned for a minimum of three months or a maximum of one year. "House" was very broadly defined, while "Communism" and "Bolshevism" were not defined at all. It was a situation inviting abuse by what has come to be generally recognized as the most corrupt and reactionary government ever suffered by Québec.

This legislation obviously was beyond the power of any provincial legislature for at least two reasons. First, its substance lay in the field of criminal law, which is the exclusive preserve of the federal parliament. Second, it is the right of Canadians generally "to explain, criticize, debate and discuss in the freest possible manner such matters as the qualifications, the policies, and the political, economic and social principles advocated by ... candidates (in federal elections) or by the political parties or groups of which they may be members."[5] No provincial legislature may make laws which abrogate this right, which is common to all Canadians. Only Parliament may do that.

Under the British North America Act, the federal government had power to disallow any law adopted by a provincial legislature whether it is beyond provincial powers or not.[6]

Lapointe, as minister of justice and attorney-general for Canada, was the member of the government whose duty it was to recommend disallowance of the Padlock Act. Although he was pressed to do so by many hundreds of thousands of people — his personal papers in the Public Archives are replete with such requests[7] — and although as a lawyer he must have known that the Padlock Act was unconstitutional, he turned a deaf ear to all pleas. Instead, he gave warm replies to a few letters from businessmen's organizations and ecclesiastical officials, who praised the Padlock Act as a weapon against communism. It was clear where Lapointe's own sympathies lay; but I am glad that among many others are petitions to Lapointe which I had circulated asking for disallowance of the Padlock Act. They had thousands of signatures.

Almost 20 years after the Padlock Act became law, eight of the nine judges of the Supreme Court of Canada decided that it had indeed been beyond the authority of the Québec legislature. That decision, while gratifying, did nothing to right the wrongs which had been done over a span of 20 years by the Duplessis and other right-wing Québec governments. The decision was made in a private lawsuit which arose from a claim by one Frieda Elbling to have a property lease given by her to John Switzman annulled because in 1949 he had allowed the property to be used

[5]Mr. Justice Abbott, in the *Switzman* case, 369.

[6]Sections 56 and 90 of the BNA Act allow the federal government one year in which to disallow *any* piece of provincial legislation. It is not necessary that the legislation go beyond the powers of the legislature. The one year runs from the date on which a copy of the law reaches the Lieutenant-Governor. This is usually within a day or two of its being passed, in this case 27 March 1937.

[7]Ernest Lapointe's papers are found at NAC. The particular item referred to here is in MG-27, III B 10, Vol. 38, entitled "Communism."

for propagating communist doctrines. As a result of this the property had been padlocked by Québec's attorney-general and Elbling claimed to have thereby suffered financial loss. Duplessis intervened in the case in order to defend the constitutionality of his legislation and was successful in the two lower (Québec) courts. Only when the case was decided by the Supreme Court (long after the original dispute had become irrelevant) did Switzman win. His success was also a victory for the cause of free speech in Canada. It came in spring 1975, almost 16 years after the death of Duplessis' man in Ottawa, Ernest Lapointe, whose failure to recommend disallowance of the Padlock Act not only deserves censure, but justifies the view of him as a political leader as a high federal level who was entirely comfortable with Duplessis being in charge in Québec. As Professor Lower points out, the 1936 election — which gave Duplessis a big majority — was won on wholly demagogic promises of reform, none of which materialized. Under the "overwhelming personal dominance of Duplessis," his Union Nationale party quickly came to stand "for close association with the Roman Catholic Church [an institution which has undergone drastic changes since] and with the business community." Also, it "supported the suppression of radical opinions and movements, state control of labour unions" [copied from Mussolini's corporate state] and favoured "an extreme doctrine of provincial autonomy."[8]

Only when Duplessis got seriously out of line during the first Québec wartime election (October 1939), and came close to promoting outright anti-war separatism by openly attacking the federal government's centralization of power and the War Measures Act, did Lapointe bestir himself. He then campaigned actively with all federal ministers from Québec to defeat Duplessis, a man with whose clericalism, business ties, and dislike of unions Lapointe basically agreed. Duplessis himself came back to power in 1944 and reigned until his death in 1959. Soon afterward came the "quiet revolution" and then René Lévesque.

Lapointe's failure to disallow the Padlock Act also reflects adversely on Mackenzie King, for according to his most fawning of biographers, J.W. Pickersgill, Lapointe was King's "devoted comrade-in arms in the closest partnership in the political life of Canada."[9]

Magna Carta, the War Measures Act, and the Internments

HAVING GLIMPSED SOMETHING of the political philosophy of the man in charge of Canada's internment policy and of actual internments and releases (although not the physical custody of internees) and who was also, at least nominally, in charge of the RCMP, I examine the legal mechanisms created by the government to implement its policies. Those mechanisms must be seen in the light of the centuries-long struggle between abusers of government authority and citizens who

[8]J.A. Lower, *Canada, An Outline History* (Toronto 1973), 179-80.

[9]J.W. Pickersgill, in his dedication of *The Mackenzie King Record, Vol. I, 1939-1944* (Toronto 1960). Pickersgill is wholly silent with respect to internments.

insist upon having, and exercising, their civil rights. This struggle has always signally concerned the *power to punish* — by death, by torture, by imprisonment, by fine, by confiscation of property, by exiling. All these forms of punishment have been used in England, the source of Canadian criminal law, and all have been strenuously opposed. But the basic issue has not been the type of punishment so much as the route to be followed to the point at which punishment is inflicted. Broadly, there are only two routes: one is *arbitrary* and the other is by *due process of law*. The conflict between proponents of these opposite policies is very ancient and continues to this day.

Those like myself who favour due process against the arbitrary course are heartened to realize that we have on our side a long and noble tradition, one which is adorned by such great landmarks of legal and popular history as the Magna Carta of 1215, one part of which provides: "No freeman [a small class of persons in the England of that day] shall be taken [arrested] or imprisoned or disseised [deprived] of his freehold [property] or liberties nor shall he be outlawed or exiled or in any other way destroyed ... save by the lawful judgement of his peers or by the law of the land."

This clause was strengthened by legislation in 1354 so that no person whatever (not just freemen) could be penalized by the state unless he or she was in fact "brought to answer by due process of law."[10]

Magna Carta has had a chequered, even stormy, history. Its principles were sometimes jettisoned, as when Henry VIII's Court of Star Chamber became an instrument of tyranny. But the libertarian thrust of the Great Charter — originally designed to protect a ruling class of big English landowners from a feudal monarch — has enjoyed such universal appeal that we find it re-formulated and restated over the centuries. The Petition of Right (1625) and the Bill of Rights (1688) are examples from English history. The US Constitution (1789) repeats the ban on arbitrary arrest and imprisonment in words almost identical to those of the English statute of 1354: "No person shall be deprived of life, liberty or property without due process of law." Closely similar provisions are also to be found in the constitutions of the former USSR and the People's Republic of China.[11]

In Canada the same theme is expressed in our 1960 Bill of Rights, which affirms that "men and institutions remain free only when freedom is founded on ... the rule of law" and which explicitly recognizes and declares "certain human rights and fundamental freedoms," including "the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law." Any person's right to "equality before the

[10]See Helen M. Cam, *Magna Carta: Event or Document?* (London 1965).

[11]For example, the USSR and PRC constitutions both enshrine the following rights: inviolability of home and person (but arrests may be made with sanction of the prosecutor or court — i.e. "due process"); freedom of correspondence, speech, assembly, association and demonstration. In China the freedom to strike is preserved but not in the USSR (Articles 50, 54, 55, 56, of USSR Constitution and 45, 47 of PRC Constitution).

law and the protection of the law" is also recognized and declared in the Canadian Bill of Rights.

What is more, no federal law can be construed by a court so as to infringe upon any rights which the statute proclaims.[12]

All these rights, it is said in the Bill, "*have existed* and shall continue to exist." It comes as something of a shock to read this, for those rights certainly did not exist for anyone interned during the war. Nor were those internees able to exercise the ancient right of anyone to habeas corpus, which is the right to test before the judges of a high court the lawfulness of one's imprisonment.

To see how this situation came about involves tracing the origin of the law under which internment was permitted. We first go to the War Measures Act, which was originally enacted during a brief session of Parliament held in August 1914, after Britain had gone to war on the fourth day of that month. The Act became law on 22 August 1914. It remains on the statute books virtually unchanged (except for one highly important subsection) and was used alike in World War I, World War II, and the so-called "Québec Crisis" of 1970.

The main provisions of the *War Measures Act* are as follows:

(1) In general — if war, invasion or insurrection occurs or is apprehended, the Government of Canada may do and authorize such acts and things and make such orders and regulations as are deemed "necessary or advisable for the security, defence, peace, order and welfare of Canada."
(2) More specifically, the federal government is authorized to control: all publications, including censorship of same; all means of communication; all arrests, detentions and deportations of persons; all ports, harbours and territorial waters and ships therein; all transportation by land, air and water; all trading, including exports and imports; all production and manufacturing; and, all disposition of property and it use.
(3) To get around the Bill of Rights, a subsection was added: "6(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."
(4) The Act also provides that a formal proclamation by the government that war, invasion, or insurrection (real or apprehended) exists is all that is necessary to establish the existence of the situation described in the proclamation and, thereby, the lawfulness of all actions of the government, including violations of the Bill of Rights.

Thus, when the Trudeau cabinet decided in October 1970 that there was a state of apprehended insurrection in Québec, no authority in the land could lawfully prevent the steps taken by that government to put the War Measures Act into effect and to arrest and intern people pursuant to regulations made under the Act. In particular, it was not possible to go before a court of law and prove, or try to prove, that in fact there was no insurrection, either real or apprehended, and thereby to show that

[12]This is not the place to review various court decisions which have rendered this potentially important piece of legislation a nullity, but (in fact, this has) occurred.

the basis for invoking the War Measures Act did not exist — except, perhaps, in Prime Minister Trudeau's head.

The Defence of Canada Regulations

ALL REGULATIONS made under the sweeping powers given to the government under the War Measures Act have the force of law and the government may (among many other powers) prescribe penalties for breaches. No provision is made which would permit anyone arrested or detained under the authority of the War Measures Act or the Regulations to resort to the courts if the Regulation itself forbade that being done. But the Act, while closing the door on such relief, is kinder when it comes to *some* owners of *some* property. Section 7 provides that whenever any property has been appropriated by the government under the War Measures Act and compensation has not been agreed to, the Minister of Justice *must* refer the owner's claim to be adjudicated by a court. There is no such provision to protect either the "ordinary" internee or the owner of property which the government has confiscated and handed over to the Custodian of Enemy Property. In all such cases there is no compensation.

I emphasize that there is also no protection for people who may fall afoul of the Act or the Regulations. Such persons have no way to challenge the legality of their imprisonment; still less do they have any legal right to be compensated for being jailed. The difference between the government's perception of *people* and the *property* of some, but not all, is remarkable indeed.

By virtue of the War Measures Act the Defence of Canada Regulations were promulgated on 3 September 1939 by Order-in-Council P.C. 2483. The internment section is numbered 21. I lived with it for more than two years. It provides:

> The Minister of Justice, if satisfied, that with a view to preventing any particular person, from acting in any manner prejudicial to the public safety or the safety of the State, it is necessary so to do, may, notwithstanding anything in these Regulations, make an order ... directing that he be detained in such place, and under such conditions, as the Minister of Justice may from time to time determine; *and any person shall, while detained by virtue of an order made under this paragraph, be deemed to be in legal custody.* [Emphasis added]

The provision which makes an internee "deemed to be in legal custody" is important. It is precisely this which deprives the person of any resort to the courts, even to the ancient right to habeas corpus. During World War II a number of internees attempted, but all failed, to procure their release through the courts. The answer always given was that, because of the words under discussion, the courts had no jurisdiction to override the executive authority.

One such case is that of J.A. "Pat" Sullivan, president of the Canadian Seamen's Union, who was interned for union activity in 1940. He attempted to procure a writ of habeas corpus from the Ontario High Court, but Mr. Justice Hope refused. Sullivan then appealed to the highest court in Ontario and was represented

there by two of Canada's most eminent lawyers: J.R. Cartwright, K.C., who later became Chief Justice of Canada, and J.L. Cohen, K.C., who later joined the Wartime Labour Relations Board.

The three Ontario judges were unanimous in rejecting the appeal without even hearing a submission by counsel for the Crown. Their reasoning comes in four parts:

(1) While the justice minister must be "satisfied" of the necessity to detain the person in question, he need not make any personal investigation. He is free to become "satisfied" because of a recommendation of some other person who had been instructed to look into the case. (That other person normally would be an RCMP officer. This finding means that the police, not the minister, possessed the effective power to intern.)
(2) The recommendation did not have to be brought before the Court if the authorities felt its disclosure would not be in the interests of the state. (This meant that no matter how wrong the reasons for the internment might be, there was no way of forcing their disclosure to the Court and therefore no way of offering, or even trying to offer, an answer or defence.)
(3) A person detained under Regulation 21 is a "prisoner of war, Class 2," and is therefore beyond the power of a law court to rescue. (This meant that only the justice minister — who would normally act on RCMP advice — could release an internee.)
(4) If a prisoner had appealed his internment to the tribunal provided for that purpose, as Sullivan, among others, had done, even an extreme irregularity in the proceedings before that tribunal would not affect the legality of the internment. (This meant that proceedings before the tribunals were of no real consequence.)[13]

It must be stressed that internment was by no means the only way in which the government could deal with persons suspected of being dangerous to the state in wartime. There were plenty of clauses in the Defence of Canada Regulations (to say nothing of the Criminal Code) which created a host of offenses. People could be charged and tried in the normal way (for example, by due process of law) in respect of all such offenses which were thought to have occurred. Sullivan and many others could have been dealt with in this way and, had this course been followed, their civil rights would have been protected instead of being trampled upon. The fact that they were interned suggests that the government indeed felt it might not be able to prove a case against them and therefore decided to get rid of them by the uncomplicated process of internment, which completely short-circuits due process of law.

Background to the Invocation of the War Measures Act

THE DEFENCE OF CANADA REGULATIONS had been drafted secretly in Ottawa during summer 1939 and were already in mimeographed form by July that year. Some light is thrown on the type of discussion which must have proceeded as the Regulations were being prepared by an account of the secret meeting held in the

[13] *Ex parte Sullivan* (1942), 2 D.L.R. 799, Ont. C.A. — see headnote.

External Affairs conference room on 10 July. It was attended by seven officials, including Norman Robertson, who was then the prime minister's principal adviser on foreign affairs. Also present were J.F. MacNeill, K.C., a high officer in the justice department; W.P.J. O'Meara of the Department of State; Superintendent E.W. Bavin and Inspector Rivett-Carnac, both RCMP experts in anticommunism.

According to Robertson, this meeting was convened in order to discuss the possible use in certain cases of the right possessed by the government, under the *Naturalization Act*, to revoke a persons' naturalization for disaffection or disloyalty. Interestingly, O'Meara remarked that "naturalization applications by Nazis and Fascists are now checked as carefully as those by Communists," but did not think a public statement to that effect would be desirable.

The meeting came to no agreement as to whether any revocation procedures should be implemented, but one of the officials from the external affairs department agreed to cooperate with the RCMP in preparing a statement on the most flagrant cases. What use would be made of the statement was not indicated.

The same meeting heard a description of the Fascist oath of loyalty to Il Duce (Benito Mussolini) which bound the oath-taker "to execute without discussion the orders of Il Duce and to serve with all my strength, and if necessary with my blood, the cause of the Fascist revolution." There was a comparable oath of loyalty to Adolf Hitler taken by Nazi Party members and by those in its youth group. Other Germans could be influenced by the doctrine of "racial comradeship," as propounded by Rudolf Hess, Hitler's deputy: briefly, there was held to exist "a great German national community" which reached out past the borders of the Reich and included "the German racial comrades abroad." As Hermann Goering explained in 1936 "... the racial comrades in the homeland, the nearly one million German citizens living abroad, and the many millions of persons of German blood living in Europe and overseas, must not be lost to German culture."

The conclusion the Ottawa authorities drew from these revelations was that the so-called "racial comrades" in Canada would owe a fealty to Germany which was above and beyond any loyalty to Canada, despite the absence of a formal oath. I met a few of these "racial comrades" in Vancouver in 1938 and 1939. To me they seemed to be fanatics.

Once Mackenzie King had signed the Regulations into law, the key question was: what categories of people would be interned? On this issue there was a sharp but secret struggle between the RCMP on the one hand and the External Affairs Department, supported by some officials of the Justice Department, on the other.

The police regarded the Communists as the main enemy and wanted to treat them accordingly. Nazis and Fascists were seen as nuisances more than as serious enemies. Why this was the case on the eve of a war against Nazism (in September 1939) and Fascism (in June 1940), as represented by Germany and Italy, cannot be rationally explained unless the higher officers of the RCMP thought so much like Nazis and Fascists themselves as to be almost indistinguishable from them. Ernest Lapointe almost certainly saw eye-to-eye with the police.

The players in this drama must be identified: Stuart T. Wood, a dedicated anticommunist, was the Commissioner (chief) of the RCMP; Superintendent E.W. Bavin was a security officer in the Intelligence Section whose duties included spying on trade unions; Staff Sergeant J. Leopold was another security officer and the force's top expert in anti-Communism.[14] Dr. Oscar D. Skelton was a senior civil servant in the external affairs department and a close confidant of Mackenzie King (Skelton habitually attended meetings of the Cabinet war committee). Also involved were Norman A. Robertson and J.F. MacNeill, K.C., both of whom we have already met.

On 26 August 1939, when it became apparent that war was imminent in Europe, Wood wrote a secret letter to Lapointe proposing various measures for "safeguarding Civil Security in this country."[15] The proposals were that six German and six Italian organizations operating in Canada be outlawed by Order-in-Council under the War Measures Act and that one German newspaper and three Italian newspapers be suppressed. In addition, five Italian-owned houses in different cities would be confiscated or closed and the residences of various officials of the German and Italian communities would be raided for documents.

Although it was perfectly clear that war against the USSR was even a remote prospect, Wood "as a further precautionary measure" recommended that the Communist Party and ten left organizations thought to be heavily influenced by it should be outlawed, while that nine newspapers published in various cities in Canada and thought to be influenced or owned by the Communists should be suppressed. In addition, two Ukrainian nationalist organizations and two newspapers published by them would be outlawed and suppressed.

Commissioner Wood also asked that the question of seizing the property of Communist-controlled so-called "language" organizations[16] be considered, as their holdings were extensive. Wood estimated the value of Ukrainian Labour-Farmer Temple Association (ULFTA) property in Winnipeg alone was approximately one million dollars.

Two days later, MacNeill went to see Robertson with a copy of the commissioner's letter. Robertson's reaction was swift and emphatic. He wrote a secret memorandum to Skelton:

[14]Leopold was an undercover man in the old Communist Party at Regina from 1922 to 1928 when he was discovered. He was the Crown's principal witness in the 1932 prosecutions of ten principal leaders of that party at Toronto. They received long prison terms but public pressure forced their early release. They were prosecuted under Sec. 98 of the Criminal Code, most of whose provisions are found in Reg. 39C of the D.O.C.R. See Tim Buck, *Yours in the Struggle* (Toronto 1977), 172.

[15]The full text of this letter is found in Appendix Two.

[16]These were principally organizations of Ukrainian and Finnish workers who were considered to be under Communist influence.

I told MacNeill that I was appalled by the programme contemplated, and that it involved a great deal of bitter interracial resentment and the prospect of endless troubles throughout industrial and mining areas, as well as the alienation of the sympathy and support of great blocs of opinion which, if properly handled, could be led to support any efforts the government was making rather than to oppose them. I thought the Police should concentrate on their plans for the immediate arrest of persons suspected of treasonable activity, and that they would be ill advised to destroy organizations about which they now know a great deal and with whose personnel they are familiar. It would drive them underground, which would greatly increase the Police problems in this country in wartime. I thought, further, that as regards the whole question of the status of the Communists, we should not take any precipitate action, but should wait and see how they adapt themselves to new international alignments; that the wind had been taken out of their sails by the events of recent days, and they had been badly compromised by developments in the foreign policy of the USSR, and that I would be surprised if the Police found them abetting Nazi or Fascist activities in this country or very actively prosecuting their own propagandistic activities.

MacNeill said he fully shared my views. He felt his Minister's [Lapointe's] position in dealing with Police recommendations of this sort was very difficult. It would be strengthened if the responsibility for approving or disapproving Police recommendations were shared with this Department (i.e., External Affairs), and he inquired whether we would be willing to be associated directly with the Department of Justice in deciding questions of policy in respect of the handling of subversive activities in war time. I said that in the circumstances I thought you felt about these matters much the way I did, and that you would probably approve of our continuing in war time the contacts with the Police in this sphere that we had built up in recent years, and in that case I would probably continue to be our Department's representative in interdepartmental discussions. He is going into the question with Mr. Lapointe this afternoon, and we will probably hear from his shortly.[17]

Robertson's memorandum is of interest for at least two reasons. One is that it illustrates the different approaches of a policeman and a diplomat. The former thought in terms of suppression, particularly of the Communists: make them illegal, suppress, intern, and jail them and — presto! — the problem is solved. The diplomat immediately saw the danger of a simplistic "solution." He knew that the old Communist Party was in a difficult situation because of the non-aggression pact so recently concluded between Hitler and Stalin and felt they should have time to sort themselves out. He also knew that because the party was respected and popular in many places, particularly the new unions, bans and arrests could cause endless difficulties in industry and the alienation of considerable blocs of public opinion. The second reason is found in the fact that in MacNeill's mind, his minister, Lapointe, was likely to be impotent when it came to opposing Wood about suppressing Communism. Otherwise it would not have been necessary for MacNeill to propose, and for Robertson to agree, that the external affairs department

[17]This memorandum is quoted in full as Appendix Three. It is marked "most secret" and is addressed to Dr. Skelton: Public Archives Canada, Archives file RG25-G1, Vol. 1964, #855E, Part I. The letter of 26 August 1939 from Wood to Lapointe comes from the same file.

associate itself directly with the justice department in order to strengthen Lapointe's hand in beating back Wood's dangerous proposals. Robertson must be credited with an in-depth understanding of the Canadian scene which Wood obviously did not possess.

The issue was resolved in a very interesting way. On 31 August, Skelton put a memorandum in the file headed "Subversive Movements" which reads:

The Prime Minister stated this morning that Council [i.e., the Privy Council or Cabinet] had agreed to Mr. Lapointe's suggestion that the question should be referred to a committee of three, Mr. Robertson, Mr. MacNeill and a member of the Royal Canadian Mounted Police. They would review all proposals and bring them to the attention of the Minister, and the Minister would bring them to Council. O.D.S.

The same day, the committee met "to discuss treatment of enemy aliens and persons suspected of treasonable or seditious purposes." It was chaired by Robertson with Bavin as secretary; MacNeill also attended. But, although the government had decided on a three-member committee, a second policeman turned up in the person of Staff Sergeant J. Leopold, whose expertise on antiCommunism has already been mentioned.

The meeting opened with an enquiry by Robertson as to when the Defence of Canada Regulations would be sanctioned by the Privy Council. MacNeill replied that they should be "through" within three days (that is, by 3 September) and went on to put forward five recommendations "with regard to treatment of persons of questionable character." These were as follows:

1. Police should concentrate on plans for the immediate arrest of persons suspected of treasonable activities;
2. A list should be drawn up of all leaders whose arrest would paralyze enemy organizations engaged in treasonable activities;
3. No action to be taken for the present on Communists;
4. Avoid antagonizing foreign population by closing up their social groups and preventing publication of papers which may be of service in securing important support for the Government's war effort;
5. Suppress only where absolutely necessary.

MacNeill added that the purpose of the committee would be to prevent "treasonable or seditious activities" and that its business pertains to "civil security and the protection of vulnerable points."

Following these introductory matters Supt. Bavin stated:

I would like to inform you gentlemen that the Commissioner — and I myself — feel that the Communists are of far more importance than either the Italians or Germans, in the event of war. This has been clearly shown by the actions and their attitude as set forth in their Press and at their meetings. The Commissioner expressed a desire that I convey this information

and his feelings to you. From a study of the files and the information going through our Intelligence Branch it is quite well established that they are, and would be, the most dangerous of the three.

This was frank enough. It expressly states what left-wing people in Canada had known for years. MacNeill replied to it by saying that his minister [Lapointe] felt "that you should be the guiding light in that respect, since you are closer to the facts than we are." He thus seemed, by agreeing with Bavin and Wood, to be treating from the position which he had taken in his earlier discussions with Robertson.

As discussion proceeded during the next three days, it focused increasingly on Germans and Italians, not Communists, although at one point Leopold commented that the "Communist Party is even now preparing to go underground" — information which surprised Robertson, who thought that they were "operating wide open and suspected nothing."

The first decision made was to take action to seek cooperation with US authorities to prevent wanted persons from escaping to that country.

Next, it was decided that some 500 Germans in Canada would be taken into custody as soon as war was declared. These were members either of the National Socialist German Workers' Party (the Nazi Party) or of its youth section, the so-called German Workers' Front. In the course of making this decision Robertson pointed out that "... it comes down to a question of whether they would be dangerous if allowed to remain outside of the concentration camps. [It is interesting to note that Robertson used this term.] A question of whether they take their oath seriously [i.e., the oath of loyalty to Hitler] or merely as a formality ...." Bavin thought they took the oath seriously, particularly the 500 German Nazis, including the young Nazis, although the corresponding oath taken by the Italian Fascists might not be taken too seriously by them. The committee opted to have the 500 arrested and interned. MacNeill rounded off the discussion by pointing out that "there could be no public outcry against our apprehending them. Two statements should be prepared, one for each organization, giving the reasons for their being picked up."

The committee then addressed itself to the question of how many more persons of German origin might have to be picked up. Leopold did not know. The committee was obliged to go through an extensive list of Germans, name by name, deciding in each case whether the person should be arrested and interned. The criterion seems to have been whether the person was considered actually or potentially dangerous. For example, the case of Frederick Reichert, as recorded in the minutes, was dealt with thus:

S/Sgt. Leopold: Now — Frederick REICHERT. He is a man of some means, he does not work and we have proof that he has a bank balance of $25,000. I am of the opinion that he is either a very important man or of no importance whatever. He is well thought of by the Americans in Montreal and by those who know him in New York. He sometimes appears to be anti-Nazi

and at others speaks well of Hitler. I have wondered why he would settled down in a small provincial town like Quebec; we do know that he has travelled to Ottawa and Montreal on numerous occasions and has made useful contacts in these cities.

Mr. MacNeill: His remaining in Quebec may perhaps be explained by the fact that it is one of Canada's most important harbour cities, is one of the few garrison towns in Canada, and has the only active arsenal. It is also quite a manufacturing city. We will enter his name on the list since he appears to be of independent means, is on good terms with German sources, moves in garrison circles, and lives in a city which is of strategic importance. I regard him as very suspicious.

Throughout the discussion, serious though the topic was, one detects a situation akin to one in Gilbert and Sullivan's operetta, "*The Mikado*":

[Ko-Ko, the Lord High Executioner of Japan, sings]
As some day it may happen that a victim must be found
I've got a little list, — I've got a little list
of society offenders who might well be underground,
and who never would be missed — who never would be missed!
Chorus: He's got 'em on the list — he's got 'em on the list;
And they'll none of 'em be missed — they'll none of 'em be missed.

Bavin and Leopold kept pressing the committee to agree that the two German organizations just mentioned should be "outlawed" — a favourite demand of Wood's. Explaining Wood's idea, Leopold claimed that "one of the principles of the outlawing is that it would give the power to raid and search property and offices;" but MacNeill pointed out that outlawing was not necessary for any such purpose. "All you need is a list of the places you wish to raid and search and the power can be granted." Leopold, however, pressed his point, mentioning that towards the end of World War I "there were a number of organizations outlawed, and it had a tremendous effect upon their membership. It was a number of years before they could get well organized again under a different name." (No doubt he had left-wing organizations in mind.) Robertson joined in the discussion by asking what purpose would be served by outlawing any particular organization and Bavin replied that: "if we fail to take that action it will show a weakness on our part in that we fail to come right out and say, 'We don't want you.'"

MacNeill thought that arresting all members of the organizations in question would have the effect of clearly indicating "that sentiment." Bavin, however, wasn't satisfied. He pressed the point that Leopold had just made, illustrating the "benefit gained in outlawing organizations during the last war." MacNeill asked what was meant by "outlawing" and Leopold said it meant making the organization illegal by order-in-council: "it would then be illegal to join or belong to it." Robertson asked if there wouldn't be a certain advantage from the police standpoint to leave a skeleton organization there. MacNeill suggested it would be best to wait

and see what happened to these organizations on the outbreak of war, and if the feeling was that the organization remained in existence it could be outlawed.

When the consideration of the list of German names was completed, the subject of the Italians recurred. MacNeill pointed out that "we don't want to pick up too many of these persons who are of no real consequence and then have to support their families on relief ... and the Italians have big families." Robertson added that he wanted to encourage as much as possible an anti-Fascist feeling among Italians in Canada, and that it would not be a good policy to intern what he called "the sheep" — that they should be allowed to remain where they could express their feelings after the pressure on them had been removed by arresting the leaders of certain Fascist organizations whose members had sworn allegiance to Mussolini. An interesting example of an Italian whose arrest was being considered but rejected involved one A.S. Biffi, whom Robertson described as "a very important business figure ... married to a French-Canadian woman (who) has many political contacts." Because of this situation Robertson felt that Biffi would be "more trouble if picked up than if left alone." The same consideration substantially went for Italians named Restaldi and Sebastiani. Robertson added a curious comment about Italians in general. He thought that they "can perform most effectively, in the case of war, when working from the sidelines. That is to say, they seem to be cut out for bomb-throwers, saboteurs, etc." He offered no evidence to support this view.

The committee proceeded with various lists of suspect Italians, and agreed that on the outbreak of war with Italy (which did not occur until 10 June 1940), certain specified persons would be arrested. Toward the end of the meeting, a few other German names were added to the list. In addition to the 500 Nazis originally named, 165 were added for a total of 665 Germans.

The committee's work was summarized in Robertson's letter to Lapointe on 3 September.[18] Lapointe was told that the committee proposed to intern 325 Germans, of whom 265 were citizens of the Reich and 60 were naturalized Canadians of German origin. Why there was so large a difference between the total of 665 reached by the committee, as reported in its minutes and the numbers mentioned in the letter to Lapointe is not explained. The letter required only Lapointe's signature to ensure the internment of the 325, unless they were able to escape or hide. This signature was duly appended to the document.

From these sources, it seems clear that the government's policy was to leave the Communists alone; to tackle the Nazis by interning a few hundred of their known leaders (most of whom were not Canadian nationals) and those who were likely to engage in hostile acts, but not by banning their organizations as such; and, when Italy entered the war, to intern only the most vociferous Fascists.

On the Communist issue, the decision to leave them alone for the moment (in the sense of not banning their party and not interning members) had four reasons: their strength in unions, their popularity in many places, their being already

[18]This letter is reproduced as Appendix Four.

well-infiltrated by police, and their being unlikely to oppose a war against their worst enemies, the Nazis.

These reasons were directly at variance with the RCMP view which considered the Communists to be the main danger to Canada and wanted them illegalized at once. The nearest we come to finding a reason for this is Bavin's cryptic reference to "The *actions* and their *attitude* as set forth in their Press and at their Meetings." What actions and which attitudes are simply not disclosed. The situation invites speculation. Perhaps Wood, Bavin, Leopold and their ilk were so accustomed to fighting communists that they found the habit difficult to break. Perhaps anticommunism was an article of their particular faith and perceived as axiomatic. Perhaps they merely were expressing the familiar illusion which equates the interests of Canada's people as a whole with the interests of our tiny ruling élite whose unedifying members are so ably described by Peter C. Newman,[19] and whose hides the RCMP are so eager to protect. It is an illusion which has mislead many people, and which helps bar the way to basic social change.

Application of Policy

I NOW EXAMINE how the policy decided upon by Norman Robertson's committee was applied during the first nine months of war (September 1939 to June 1940).

As soon as the Defence of Canada Regulations became law on 3 September, internments began. At this point only German persons known to be Nazis were arrested. Within less than two weeks, two of those interned were released. From then on, the files indicate that even while the internments proceeded, more and more Nazis were being released. For example, on 25 November a letter from Robinson to the justice minister stated that his committee had examined the files on some 22 persons with German names, most of whom were interned in Fort Henry at Kingston. He agreed that all but two of them should be released and his letter was approved by Lapointe. *Thus 20 Nazis were freed.*

During the winter of 1939-40, the trickle of Germans released grew into a fairly substantial stream. For example, on 1 April 1940, the files contain a list of some 46 persons who were to be released — some on parole, but at least 16 unconditionally.

This strange lenience had two effects. One was to encourage German prisoners at the Kananaskis Camp to write what the Director of Internment Operations, Brigadier-General E. deB. Panet, described as "an impertinent letter." It was sent to Colonel Watson, the Camp Commandant, and threatened that at the end of the war a claim for indemnity for false imprisonment would be made. It also complained that the internees had been treated like common criminals, having been fingerprinted and photographed at the time of interment.

The lenience also had an effect on Brigadier Panet, who found himself increasingly concerned about the situation. As early as 8 February 1940, he wrote

[19] *The Canadian Establishment* (Toronto 1975).

to Undersecretary of State E.H. Coleman complaining that "the total number of prisoners of war has dwindled down to 315, and it is possible that more releases will be made after the appeals have been completed ...." According to a later letter (11 May 1940) from Panet to the secretary of state, the total number of persons interned in Canada amounted to only 403. To this point, almost one in four of the German Nazis had been released.

But the situation got even more serious, as Panet's next letter (13 May) to the secretary of state discloses. It begins in a formal way:

> Sir, I have the honour to draw attention to the large number of enemy aliens or other persons interned under the *Defence of Canada Regulations*, whose release has been ordered, and to the fact that I have now received instructions to release a further eleven internees, three of whom are single men of military age. Assuming that there were some grounds of suspicion to justify the internment of these persons and to retain them in custody for the past eight months, the advisability of releasing them at this critical time, in direct opposition to the policy now being adopted by all other Allied Nations, would appear to warrant serious consideration.

He then points out that of the 403 persons interned (all Nazis), 142 had been released up to 13 May and eleven more were under immediate consideration. These figures disclose that the percentage of releases was put to 35, that is, more than one-third of the Nazis interned had been freed. Of the eleven additional men whose release was being contemplated, three were the single men of military age, as mentioned by Panet. Their relatives lived in Germany and they had no ties in Canada. Panet thought there was little doubt that "if these men are released, they will endeavour to violate their parole and return to Germany by the United States." He therefore urged that the proposed eleven releases be postponed.

Presumably this plea did not produce the desired results, because three days later Panet wrote an anguished letter on the same subject to the justice minister, virtually demanding an interview to discuss the situation. He noted that his letter of 13 May had been sent on to Lapointe, and he added:

> I feel so strongly about this situation, that I do not wish to release these prisoners (the eleven) until I have had the opportunity of talking the matter over with you. Furthermore, if these releases are effected, and the public become aware that we are continuing to release Enemy Aliens who have been interned for the past eight months, at this critical time, a very undesirable situation will likely arise.

A postscript to the letter mentions that Panet had just received information that in England the government had issued instructions directing internment of all German and Austrian males between ages 16 and 60 years throughout the United Kingdom.

The issue of the eleven prisoners was still worrying Panet on 28 May, when he wrote another letter to Lapointe stating that he had examined the police files on five of them, and considered the information to be such that their release should be

given no consideration. The other six men had signed "a certain impertinent document" and for that reason their release, also, should not be considered.

Some heed was ultimately paid to Brigadier Panet's pleas, for the releases of Nazis from internment during May-June 1940 were sharply curtailed. The weekly reports show that for the week ending 4 May some seven Nazis were released; the next week, six; and the following week, none. One man was released during the week ending 25 May, and he appears to have been the last. The next statistics available are for 2 August 1940 showing that 586 Nazis had been arrested, 132 released, leaving 454 in internment. The corresponding figures for Italians on the same date were somewhat smaller, being 422 arrested, three released, and 419 retained. The weekly statistics proceed through the rest of 1940, but in 1941 they become irregular and are only occasionally provided. The last is for 25 August 1941 which shows that 786 Nazis and other Germans had been arrested, 143 released, and 643 left in internment. The figures for the Italians were 640 arrested, 264 released; 356 remained in custody. The corresponding number for the Communists was 101 arrests and 11 releases, for a net of 90 remaining in the camps as of the end of August 1941.[20] Expressed as percentages, these figures disclose that 18.2 per cent of the Nazis were released, 41.3 per cent of the Fascists, and only 10.9 per cent of the Communists.

Confirmation that right-wingers had been released by mistake is found in a letter dated 25 July 1941 from the Commissioner of Internment Operations, Lt.-Col. H. Stetham, to the Camp Commandant at Petawawa:

> During my recent visit to Petawawa, you informed me that some of the internees had expressed their surprise at some of the releases that had been authorized, intimating that some of those who had been released should have been held in continued detention. I do not remember whether the Camp Spokesman also mentioned this in casual conversation or not.
>
> In discussing the matter with one of the Department of Justice officials, he stated that they were aware that a number of mistakes had been made, and that the matter was being given attention.
>
> He asked me to ascertain whether you could give me any information as to any releases which have been effected which were considered against the interests of the State and the reasons for such belief. Of course, it is understood that any information so given would possibly be hearsay and would merely be of value to assist the authorities and not of any value as evidence in the cases concerned.
>
> Can you secure any information regarding this matter?

In the light of these data, what can be said of the way the government's policy was applied? The answer seems obvious: percentage-wise the government preferred Fascists to Nazis, and Nazis to Communists. It was merely an affirmation of what the police authorities had been making clear all along — that in their view

[20]NAC, File RG 25-G1, Vol. 1964, #855E, Part II.

the Communists were the real enemy and the Nazis and Fascists were only nuisances.

A further question arises in the context of the government's reasons for its internment policies: why in late May or early June 1940 was it decided to illegalize the old Communist Party and ten closely associated left-wing organizations having an approximate membership of 50,000?

The material available on this topic is sparse. There are no minutes on file of any committee in which the issue was discussed; no mention is made of it in the minutes of the War Committee of the Cabinet; no correspondence between the Commissioner and the Minister of Justice appears. One can only assume, therefore, that the police, after waiting nine months, were finally (but informally) allowed to "get at" the Communists.

Such material as National Archives of Canada was prepared to release is now summarized:

(1) In November 1939, a draft order-in-council on "subversive activities, etc." was received and considered by the Privy Council, but not adopted. No copy of the draft was available and it therefore cannot be compared with the order of 4 June 1940 by which the illegalization of the principal left-wing organizations in Canada was achieved. Nor is there any way of finding out why the draft order was not passed into law in November 1939. Perhaps such information will only become public when the RCMP decides to make it so.
(2) On 22 May 1940, a 13-member interdepartmental committee, including Wood, met at Lapointe's request to review the internment situation, including the way Regulation 21 was working.[21] Lapointe explained in a later report to King that there was unrest in Canada because of fears that enemy agents were operating as a fifth column. He therefore wanted recommendations for steps which could be taken to prevent enemy agents and enemy aliens from carrying on such activities. One wonders if it occurred to him that his own actions during winter 1939-40 in releasing so many Nazis might have caused some of the unrest and that the honourable course was for him to resign.Only a speculative answer to the question about timing (May-June 1940) can be offered: the establishment's deep fear and hatred of Communism.

The committee's work involved consideration of Regulations 21-26, which governed *all* internments and which also contained the main rules governing enemy aliens. These were defined as persons having the nationality of any State "at war

[21]The full name was "Interdepartmental Committee on the Treatment of Enemy Aliens and Enemy Property." The personnel were: from *Secretary of State* (in charge of operating all internment camps) — E.H. Coleman, D.J. Shuttleworth, W.P.J. O'Meara, Brigadier E. deB. Panet (Director of Internment Operations) and G.W. McPherson (an advisor on enemy property); from *External Affairs* — Norman A. Robertson and J.E. Reid; from *Defence* — Major St. Peter; from *Justice* — J.R. MacNeill and Mr. Justice Hyndman; from *Finance* — D.M. Johnson; from Immigration — A.L. Jolliffe; from the *RCMP* — Commissioner S.T. Wood.

with His Majesty," excluding British subjects. A British subject was anyone born in Canada or who had been naturalized. Today we call them Canadian citizens.[22]

The Committee's recommendations should be assessed against what can almost be described as the tender, loving care with which Regulations 24 and 25 treated enemy aliens. While the Minister of Justice had the same right to intern them as he had to intern anyone else, the general rule laid down in Regulation 24 was:

> All enemy aliens legally admitted to Canada and ordinarily resident in Canada, so long as they peacefully pursue their ordinary avocations, shall be allowed to continue to enjoy the protection of the law ... and they shall not be arrested, detained or interfered with, provided they comply with the requirements in respect of registration ....

However, if an enemy alien tried to leave Canada to assist the enemy or "engage in espionage or acts of a hostile nature," the RCMP was given specific power to arrest and detain such a person. If may come as a surprise to learn that by the same Regulation, any RCMP officer was also authorized specifically "to release any such person so arrested or detained .. of whose good faith and responsibility" the policeman was satisfied, so long as the person signed an undertaking to behave himself. One wonders why, if the police thought the person was of "good faith and responsibility," an arrest was necessary in the first place, unless it was for psychological reasons or to obtain the undertaking. Certainly no Communist could be let out of internment by an ordinary policeman. It took the justice minister to do that.

In line with the policy of treating enemy aliens well, the committee recommended that, at least for the time being, those of military age should not be interned. The policy made sense from the point of view of not stirring up communities of Germans and Italians and from the point of view of encouraging them to lose their national identity within the larger Canadian framework. As we shall see, the approach to Ukrainians was considerably different.

The committee was sensitive to apprehensions "on the part of those who fear abuse of the wide powers of Regulation 21." For this reason, some members doubted the wisdom of amending Regulation 21 so as to require the justice minister to report to Parliament on the numbers of persons interned and the numbers of cases in which he refused to follow the advice of an advisory committee, as, for example, by not releasing someone whose release had been recommended. Despite the doubts, this amendment was made law on 31 May.[23]

[22]The committee's deliberations and recommendations as well as its report to Lapointe and his subsequent correspondence with King are all found in NAC File RG 25-G1, Vol. 1964, #855E, part II. The definition of "enemy alien" is found in Section 2(1) of the Defence of Canada Regulations.

[23]By Order-in-Council P.C. 2322, in which the committee's recommendations are recited.

In contrast to the approach to enemy aliens, the committee adopted a very tough attitude towards civilian internees, both those already in custody and those about to be. This was done by recommending that *all* internees be defined for all custodial purposes as "prisoners of war." The recommendation was made although the committee expressly noted that civilian internees "are not necessarily prisoners of war within the meaning of the International Convention, ... it might be desirable to remove any ambiguity" about their legal status. It therefore chose to ignore an important legal distinction and, in the supposed interests of removing ambiguity, recommended that anyone at all who was interned become automatically a "prisoner of war." The recommendation became law on 31 May.[24] It meant that there was now no legal distinction between three very different groups of imprisoned persons: first were the many thousands of prisoners of war and internees soon to flood into Canada from the United Kingdom.[25] Second were prisoners of war captured in combat-type situations by the Canadian armed forces and who had to be interned under treaty. Finally, there were the Canadian citizens who were political dissenters, including the Communists who would be labelled "prisoners of war" in their native land, along with "enemy aliens." It was a neat way of disguising the fact that these people were in fact political prisoners.

We now have two decisions which lack any stated reasons, either from the committee which made them and which was therefore the logical source of reasons, or from any other source. I have already speculated as to why Communist organizations were made illegal and internments began when they did. What was said then applies as well to the transformation of political prisoners into "prisoners of war."

But behind and underneath these doings is the speculative factor already mentioned in the context of timing. It unquestionably existed in the minds of all 13 committee members: the fear and hatred of Communists which was endemic in the Canadian establishment and its government apparatus, including the politicians and the higher civil servants.

I have already noted Lapointe's reactionary views. King was no better if one is to judge from his opinion of Hitler. Hardly more than two years before Germany provoked World War II, King visited Hitler in a "strenuous effort to understand Nazi Germany" which at this very time was helping to throttle Spanish democracy. King had a long discussion with Hitler in which King made friendly overtures. (Canada and Germany had recently signed a trade pact.) King also attended an opera with Hermann Goering. On returning home, he reported that Hitler was just "a simple sort of peasant," not very intelligent and no serious danger to anyone.[26]

[24]The conversion of civilian internees into prisoners of war was accomplished by adding Reg. 23(4): "The term 'prisoner of war' ... shall include any person detained or interned under these Regulations."

[25]It is not commonly known that during the war the federal government operated 22 internment camps, of which three were used for political prisoners.

[26]Lita-Rose Betcherman, *The Swastika and the Maple Leaf* (Toronto 1975), 101-2, quoting Bruce Hutchinson, *The Incredible Canadian* (Toronto 1953), 226.

It is highly pertinent to ask how so supposedly-astute a political leader as King could have been so seriously deceived. Almost certainly, King himself was not deceived at all but engaged in a deliberate attempt to mislead Canadians, to put us off our guard and above all to lessen the credibility of the Left which, almost alone, was trying to warn of the grave danger that Hitler represented.

Given these realities of the Canadian political scene as the late 1930s merged into the early 1940s, any opportunity to clobber the Communists without too much turmoil would be welcome to the government. Thus while in August 1939 Norman Robertson's arguments prevailed, nine months later the situation had changed sufficiently to justify the blows. As I shall explain, it curiously was the Communists themselves who helped to bring about this change by opposing the war, albeit in a very confused way. For King it was only a matter of timing the blows so as to maximize their negative effect on the Communists and so as to reinforce for years into the future a public suspicion of their activities.

These consequences could best be achieved when King acted, early in June. There was panic about the imminent fall of France and much talk of fifth columns. Italy was about to enter the war as Hitler's ally. Italian Fascist organizations had to be banned and some hundreds of their members interned. It was an excellent opportunity to smear the Communists for a long time to come by treating them in exactly the same way as the Fascists and Nazis were treated.

Translating the Committee's Report into Action

THE 'MECHANICS' whereby the Fascists and Communists were rendered illegal and interned can be quickly described. By 30 May 1940, Lapointe evidently had considered the committee's recommendations, for on that day he wrote to King summarizing the situation. He mentioned that the committee wanted all government departments to be instructed to cooperate with the RCMP and to make available any information relating to enemy aliens, including refugees, and that the RCMP should be authorized to establish a committee to act as a clearing house for intelligence about enemy aliens. The prime minister was asked to appoint a representative to act on the committee as a liaison officer with the police.

One 3 June, King wrote to Lapointe unctuously expressing his gratitude that steps were being taken to coordinate policies and exchange information among all branches of government to help combat enemy activity in Canada. He apparently drew no distinction between the activities of Communists in Canada, for example, and those of Nazis and Fascists. There is no clue in King's communication that any change in policy with regard to the Communists had taken place, although on the very day he wrote his letter the roundup of the Communists began. The following day, the party and a number of other organizations were illegalized. This was accomplished by adding Regulation 39C, which provided that "the following associations, societies, groups or organizations are hereby declared to be, and shall be deemed to be, illegal organizations, viz ...." There follows a list of three German

organizations, two Canadian Fascist organizations, and eleven left-wing Canadian organizations, starting with the Communist Party of Canada. The Regulation went on to provide that the government, by publishing a notice in the *Canada Gazette*, could declare other organizations illegal. Under this authority, six Italian organizations were declared illegal a week later following the declaration of war on Italy. Still later in June, Technocracy Incorporated was declared illegal, followed in July by Jehovah's Witnesses and in August by six more left-wing organizations. The box-score by the end of August 1940 was:

Nazi 3
Canadian Fascist 2
Italian Fascist 6
US Right-wing 2
Canadian Left-wing 11

The direction of the main thrust of government suppression of organizations is very obvious. The Communists were still considered the main enemy although the world teetered on the edge of a Nazi victory. Indeed, at an even darker hour of the war, in February 1941, Wood was still pursuing his anticommunist obsession when he wrote and published the following:

> Many may be surprised to hear that it is not the Nazi nor the Fascist but the radical who constitutes our most troublesome problem. Whereas the enemy alien is usually recognizable and easily rendered innocuous by clear-cut laws applicable to his case, your "Red" has the protection of citizenship, his foreign master is not officially an enemy and, unless he blunders into the open and provides proof of his guilt, he is much more difficult to suppress. Since Communism was outlawed, most of his work is carried on under cover of other organizations and associations pretending to be, or in reality, loyal to the Constitution. It is important to remember this for the reason that this type of fifth column activity is least understood by our Canadian people, and yet is doing most harm at the present time.[27]

Such ill-advised, stupid, and divisive comments at a very critical time should have earned Wood several years of internment. Instead he continued to head the RCMP for another 12 years, always reflecting the wishes and outlook of the Canadian establishment.

The Old Communist Party's Conduct, 1939-1941

I HAVE MENTIONED Norman Robertson's opinion in August 1939 that the party would not be likely to oppose a war against its worst enemies. In fact the party did not follow that course — quite the contrary. It opposed the war, but only after its

[27]Quoted in Edward Mann and John A. Ree, *RCMP vs. The People* (Don Mills 1979), 118.

top leaders had disagreed repeatedly among themselves to the point of quarrelling, wandering about in a morass of muddled thinking and nearly total confusion. Tim Buck, the leader at that time (and for years to come), describes what happened in some detail.[28]

Buck explains that he and his colleagues in the "political bureau"[29] were unable to resolve disagreements on such fundamental matters as the nature of the war (Anti-Fascist or Imperialist?) and the status of Canada (sovereign state or British Colony?). One wonders how a group having many years of political experience, and claiming expertise in precisely such matters as these, could have had so difficult a time. Even more, one wonders why no hint, no suggestion, appears of an awareness of the real danger of Canada becoming a US colony.

On the very day that Hitler invaded Poland, Buck was attending the US Communist Party's convention. Its leader Earl Browder stressed that his organization would fight hard to keep the US out of the war. He arranged for a man of similar views to address the convention via radio — US President Franklin D. Roosevelt. "We will not take part in any war" said the leader of American Imperialism. It must have been the only occasion on record where such a leader addressed a Communist party convention. Six years later, Browder was drummed out of his party, denounced by his erstwhile successor W.Z. Foster as a "pseudo-Marxist defender of capitalism" and a "renegade [who] prostitutes Marxism."[30]

Buck was impressed by Browder and Roosevelt and reacted not by trying to analyze the situation in consultation with his executive but emotionally and quickly. He frankly admits that his visit to the convention "exerted some influence on me," and the next day spoke at a large Hamilton picnic, where "my main emphasis was on neutrality." It was neither the first time that the old Communist Party blindly accepted a made-in-USA policy, nor the last.

Buck then met his executive, which could not make up its collective mind about the same two vital issues: the nature of the war and Canada's real status. In the course of their agonizings, five decisions were made, some mutually contradictory. In sequence, over the space of a few days, the political bureau agreed:

(1) to support neutrality,
(2) to declare that neutrality and "joining with the U.S. was adventurism,"
(3) to "insist on all-out war for the defeat of Hitler,"
(4) to publish a "mish mash" of policies in the party press. "Now," says Buck, "we really had confusion in the Party." It is clear that a principal source of the confusion was Buck himself. He had not really agreed with the majority who pressed for the "all-out war" proposition but voted for it, as he says, "under pressure [and] to make it unanimous."
(5) to oppose Canada's participation in the war because it was "an imperialist war of conquest," in which Britain and France were unwilling to fight Hitler seriously. Which nation

[28]Tim Buck, *Yours in the Struggle* (Toronto 1977), chs. 29 and 30.
[29]This was the national executive of the party.
[30]William Z. Foster, *Outline Political History of the Americas* (New York 1951), 602.

was being conquered at the time was not specified. In fact, it was Poland, and neither Britain nor France were the conquerors in question.

Position No. 5 was argued about for several weeks and was adopted and finally published as a pamphlet in October, the *Political Letter On Our Present Tasks*. Possession of it formed the basis for a number of prosecutions, rather than internments, under the Defence Regulations, which forbade opposition to the war and possessing documents expressing such opposition.

Notwithstanding the declaration of this position, the disputations went on; Buck himself went to live (underground) in New York for a year to avoid internment and, as he says, became "thoroughly impregnated with the Rooseveltian neutrality." In his absence, those Political Bureau members still not interned developed the bizarre theory that "Canada was in helpless colonial bondage to Britain" and carried this to the point of making "a thinly disguised suggestion that if Hitler was victorious, Canada would gain her independence."

From New York, Buck tried to reverse that trend. At one point he met with the Political Bureau people in New York (they had no difficulty crossing the border), where agreement was reached to "initiate wage movements" but it was soon forgotten. As Buck candidly admits: "just as the comrades in Toronto were isolated from the thinking of Canadian workers, so was I."

It is clear that once the "all-out war" approach was rejected (Buck does not say why) in favour of "neutrality," there was only a short step to seeing a Hitler victory as acceptable, particularly if it freed Canada from British colonial bondage. How, one wonders, in seeing Canada as a British Colony (it had not been so since about 1921) did these dialecticians not realize they were kicking at an open door, while the actual process of colonization by the US had already proceeded a considerable distance under Mackenzie King?[31]

There is no doubt that once the decision to oppose Canadian participation in the war was made public, illegalizations and internments were assured. I have already pointed out the skilful timing.

The roundup of the Communists was begun amid great secrecy on 3 June. More than a week would pass before even the authorities in charge of providing accommodation for the new internees knew what was up. The first information given to the Director of Interment Operations about his new guests must have been on 14 June 1940, because on that date he dispatched a coded telegram to the man whose internment camp would be receiving the Communists. He was the District

[31]One of the several writers noting this development, well known during the 1920s and 1930s, is by Cy Gonick. He explains: "Large scale liquidation of British investment during and after World War I and continued expansion of American investment ended British economic supremacy in Canada." He adds that while in 1913 the US accounted for only 21.5 per cent of foreign investment in Canada, it was up to 53 per cent in 1926. Colonization comes with investment. *Inflation or Depression* (Toronto 1975), 83. See also R.M. Laxer, ed., *Canada Ltd.* (Toronto 1973), 33-4.

Officer Commanding, Military District #13 at Calgary, near which the Kananaskis Camp was located. The telegram was signed by Lieutenant-Colonel H. Stetham on behalf of the director of Internment Operations and reads:

SECRET. Certain leaders of the Communist Party now being apprehended under Regulation twenty-one STOP At present four slated for Kananaskis and few more likely STOP Usual treatment and accommodation will apply.

The following day Col. Stetham sent a secret letter confirming the telegram to the same officer in Calgary, and stated in part,

... Instructions have now been issued to the Royal Canadian Mounted police to apprehend certain leaders of the Communist Party in Canada. We were advised last evening that two such persons had been taken into custody at Winnipeg and two at Vancouver. The Royal Canadian Mounted Police were informed that these persons might be sent directly to Kananaskis Camp under their own escorts or handed over to the Receiving Stations at Winnipeg and Vancouver. They may, possibly, hold the prisoners for a day or so in order to effect two or three other arrests, which might not be easily made if it were known that those now in custody were being interned.

Members of the Communist Party will likely be interned under Regulation 21, and will be treated in the same way as enemy alien internees ....

Commissioner Wood had had his way after all. His policy of outlawing whole organizations and of getting at the communists, after having been shunted aside in September, had now become law.

This does not mean, however, that the Robertson-MacNeill view that internment of communists could bring undesirable problems such as industrial unrest was entirely ignored. In fact this view was accepted in an odd way by the police, who chose, for example, to limit their arrests mainly to communists without leading trade union responsibilities. Of 78 members in custody in November 1941 the nominal roll shows only three top unionists among the internees: Bruce Magnussen (lumber industry in Northern Ontario), C.S. Jackson (electrical industry in Southern Ontario) and J.A. "Pat" Sullivan (Canadian Seamen's Union from Montréal). These men came from areas or industries where industrial action in protest was not likely. At least 30 other internees were union people, but only a few held senior posts. (See Appendix One)

The weight of internment fell most heavily upon the Ukrainians. Of the 78 internees, 52 were born or naturalized Canadians (eight from Québec), 13 were "other British subjects," and the remaining 13 "other nationalities." In short, two-thirds of the internees were Canadians, while the remaining one-third was divided equally between the other two groups. Among the 78, however, no fewer than 25 were men of Ukrainian origin. That represented 32 per cent of the total. Moreover, most of these men came from Manitoba. There may be more significance in this emphasis on Ukrainians than at first appears. One must not forget

that at the time, the Ukrainians in Canada represented the third-largest ethnic group in the country, following immediately after the two so-called "founding races."

Wood's reference to the valuable Ukrainian property in Winnipeg may also provide a clue as to what was really going on, as, I believe, does correspondence between E.C. Coleman, the Undersecretary of State, and O.D. Skelton of External Affairs during October and November 1940.[32] Coleman says that he had discussed the subject matter of his correspondence with the police and other (unspecified) authorities and wondered about the possibility of using certain printing plants belonging to foreign language newspapers (the largest circulation of these was among the Ukrainians) in order to conduct patriotic campaigns among these people. He believed from his own experience that "many who subscribed to newspapers which had a subversive tinge did so not because of the political policies advocated by those newspapers but because they were almost the only newspapers published in their native language." He suggested Professor Watson Kirkconnell of McMaster University as a possible leader for such a program.

Skelton replied in such a way as to indicate no great degree of interest in the proposal. He wondered, however, whether some effort might not be made to use the properties in different cities for community social life, which at one time had been a focal point for the various ethnic communities.

Coleman replied that he had not lost sight of the properties but that it was a hard job to collect and tabulate accurate information about them. He mentions that the armed forces were now using the Labour Temple in North Winnipeg and that the University of Alberta was being encouraged to use the Ukrainian Temple in Edmonton. He also mentions that Canadian clubs have been asked to consider ways in which constructive programs among the so-called "new Canadians" might be processed through the various halls which had been built by the left-wing organizations.

Another clue to the heavy emphasis on the Ukrainians is provided by T.C. Davis, Associate Deputy Minister of National War Services, in the same correspondence. He wrote to Norman Robertson putting forward proposals for the "Canadianization" of Ukrainians and other ethnic groups by means of a propaganda campaign which he thought would "direct these people along proper lines in the interest of Canada." Perhaps he had in mind a US-style "melting pot" in which the Ukrainians would lose their rich, left-wing cultural heritage which their halls and their press helped to maintain. The Ukrainians were particularly solid and reliable supporters of the Old Communist Party and even if melting-pot theory was not involved, the RCMP certainly would have been anxious to use internment as a means of intimidating the Ukrainians and discouraging them from supporting the party in future. In that way the party would lose one of its principal mass-bases in Canada, and a reliable source of funds.

[32]NAC, File RG 25-G1, Vol. 1964, #855E, Part II.

More significantly the hope would be to turn the Ukrainian community away from the Left and prepare it to accept right-wing nationalist leadership and influence. Anyone who has observed John Diefenbaker vis-à-vis Ukrainians will be aware of his encouragement of these trends. They are not without significance internationally, for a strong right-wing nationalist Ukrainian movement in Canada could and would provide aid for any separatist movement in the Ukraine.

The Unlawfulness of Internments during the First Year

WERE INTERNMENTS MADE during the first year of the war made lawfully? It is strange to ask such a question and I do so only because the answer, incredibly, is negative.

By early August 1940 there were approximately 1100 persons interned, of whom 48 were Communists, 450 Italians, and about 600 Germans. At that point, someone in the Prime Minister's office or possibly in the department of justice apparently discovered that all these internments were illegal. A special Order-in-Council therefore had to be passed. It is designated PC 3720, of 5 August 1940. It notes that since Regulation 21 came into force, recommendations for detention went to the justice minister and were approved by his signature or initials or those of the acting minister. These *recommendations* were then "acted upon as *orders*." Also noted is the fact that on 22 September 1939, the justice minister made a general order saying "Persons ... detained under Regulation 21 shall be detained in internment camps for the interment of prisoners of war under the same conditions as are prisoners of war held in such camps." There is next an admission that a "majority of persons now in internment camps were detained under orders" of the kind described. Then comes the crunch: "*Some doubt has now arisen as to the validity of these orders, and it is considered essential that this doubt be removed.*" [Emphasis added.]

His excellency the Governor-in-Council therefore made a fresh order that recommendations for the detention of anyone under Regulation 21 approved under the signature or initials of the Minister of Justice or the Acting Minister, together with the order of 22 September 1939 "*shall be deemed to be ... valid orders.*" [Emphasis added.][33]

It is interesting to speculate why, after more than a year of interning people, some government official would suddenly decide that all prior internments were illegal and that a special Order-in-Council therefore had to be passed in order to cure the defect.

The internments were indeed illegal because they had not been in the form of *orders* but mere *recommendations*. Section 21 is quite clear that any internment had to be by "*order*" of the Minister of Justice. A second defect might lie in the fact that some of the recommendations under which people had been interned were

[33]NAC, File RG 25-G1, Vol. 1963, #855E, Part II.

approved by the Acting Minister of Justice, who had no authority under the Regulation to order people interned.

The fact that such elementary legal errors could be made at so high a level of government and remain undetected for more than a year indicates Lapointe's carelessness with the liberty of people, and probably bespeaks a degree of contempt for human rights which deserves strenuous adverse comment, if only because Liberal and Tory governments have always represented their administrations as being devoted acolytes of democracy and law. It is as well to recall that politicians' words and deeds do not always correspond.

Charlie the Archduke and the RCMP

I MUST NOW INTRODUCE a character in the United States calling himself the Archduke Charles of Austria. On 23 July 1943, the Swiss Consul-General, who was in charge of German interests in Canada, wrote a letter to the External Affairs Department stating that he had been approached by this "Archduke," who claimed to be keeping a census of his compatriots (Austrians) living in Canada. He wanted to know the numbers and names of all Austrian "subjects" undergoing internment in Canada. This strange request was accompanied by a memorandum from the Special Section of the RCMP to the Legal Division of the Political Warfare Section of External Affairs. The police memo was dated 27 July and signed by a man named A.V. Rive. He says, "the Special Section sees no objection to forwarding the letter, but it would like the concurrence of the Legal Division and the Political Warfare Section before doing so."

This is significant because it shows that the RCMP Special Section was quite prepared to go along with the "Archduke's" request. However, the file also contains two memoranda from External Affairs officials which quashed Rive's proposal. One of them pointed out that the so-called Archduke was merely a private citizen living in the United States. "It seems curious that a request about *Austrian* subjects" should come by way of a consulate in charge of *German* interests. The comment is also made that the reference to Austrian "subjects" should really be to "citizens," because Austria was a republic and no longer a monarchy. The man in External Affairs comments further, "I do not see any reason at all why we should help supply Charles Hapsburg with information of this character ...."

Another External Affairs official recorded that he was opposed to giving Charles any information, but that he did not know what the policy of the Special Section might be. However, he thought it most unlikely that a request for a list of Austrian citizens should be forwarded "on behalf of an Austrian person of no status whatever." He therefore concluded that the so-called Archduke should not be given the information. Presumably, this advice was followed despite the fact that the Special Section was quite willing to do what a feudal remnant of the Hapsburg monarchy wanted. It is another illustration, if one is needed, of the extreme right-wing attitude of the RCMP.

What about Due Process of Law?

WHAT WAS THE RELATIONSHIP, if any, between the *Defence of Canada Regulations*, with all the vast powers they conferred on the Minister of Justice and the RCMP, and "due process of law?" Was it not a patent violation of due process to allow the imprisonment of political dissenters without the normal safeguards, including a trial by a court of law? At first blush, the answer seems obviously *yes*, but in reality there can always be due process so long as mistakes such as the one mentioned earlier, when internments were "recommended" instead of being "ordered," are avoided. This brings us to the fact that any State will always reserve unto itself the ultimate power to act in ways contrary to its own norms of behaviour and its own customs in a situation which it conceives to be an emergency. The usual way is to make sure that there is a loophole which permits shortcuts to be made even though the letter of the constitution or the law is observed. Thus in England there is a loophole permitting this even in Magna Carta itself. I have already quoted its prohibition of any punishments "save by the lawful judgment of his peers *or by the law of the land*." It is the last six words which constitute the loophole: for if Parliament can be induced to pass a law authorizing, say, torture, then torture becomes "the law of the land" and is perfectly legal. The same kind of loophole is found in the War Measures Act, which authorizes the government to control "all arrests and detentions." Once the government has invoked that power, as it may lawfully do when it considers or fears that a state of war or insurrection exists, it is legally free to do whatever it wants in the field of arrests and detentions so long as it follows its own regulations. Even then an error makes no practical difference because the victim cannot obtain redress in the courts, the remedy of habeas corpus having been eliminated, perfectly legally. The fact that similar loopholes existed in a fundamental law promulgated in feudal England and an Act of Parliament passed in 1914 in Canada, a capitalist country, suggests that both types of class society will possess similar potentially oppressive characteristics. The people in whose interest society is organized and operated will always, in one way or another, protect their class interests by reserving to their government ways and means of coping with emergencies. Such a situation, I believe, will disappear only in a genuinely classless society, one in which no small group effectively controls the State in the interests of that group. When this situation comes about there will be no State, for by definition a State is precisely the apparatus by which one group in society exercises control over all others and which is therefore, inherently and of necessity, a coercive apparatus.

The problem of transforming the State from being such an apparatus into its opposite is central to most left-wing politics and has been so since the days of the Communist Manifesto of 1848, if not earlier. It would seem that no effective solution to this problem has yet been discovered.

APPENDIX ONE

NAMES OF TRADE UNION MEMBERS INTERNED

(*indicates a senior position)

Anthony Bilecki
John Boychuk
*Bruce Magnusson
Jacob Penner
Peter Prokopchuk
Muni Taub
Arthur R. Saunders
*Wm. Beeching
Andrew Bilecki
Louis Binder
Jean Bourget
Eugene Charest
Muni Erlich
Ernest Gervais
*Clarence S. Jackson
Isaac Levine
F.A. McKean
T.G. McManus
*Charles R. Murray
Wm. Repka
*R. Kent Rowley
Ben Swankey
Wm. Tuomi
Jacques Villeneuve
Harry Asson
John Champman
Fred Collins
*Alfred Campbell
Robert Kerr
Pat Lenihan
John McNeil
*Pat Sullivan

APPENDIX TWO

RCMP PROPOSALS FOR REPRESSIONS

SECRET August 26th, 1939

Dear Mr. Lapointe:

1. In view of the imminent peril of war, it is recommended that the following Berlin-Rome controlled organizations be outlawed by Order-in-Council under the "War Measures Act" immediately after war is declared, as a primary measure towards safeguarding civil security in this country.

(a) THE AUSLANDS ORGANIZATION OF THE NATIONAL SOZIALISTISCHE DEUTSCHE ARBEITER PARTEI
(b) DEUTSCHER ARBEITSFRONT
(c) DEUTSCHER BUND, KANADA [sic] (German Society for German Culture)
(d) THE ARBEITSGEMEINSCHAFT (Provincial)
(e) THE HITLER JUGEND

(f) BUND DEUTSCHER MAEDELS
(g) ITALIAN FASCIO
(h) O.V.R.A. — OPERE VOLONTARIE REPRESSIONE ANTI-FASCISTO (National Organization for the Repression of Anti-Fascism)
(i) DOPOLAVORO (After Word Organization)
(j) ASSOCIAZIONE COMBATTENTI ITALIANI (Italian War Veterans' Association)
(k) O.G.I.E. — ORGANIZZAZIONI GIOVANILI DEGLI ITALIANI ALL'ESTERO (Italian Youth Organization Abroad)
(l) THE ITALIAN UNITED MORAL FRONT (a combination of Italian and Italo-Canadian Societies in Montreal under the control of the Canadian Fascio)

The Rt.-Hon. Ernest Lapointe, P.C. K.C.,
Minister of Justice and Attorney
General for Canada,
OTTAWA, Ontario

2. Simultaneously the various newspapers published either directly or indirectly by or under the auspices of the above named organizations should be suppressed, including:-

(i) "DEUTSCHER ZEITUNG FUR KANADA" — published at Winnipeg, Manitoba
(ii) "L'ITALIA NUOVA" — published in Montreal, P.Q.
(iii) "IL BOLLETINO" — printed by Italian Publishing Co., 12 Elm St., Toronto, Ont.
(iv) "L'ECHO ITALO-CANADESE" — published in Vancouver, B.C.

3. It is further recommended that the various "cara d'Italia" operated by the Fascio at Sydney, N.S., Montreal, Toronto, Hamilton and Windsor be either confiscated or closed.

4. It is suggested that the above recommendations be put into effect immediately war is declared involving Germany and Italy, and simultaneously — that is to say — as soon as the Order is passed making these organizations illegal, the Head Offices and residences of the leading officials or functionaries of the said organizations should be raided and all records of the organizations found in their custody seized. If staged without giving a warning, these raids will give us access to important documents relating to membership, correspondence, etc. These documents will be of great value in identifying people as members of the respective organizations.

5. Wherever the records of the organizations are being kept at the Consulates, it might prove desirable to conduct a search of the premises occupied by the responsible officials. As this involves a point of policy, it will be necessary to seek

the advice of the Department of External Affairs before any action can be taken along these lines.

6. As a further precautionary measure, it is recommended that in addition to the above, the following organizations be outlawed in a similar manner:-

(1) THE COMMUNIST PARTY OF CANADA
(2) THE YOUNG COMMUNIST LEAGUE OF CANADA
(3) LEAGUE FOR PEACE AND DEMOCRACY
(4) THE FINNISH ORGANIZATION of CANADA
(5) THE UKRAINIAN LABOUR FARMER TEMPLE ASSOCIATION
(6) ALLIANCE FOR THE DEFENCE OF WESTERN UKRAINE
(formerly known as "Todowymzzu")
(7) RUSSIAN WORKERS' AND FARMERS' CLUBS
(8) HUNGARIAN WORKERS' AND FARMERS' CLUBS
(9) CROATIAN CULTURAL ASSOCIATION
(10) LITHUANIAN LITERARY SOCIETY
(11) CANADIAN (JEWISH) WORKMEN'S CIRCLE

The aforementioned organizations operate on a national scale with Regional (Provincial) Offices in the provinces. In addition to outlawing the organizations proper, their press should also be suppressed, including:-

(1) THE CLARION Published in Toronto
(2) THE PEOPLE'S ADVOCATE Published in Vancouver
(3) NARODNA GAZETTA (Ukrainian) Published in Winnipeg
(4) FARMER'S LIFE (Ukrainian) Published in Winnipeg
(5) KANADSKY GUDOK (Russian) Published in Winnipeg
(6) VAPAUS (Finnish) Published in Sudbury
(7) SLOBODNA MISAO (Croation) Published in Toronto
(8) DER KAMF (Jewish) Published in Toronto
(9) KANADAI MAGYAR MUNKAS (Hungarian) Published in Toronto

7. It is further recommended that the following Ukrainian Nationalist Organizations and their press be also outlawed:-

(1) THE UKRAINIAN NATIONAL FEDERATION (U.N.O.)
(2) NEW PATHWAY (organ of the U.N.O. published at Saskatoon)
(3) UKRAINIAN HETMAN ORGANIZATION
(4) UKRAINIAN TOILER Published by the Hetman Group, Toronto

8. In connection with the Communist "language" organizations controlled by the Communist Party of Canada, the question of seizing their property is to be

considered. In the case of the Ukrainians and Finns in particular, the property question will be a factor of considerable importance as their holdings are extensive throughout the Dominion. It is estimated that the Ukrainian Labour Farmer Temple Association alone has incorporated in its name property valued at approximately $1,000,000.

9. It is not the purpose of this memorandum to go into detail with the respect to draft legislation to be submitted to the Government. Should the course of action outlined herein meet with your approval it is recommended that a Committee be appointed immediately, consisting of a member of the Legal Staff of the Department of Justice and a member of the Intelligence Section, to go into this matter more fully and draft the necessary documents.

10. In conclusion, I desire to state that similar action, only on a smaller scale, was taken during the last war in 1918, which resulted in the outlawing of organizations thought to be inimical to the welfare of the State.

Yours faithfully,

(Sgd) S.T. WOOD
Commissioner

APPENDIX THREE

ANSWER TO THE RCMP

MEMORANDUM FOR DR. SKELTON

[Taken from National Archives of Canada (NAC) File RG 25-G1, Vol. 1964, #855E, Part I]

NAR/SR

MOST SECRET *28.8.39*

Mr. J.F. MacNeill of the Department of Justice came to see me this morning with a communication his Minister had received from the Commissioner of the Royal Canadian Mounted Police asking approval for the programme of suppressing subversive activities which the R.C.M.P. wish to put into force immediately on the outbreak of a war.

Mr. MacNeill did not leave a copy of the letter with me, but, in short, it provided for the immediate outlawry of

(1) All German and Italian organizations which have been directly or indirectly identified with Nazi or Fascist propaganda in Canada;
(2) the Communist Party and all subsidiary and allied organizations;
(3) all foreign language political organizations of Fascist or Communist affiliation or complexion, including Hungarian, Croation, Finnish and Ukrainian organizations. Among the Ukrainian organizations listed for outlawry is the Ukrainian Nationalist Federation of which Kossar is head;
(4) the suppression of the English language Communist press and of the Nazi and Fascist and Communist foreign language press. In all some fifteen or sixteen papers were listed;
(5) the seizure of all the assets of such organizations, including those of the Ukrainian Farmer-Labour Organization which is believed to have properties worth something over a million dollars; and
(6) seizure of the records of all such organizations, including those which might be found to be kept in Consular archives; on this point the letter noted that "the concurrence of the Department of External Affairs would have to be secured."

I told MacNeill that I was appalled by the programme contemplated, and that it involved a great deal of bitter interracial resentment and the prospect of endless labour troubles throughout industrial and mining areas, as well as the alienation of the sympathy and support of great blocks of opinion which, if properly handled, could be led to support any efforts the Government was making rather than to oppose them. I thought the Police should concentrate on their plans for the immediate arrest of persons suspected of treasonable activity, and that they would be ill advised to destroy organizations about which they now know a good deal and with whose personnel they are familiar. It would drive them underground, which would greatly increase the Police problems in this country in war time. I thought, further, that as regards the whole question of the status of the Communists, we should not take any precipitate action, but should wait and see how they adapt themselves to new international alignments; that the wind had been taken out of their sails by the events of recent days, and they had been badly compromised by developments in the foreign policy of the U.S.S.R., and that I would be surprised if the Police found them abetting Nazi or Fascist activities in this country or very actively prosecuting their own propagandistic activities.

MacNeill said he fully shared my views. He felt his Minister's position in dealing with Police recommendations of this sort was very difficult. it would be strengthened if the responsibility for approving or disapproving Police recommendations were shared with this Department, and he inquired whether we would be willing to be associated directly with the Department of Justice in deciding questions of policy in respect of the handling of subversive activities in war time. I said that in the circumstances I thought that you felt about these matters much the way I did, and that you would probably approve of our continuing in war time the contacts with the Police in this sphere that we had built up in recent years, and in

that case I would probably continue to be our Department's representative in interdepartmental discussions. He is going into the question with Mr. Lapointe this afternoon, and we will probably hear from him shortly.

"N.A.R."

APPENDIX FOUR

HOW INTERNMENTS BEGAN

September 3rd, 1939

MEMORANDUM FOR:

The Rt. Hon. Ernest Lapointe, P.C., K.C.,
Minister of Justice and Attorney-General for Canada,
OTTAWA, Ontario, Canada.

Sir:

1. I have the honour to submit herewith a first report of the committee consisting of Mr. J.F. MacNeill, K.C., Supt. E.W. Bavin, and myself, which, under your direction, has examined the records and recommends the arrest, under the powers given to the Minister of Justice in Section 21 of the defence of Canada Regulations, of the particular persons whose names and addresses are listed in the undermentioned Appendices to this Report.
2. The Committee believe that with a view to preventing the particular persons mentioned in the Appendices to this report from acting in any manner prejudicial to the public safety or the safety of the State, that they be detained immediately. Those persons fall into four categories under which they are classified in Appendices I to IV to this report.
3. The first group are German nationals resident in Canada and known to be members of the German National Socialist Party (N.S.D.A.P.). The German National Socialist Party in Canada is an integral part of the Auslands organization of the Nazi Party in Germany, its members subscribe to the same undertakings as members of that Party, and its officers are appointed by and work under the direction of the National Socialist Party of Germany which is itself an official agency of the German Reich. Every member of this Party undertakes to obey implicitly and without question the orders of the Fuehrer and of his representatives. This organization is a compact and rigidly disciplined body, and its members must all be regarded as "dangerous persons" in the conditions now prevailing.

4. A second class of "dangerous persons" whose detention is recommended consists of the male members of the Deutsche Arbeitsfront, which is a closely knit affiliate of the N.S.D.A.P. It too consists of German nationals who describe themselves in their application for membership as "true followers of the Fuehrer." The members of the Arbeitsfront, like the members of the N.S.D.A.P. are relatively recent immigrants to Canada — they are nearly all of military age and, under German law, are liable for compulsory service in the German Army. Under peace time conditions these organizations have been centres of disaffection and racial conflict in many parts of Canada, and in time of war would undoubtedly be dangerous agencies for sabotage and seditious activities.
5. A third group consists of German nationals resident in Canada who are not known to be formally members of either the N.S.D.A.P. or the Arbeitsfront but who, from their political and social associations, business and industrial connections, and other opportunities for espionage are believed to be persons who could not safely be allowed at large in time of war. The Committee have examined the information in the possession of the R.C.M. Police relating to each of these persons and are satisfied that they should be detained as dangerous persons.
6. A fourth class consists of a number of naturalized Canadians of German birth or racial origin who have so identified themselves with Nazi propagandist activities in this country that they cannot be regarded as loyal citizens of Canada. They are all persons of influence in their local communities whose subversive activities have been under police investigation for some time past. It is felt that in singling out for immediate arrest these leaders of the Deutscher Bund (Canadian Society for German Culture) who have been most conspicuous and effective in their attempts to undermine the loyalties of Canadians of German origin it will be possible to cripple the work of their organization and safeguard the position in wartime of the loyal majority. As an illustration of their methods of organization and real objectives, a translation of the "Four Year Plan of the Deutscher Bund fur Kanada" is attached as Annex "A".
7. In the light of the foregoing explanations the committee has the honour to recommend that the particular persons enumerated in the Appendices set forth below should be immediately arrested:

(1) The German nations resident in Canada, known to be members of the German National Socialist Party (N.S.D.A.P.), whose names and addresses are listed in Appendix I, attached.
(2) The *male* German nationals resident in Canada, known to be members of the Deutsche Arbeitsfront, whose names and addresses are listed in Appendix II, attached.
(3) The German nationals whose names and addresses are listed in Appendix III, attached, These persons, who are not included in either of the foregoing lists, appear, from information in the possession of the R.C.M. Police, which has been

examined by this Committee and is believed by them to be reliable, to be likely to undertake activities prejudicial to the safety of the State.
(4) The naturalized citizens of German birth or racial origin whose names and addresses are listed in Appendix IV, attached. These persons, by reason of their active identification with National Socialist propaganda in Canada, are believed to be persons who, in the interest of the safety of the State, should not be allowed to remain at large in time of war.

8. The Committee believe that the foregoing recommendations constitute a minimum list — which may have to be lengthened in the light of investigations now in progress. At the same time it will be borne in mind that it is possible that some of the persons whose precautionary arrest is herewith recommended may safely be released under suitable sureties of good conduct if subsequent enquiries establish that they should no longer be regarded as "dangerous persons."
9. The number of persons named in the Appendices to this report is 325, of whom 265 are German nationals and 60 naturalized Canadians of German origin. In this connection it may be noted: (1) That the 1931 Census recorded 35,809 persons in Canada of nominal German allegiance. (2) That since 1920 36,711 persons of former Austrian and German nationalities have become naturalized in Canada.
10. The Committee venture to suggest that steps should be taken to investigate the status under the Naturalization Act of all naturalized Canadian citizens whose conduct since their naturalization has been such as to warrant their apprehension under section 21 of the Defence of Canada Regulations. If enquiry confirms that such persons should be detained during wartime it is felt that proceedings to revoke their naturalization should be taken with a view to effecting their deportation from Canada on the close of hostilities.

APPROVED under Regulation 21
of the Defence of Canada
Regulations:

I have the honour to be
Sir,
Your Obedient servant,

(N.A. Robertson)
Chairman

Minister of Justice
and Attorney-General
for Canada.