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James Naylor et Tom Mitchell

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NOTE AND DOCUMENT / NOTE ET DOCUMENT

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A HALF-CENTURY AFTER HIS 1920 TRIAL and conviction for seditious conspiracy, William Arthur Pritchard was invited by the "faculty and student body" of the University of Winnipeg to return to the city to tell his story of the dramatic legal aftermath of the Winnipeg General Strike. The talk never took place, however, because "the keeper of the money bags" at the university "had cut out the 'frills'" and was no longer willing to bring the 83-year-old socialist from California, where he had lived since 1938.[1]

Pritchard had never lived in Winnipeg. Indeed, he was barely in the city during the 1919 general strike. He was, at that time, a leading member of the Socialist Party of Canada (SPC), living in Vancouver, British Columbia. Of Welsh background and born and raised in a working-class family in Lancashire, the home of the Industrial Revolution, Pritchard had arrived in Canada in 1911 and quickly joined the SPC. By 1914, he was the editor of the party newspaper, *The Clarion*. By the end of World War I, he was an active member of the longshoremen's union and was a delegate to the famous Western Labour Conference in Calgary in March 1919 that articulated solidarity with the Russian and German revolutions, encouraged the use of the general strike as a tactic, and proposed building the One Big Union (OBU).[2] It was as a leading socialist and advocate of the OBU that Pritchard travelled to Winnipeg toward the end of the strike (his first speech was at Victoria Park on 12 June) to bring a message of support and encouragement. Having left Winnipeg, he avoided the early morning sweep of "strike leaders" five days later, only to be arrested in Calgary en route home to Vancouver and returned to Winnipeg. As Pritchard

1. W. A. Pritchard to J. S. Walker, 16 October 1973, J. S. (Jack) Walker fonds, Archives of Manitoba, Winnipeg; Peter Campbell, *Canadian Marxists and the Search for a Third Way* (Montréal and Kingston: McGill-Queen's University Press, 1999), 118.

2. The fullest biography of Pritchard is in Campbell, *Canadian Marxists*, Chap. 3.

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points out in this speech, only one of those arrested, R. B. Russell, "had any official connection with the Strike Committee." As he makes clear here, the decision about whom to arrest, along with the nature of the charges and evidence, reveals a political purpose on the part of A. J. Andrews and the Citizens' Committee of 1,000: to criminalize socialism and labour radicalism.

The trial was, as Reinhold Kramer and Tom Mitchell have carefully documented in *When the State Trembled*, a travesty of what each side would have called at the time "British justice."[3] Pritchard handled his own defence; his two-day-long closing address to the jury was published by the defence committee formed to raise funds to defend the "strike leaders."[4] Inevitably he was among those found guilty. He was released from the prison farm, where the strike leaders had been committed, on 28 February 1921 having served less than his one-year sentence. The prisoners were working-class heroes. Pritchard's first public speeches in Winnipeg and Vancouver drew thousands.[5]

Bill Pritchard, of course, is looking back on these events 50 years after they occurred. In the meantime, he had returned to the West Coast and the longshoreman's union. As the SPC collapsed in the 1920s, he found his way into the Independent Labour Party and eventually the Co-operative Commonwealth Federation (CCF). He was elected reeve of Burnaby just as the Great Depression was taking hold. Local politics, of course, focused on the challenges of unemployment and poverty; Pritchard found himself in trouble in 1932 for having illegally diverted funds intended for other purposes to the support of those on relief.[6] When he moved to California later in the decade, he joined the small World Socialist Party of the United States, whose ideas, in many ways, continued the pre-World War I views of the SPC. The Bill Pritchard who was to speak at the University of Winnipeg held as firm to the same fundamental values and goals as had the defendant who addressed the jury a half-century earlier.

Pritchard's talk contains considerable insight into the strategies of the anti-strike forces. Still, it should be noted that the title of speech demonstrates that he shared an assumption about the trials with most subsequent commentators.

3. Reinhold Kramer & Tom Mitchell, *When the State Trembled: How A.J. Andrews and the Citizens' Committee Broke the Winnipeg General Strike* (Toronto: University of Toronto Press, 2010).

4. *W. A. Pritchard's Address to Jury in The Crown vs. Armstrong, Heaps, Bray, Ivens, Johns, Pritchard, and Queen (R. B. Russell was tried previously)* (Winnipeg: Wallingford Press, n.d.), http://debs.indstate.edu/p961w3_1920.pdf. A portion of the address is published in Norman Penner, ed., *Winnipeg 1919: The Strikers' Own History of the Winnipeg General Strike* (Toronto: Lorimer, 2019), 243–284. An extensive documentary record of the trial is available. See "William Ivens and Robert Russell the King vs. the A/M Regarding the Winnipeg Strike," RG 13 (Department of Justice), acc. no. 1987-88/103, box 36, file 9-A-1688, Library and Archives Canada, Ottawa; "Court documents from the Trial of The King vs William Ivens et al, miscellaneous," P5613/31, J. S. (Jack) Walker fonds, Archives of Manitoba, Winnipeg.

5. Campbell, *Canadian Marxists*, 95–96.

6. Campbell, *Canadian Marxists*, 108–109.

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His use of the term "state trial" implies that the trials of the strike leaders were trials prosecuted by the state because of their importance to the security of the state, that the trials involved matters of what might be termed high politics. In 1919, and later, Pritchard did not know that legally speaking his trial was a private prosecution undertaken by the Citizens' Committee of 1,000 under provisions of the Criminal Code allowing for such proceedings. Andrews' assertion that the trial was a "state trial" was, in fact, a ruse.

As a reflection by a central participant in such a significant trial in Canadian history, this is a singular document. Its existence is the product of Prichard writing out the speech – a rare occurrence, he explains – and subsequently making copies of it for sale.[7] It means that his memories and analysis were available to the Winnipeg students who would have come to hear him. What they missed, though, was the powerful oratory reminiscent of early 20th-century labour speakers, presented with Prichard's trademark Lancashire accent mixed with the Welsh lilt he had inherited from his parents.[8]

7. Pritchard's writings remain copyright protected until 2032 (50 years after his death). "State Trials" is among those works. The editors of *Labour/Le Travail* arrived at the decision to publish "State Trials" only after an unsuccessful search for any institution or individual to whom Pritchard had assigned copyright for his published and unpublished work.

8. Gloria Montero, *We Stood Together: First-Hand Accounts of Dramatic Events in Canada's Labour Past* (Toronto: Lorimer, 1979), 1.

THE STATE TRIALS

Address to be delivered by
WILLIAM A. PRITCHARD

To the student members of the University of Winnipeg, Manitoba, on the state trial of the eight men arrested during the Winnipeg Strike of 1919[1]

MR. CHAIRMAN AND FELLOW STUDENTS: Such a greeting on my part may be considered presumptuous by some, but so I consider myself. Despite my eighty-three years I still find myself mentally active, still asking questions and seeking answers, still probing and analyzing, hoping thereby that the anatomy of modern society may be revealed. For this society, predatory and uncooperative as it is, with its ever recurring "crises," its poverty and ghettos, its pollution (of which that of the mind is the more damaging), its cut-throat trade rivalries and its bloody wars which spring from its trade rivalries – this society (proclaimed by many as the best possible in this best of all possible worlds) should be made the object of scientific study by every honest intellect of this day.

If then, as I think you are you are fortunate as students to be part of a student body in what is popularly called "liberal," where the free flow of ideas is encouraged and are urged to follow wherever truth may lead, you may be distinguished as against those who are mere book learners in what I call "knowledge factories."

But I accepted your invitation to speak to you about the famous (or otherwise) Trial of 1920. I am not unmindful of the irony of the situation: that I, as the last remaining person involved in that historic event, should be able, half a century later, to give his impressions.

I am also cognizant that my remarks may be dubbed by some as ex parte. And rightly so. With one so involved in this very bitter dispute, what other view could be expected? I, nonetheless, allow the right of any who may differ to do so. Such are entitled to their opinions. I only ask that those opinions be buttressed with facts, and that these be documented. But there's the rub. Of that great trial the only remaining document is the one I hold in my hand: my

1. Thirteen men were arrested coincident with Pritchard: R. B. Russell, William Ivens, George Armstrong, Roger Bray, R. J. Johns, John Queen, A. A. Heaps, Michael Charitonoff, Oscar Schoppelrei, Solomon Almazoff, Samuel Blumenberg, and, mistakenly, Mike Verenczuk (taken for Boris Devyatkin). Only those of British or Canadian origin faced criminal trials. The others, with the exception of Verenczuk, were subjected to deportation proceedings. Reinhold Kramer & Tom Mitchell, *When the State Trembled: How A.J. Andrews and the Citizens' Committee Broke the Winnipeg General Strike* (Toronto: University of Toronto Press, 2010), 164–166.

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two-day, eighteen-ream speech to the jury. On this point I will have more to say towards the close of this address. For the present let this suffice: a short excerpt from an early paragraph of that address:

"… and in my own mind I rest assured that the historian of the future will drive the knife of critical research into the very bowels of this bogey that has been conjured forth out of the imaginations of certain legal luminaries of this city …"[2]

And that, my fellow students, is precisely what has occurred. Not one, but several historians with academic training have objectively viewed the entire question, and while not omitting the faults and weaknesses exhibited by Labor, have pronounced their several verdicts: THE STRIKE WAS WHAT WE SAID IT WAS — A LABOR DISPUTE BETWEEN THE BUILDING WORKERS AND THE BUILDING MASTERS, AND THE IRON WORKERS (MACHINISTS, BOILER MAKERS, etc.) AND THE IRON MASTERS.[3] It was a strike called in an attempt to establish the PRINCIPLE OF COLLECTIVE BARGAINING, a principle, by the way, which was established in Canada shortly after the strike.[4]

Today the machinists, boiler makers, etc., hold contracts with the same contractors whose obstinacy produced the strike, but they do not have contracts as machinists, boiler makers, etc., but as ONE UNION, THE UNITED STEELWORKERS OF CANADA.[5] Much more, of course, could be said on this, but I must get on to the Trial itself.

2. *W. A. Pritchard's Address to Jury in The Crown vs. Armstrong, Heaps, Bray, Ivens, Johns, Pritchard, and Queen (R. B. Russell was tried previously)* (Winnipeg: Wallingford Press, n.d.), 3, http://debs.indstate.edu/p961w3_1920.pdf.

3. Pritchard may be referring to H. A. Logan's *The History of Trade Union Organization in Canada* (Chicago: University of Chicago Press, 1928) or his *Trade Unions in Canada: Their Development and Functioning* (Toronto: Macmillan, 1948); Donald Masters' seminal account of the strike, *The Winnipeg General Strike* (Toronto: University of Toronto Press, 1950); or Kenneth McNaught's *A Prophet in Politics: A Biography of J.S. Woodsworth* (Toronto: University of Toronto Press, 1959). David Jay Bercuson's *Confrontation at Winnipeg: Labour, Industrial Relations and the General Strike* (Montréal and Kingston: McGill-Queen's University Press, 1974) appeared later.

4. He need not have relied on academic historians for such an assessment of the strike. In his Royal Commission Report, made public the day following the conclusion of Pritchard's trial, H. A. Robson provided a detailed and judicious account of the strike as a struggle for collective bargaining and economic justice. While Robson dismissed the idea of the strike as the product of a seditious conspiracy, Pritchard and his co-defendants did not escape his scorn. "It was," Robson observed, "unfortunate that … genuine labour was given the appearance of being linked up with the movements of these men." For the report, see Royal Commission to Enquire into and Report upon the Causes and Effects of the General Strike which Recently Existed in the City of Winnipeg for a Period of Six Weeks, Including the Methods of Calling and Carrying On Such Strike [Robson Commission], 1919, 10, acc. no. GR6202, Records of Royal Commissions, A0063, Archives of Manitoba, Winnipeg (hereafter AM).

5. Presumably the United Steelworkers of America.

There is a vast amount of interesting and important detail connected with this event which, of necessity, in a speech such as this, must be omitted. But I would consider myself remiss were I not to touch briefly on one or two items.

First, the early morning raids upon the homes of certain Winnipeg citizens, in which some suffered humiliation and indignities, especially some of the wives of the men arrested. I recall particularly the Ivens. Those arrests proved to be the means whereby the strike was broken. In the case of those eight with whom we are chiefly concerned – after a short incarceration they were given a preliminary hearing which lasted one month, at which the Crown obtained the judicial view that a prima facie case had been established.[6] They were then again imprisoned, bail being denied, but released after a month as a result of a great public protest.

I must here mention these eight. 1. R. B. Russell of the machinists, who in later years was so esteemed as to have a new school in this city named after him; 2. R. J. Johns, who later became head of Manual Education for the Province, also a machinist; 3. John Queen, then alderman of this city and later leader of the opposition in the Provincial House, and mayor of this city for several terms; 4. A. A. Heaps, also an alderman of the city, later to be member for North Winnipeg in the Dominion Parliament; 5. William Ivens, also elected to the Provincial House; 6. George Armstrong, carpenter and well known socialist lecturer, also elected to the Provincial House; 7. Roger Bray, returned soldier and speaker for and organizer of the large body of returned men who supported and sympathized with the strike; and 8. your humble servant.[7] All but one of these were residents of Winnipeg, I being the exception. I was from Vancouver, and at the time a member of the Vancouver Trades and Labor Council and was present in Winnipeg during the strike period for only seven days. Later I served on the Burnaby Municipal Council and was Reeve of that district for three years, during which time I also served as President of the British Columbia Municipal Union, and a member of the Dominion Municipal Union Executive, acting as chairman of the employment committee. Of these eight men, only one, R. B. Russell, had any official connection with the Strike Committee, a point of significance which did not escape the

6. Because all criminal prosecutions, whether initiated by the Attorney General of Manitoba or initiated by private prosecutions, are taken in the name of the Crown, references to the Crown in the strike trials could be and were used to obscure just who was prosecuting the cases. Fred Kaufman, "The Role of the Private Prosecutor: A Critical Analysis of the Complainant's Position in Criminal Cases," *McGill Law Journal* 7, 2 (1960): 102.

7. In his unpublished autobiography, Robert Graham – Winnipeg's Crown attorney in 1919 and the person one might expect to have had final authority in making arrests – described a meeting at Royal North-West Mounted Police (RNWMP) headquarters on the evening of Monday, 16 June, where nearly 100 "citizens" had assembled to decide whom to arrest. A. J. Andrews presided while a list of 50 was whittled down to include those to be arrested. Graham, unpublished autobiography, n.d., 120–121, Robert Graham papers, MG 14 C 109, Diaries 1941–1942, M 329, AM.

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notice of the historians I have referred to. Russell was, as I remember him, a dedicated and efficient labor official and very properly was made secretary of the Strike Committee. He was the only member of that committee subjected to arrest and imprisonment. Queen, I think, was advertising agent for the Labor paper and Ivens was its editor. Heaps was appointed by the Strike Committee to handle matters concerning relief. Johns was in Montreal during the entire strike as labor representative on the Railway War Board, then in session in that town.

There was evidently such slight evidence produced in the preliminary hearing that much more was required out of which the Crown could fabricate its case. The charge against us at the preliminary hearing was "inciting to disaffection." Quite a leap (one would think, even to the legal mind) to conspiracy or sedition.[8] So, while we were still in jail, bail being denied, during the month following the preliminary hearing, agents of the government ransacked homes, dug into basements, attics, labor and socialist halls, etc., and came up with a vast collection of literature and so-called documents.[9] It was on the basis of all this that the famous indictment was drawn – six counts, setting out in various ways the charge of seditious conspiracy and one count of common nuisance.[10] That is all the time I can afford to spend on that. Which brings me to the trial, or trials.

8. The information on which Pritchard was arrested alleged that the strike leaders had "conspired with one another … to excite divers liege subjects of the King, to resist laws and resist persons, same being part of the police force in the city of Winnipeg, in the due execution of their duty, and to bring the said force into hatred and contempt … and intending to disturb the public peace and raise discontent in the minds of subjects of the King." "The Charge," *Western Labor News*, 19 June 1919, 2. At trial, Pritchard and the others faced charges of seditious conspiracy and criminal nuisance.

9. The raids actually took place on and around 30 June 1919. Andrews, with the cooperation of the RNWMP, launched midnight raids across Canada on the homes and offices of labour activists in Victoria, Vancouver, and Prince George (BC), Coleman, Lethbridge, Brule Mines, Carbondale, Edmonton, Calgary, and Drumheller (Alberta), Moose Jaw, Saskatoon, and Regina (Saskatchewan), Brandon (Manitoba), Port Arthur, Fort William, Windsor, North Bay, Stratford, St. Catharines, Toronto, and Ottawa (Ontario), Montréal (Québec), and Saint John (New Brunswick), among other locations. Search warrants for the raids were approved by Edgar Allen Andrews (no relation to A. J. Andrews), a justice of the peace of the Winnipeg Police Court who had the authority to receive a criminal information and then issue a subpoena, a summons, a search warrant, or an arrest warrant. For a detailed account of these raids, see Reinhold Kramer & Tom Mitchell, "'Daniel de Leon Drew Up the Diagram': Winnipeg's Seditious Conspiracy Trials of 1919–1920," in Susan Binnie, Eric Tucker & Barry Wright, eds., *Canadian State Trials*, vol. 4, *Security and the Limits of Toleration in War and Peace, 1914–1939* (Toronto: University of Toronto Press, 2015), 227–229.

10. Isaac Pitblado crafted the indictment centred principally on charges of seditious conspiracy. In Britain in 1919, a guilty verdict required evidence of actual intent to produce a disturbance. In 1916, the Manitoba Court of Appeal determined that the law presumed one was guilty of seditious conspiracy if the Crown could show a link between words spoken and disorder on the streets. No demonstration of criminal intent was required. See Rex v Manshrick (1916), 27 CCC 17 at 24, 32 DLR 584, 27 Man R 94, as quoted in William E. Conklin,

On our first appearance the strategy of the Crown was made evident. They split Russell off from the rest of us by announcing that he was to be tried first, and separately. From the short account I have given you, you can form your own judgment as to the reason.[11] However, he was tried and convicted. Since the evidence in his case largely paralleled that in ours, I shall go right to our own trial.

From the outset it was apparent that the cards were stacked against us. The number of venire men[12] called, for instance: twice as many for this one trial as had been called for a full assize, including the one in which the trial of the Ministers and contractors connected with the building scandal of the Roblin government figured. I shall refer to this briefly later.

We decided to fight the best we knew all the way, and when action had been determined on behalf of one we would all act. Thus our first motion: a change of venue on the grounds that the emotional atmosphere in the city was still highly charged and that a fair trial would be impossible. A motion that Justice Metcalfe should disqualify himself, on the grounds that he had but recently sat as trial judge in the Russell case, that the evidence in our case would largely parallel that in the Russell case, and such evidence must still be in His Lordship's mind. Denied – His Lordship assured us he was doing his best to remove it from his mind. A motion – I think it was Mr. Ivens' – that in the light of the huge number of venire men called, and that we had information that all of them had been well canvassed by government police and agents posing as insurance agents, sewing machine salesmen, etc., we were willing to take our chances by having the first twelve called, or twelve drawn out of a hat.[13] This was denied of course, since such procedure was not permitted under the law.

"The Origins of the Law of Sedition," *Criminal Law Quarterly* 15 (1972–73): 283. Pitblado and the other Citizen prosecutors were convinced that Bloody Saturday could be presented to a carefully selected Manitoba jury as the "natural consequences" of the strike leaders' incendiary words and stances.

11. The trial of the strike leaders was set for the fall of 1919. When prosecutors realized that jury selection might be compromised by the number of jury challenges available to the defence if all eight men were arraigned at once, it was decided that only Russell would be tried. The balance of the men faced trial beginning in January 1920. When the issue arose again in January, during the trial of the seven remaining strike leaders, presiding Judge Metcalfe ruled that collectively the defence could exercise a maximum of 28 peremptory challenges. See James (Jack) S. Walker, *The Great Canadian Sedition Trials: The Courts and the Winnipeg General Strike, 1919–1920*, ed. Duncan Fraser (Winnipeg: Legal Research Institute of the University of Manitoba and Canadian Legal History Project, 2004), 184–185.

12. Potential jurors.

13. The Citizen prosecutors employed the RNWMP, the McDonald Detective Agency, and a detailed questionnaire to investigate the jury pool. Fifty years after the strike, Judge Joseph Thorson, president of the Exchequer Court, revealed that as a young and relatively inexperienced Crown attorney for the Province in 1919 he had felt "an abiding sense of shock" that it was possible to pack a jury in such a way that there was no possibility of acquittal. Walker, *Great Canadian Sedition Trials*, 6–7.

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Then came Mr. Andrews' request that the Crown, because of the nature of the case, should be allowed to call as many venire men as they wished. Here was a pretty picture: not only had the Crown the unusual advantage of an excess of venire men for ONE TRIAL ONLY, but asked that this advantage be stretched ad infinitum. I still remember that this move roused my Celtic blood and in a hot denunciation of this action of the Crown, I accused Mr. Andrews of wanting to hold on to his cake and still eat it. I think the public prints of that time referred to this as "Pritchard's Cake and Eat It Too speech."

At last a jury was selected: twelve men, all farmers, good and true, I still think; but called upon to decide legally a great amount of intricate questions relating to an industrial dispute. May I say here that watching these men as I stood before them dealing with exhibits, etc., as also when I made my final speech, I not only detected interest in my point of view, but also manifestations of sympathy. Twelve men, good and true, and the foreman, a Mr. Bruce, alert and with a sense of humor and a good rolling Scotch brogue. I hope I shall have time before I close to make a further short reference to him.[14]

Then commenced to roll in a flood of exhibits (more than a thousand) and the cloud of witnesses that fogged up the witness box. I shall say something about these witnesses, but much more about the exhibits, for these consisted largely of those works that have come to be looked upon as socialist classics, and are even so looked upon more today than fifty years ago: The works of Marx, Engels, Kautsky, et al., and such works as Darwin, Tyndall, Lewis H. Morgan, the first real American scientist and anthropologist, and many more.[15]

Those of you who may have been sufficiently unfortunate as to have undergone the painful experience of reading my Speech to the Jury may recall that at the outset I said to these gentlemen:

"I am placed in the position where I have to defend the history and literature of two Movements … the Trades Union Movement and the … Socialist Movement. In the explanation of the history and literature of the Socialist Movement it will take you into a library which in all probability is the greatest library of any school of thought in history.

14. It seems evident that Andrews selected David Bruce as a juror because he anticipated that Bruce would be sympathetic to his polemical attacks on the wartime loyalty of the strike leaders. Bruce, a native of Scotland, had come to Canada in 1893 via Pittsburgh, Pennsylvania. In Canada, he took a homestead in the Stephenfield district, 100 kilometres southwest of Winnipeg. Bruce and his wife had eight children; two daughters, Anna and Grace, joined the Canadian Army Medical Corps and served overseas in World War I. Grace served in France, where she nursed John McRae, author of "In Flanders Fields." Anna was awarded the Royal Red Cross for bravery during her service in Greece. A son, George, returned from the war decorated for bravery. Margaret Bruce & Ellen Galbraith, "David Bruce," in June M. Watson, comp. and ed., *The Rural Municipality of Dufferin, 1880–1980* (Carman, Manitoba: Rural Municipality of Dufferin, 1982), 358–359.

15. The exhibits Pritchard refers to – a remarkable archive of Canadian labour radicalism ca. 1919 – remain in Winnipeg. See Exhibits and Other Records related to the Winnipeg General Strike Trials, A0272, AM.

"Not only has the Socialist Movement in the course of its development produced itself one of the greatest volumes of literature, but it has at the same time in opposition to itself, created a library greater than its own."[16]

Now, lest I forget, or time runs out on me, I would like to pay tribute to all of those who were my fellow accused, but can only mention here, and that briefly, the late John Queen. I speak of him, as I would of the others: courageous and united in behalf of the workers at that time in Winnipeg. Queen and I, of those not represented by counsel, engaged to a small degree in the difficult art of cross examination and I can still see, mentally, the canny and slow-spoken Scot, with a disarming smile upon his face, leading a witness through adroit questioning, into admissions that enabled John to so tie up the learned counsel for the Crown: Andrews, Pitblado, Coyne, et al., with the Citizens Committee of 1000, organized in opposition to the strike and for the purpose of breaking it.[17] He then accused the Crown Counsel as spokesmen for, and leading members of, the Citizens Committee of engaging in a conspiracy to disturb the peace, to subvert the constitution, etc., etc. Smilingly, John said that the Defense claims that Mr. Andrews, Mr. Pitblado, Mr. Sweatman and Mr. Coyne mentioned in Exhibit … [*sic*] are the same gentlemen now appearing as prosecutors on the floor of this court.

I must get going. Now remember that at this time (1918–9) democratic procedures had been replaced by government fiat, the right of one to read what he wished, or say what he thought peacefully, without overt act, was suddenly suspended. The country's literary life came under the scrutiny of a censor, one Mr. Chambers.[18] In my address I referred to him and said that I would not say his actions were of malicious intent but they certainly sprang from a woeful ignorance. I have mentioned some of the books, for instance, that came under this ban; all the translated works of Marx, Engels, Kautsky, Lafargue, Morris, Bax, Bebel, Liebnecht and others, but Darwin's "Origin of Species," Tyndall's "Fragments of Science," Gilbert and Sullivan's "Mikado and Other Plays."

Remember at this time government action was legalized not by legislation, but by Order-in-Council. An "Order-in-Council" – which we were charged with having violated – read, in substance, as follows. I'm relying on memory after a half century. But those who differ can at least get the facts in this matter.

"… a certain postcard entitled 'the War,' published by Charles H. Kerr and Company … City of Chicago, and other publications of the said Charles H. Kerr and Company, that have

16. *Pritchard's Address to Jury*, 10.

17. For a detailed account of the antistrike activities of the Citizens' Committee of 1,000, see Kramer & Mitchell, *When the State Trembled*.

18. The chief press censor for the Borden government from June 1915 to 1 January 1920 was Ernest Chambers. See Jeffrey A. Keshen, "Chambers, Ernest John," in *Dictionary of Canadian Biography*, vol. 15, University of Toronto/Université Laval, 2003–, accessed 26 June 2019, http://www.biographi.ca/en/bio/chambers_ernest_john_15E.html.

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hitherto and may hereafter be published, are by Order-in-Council, by virtue of the War Measures Act, declared objectionable in Canada and placed under the ban."[19]

Concerning this blanket ban upon the whole list of publications that had been, and may yet be published, Labor throughout the country took a definite oppositional stand. I give you as best I can the substance of such a resolution:

"WHEREAS certain scientific and religious literature has been placed on the prohibited list, owing to regulations imposed under the War Measures Act …; AND WHERE, the war has to all intents and purposes ceased … THEREFORE BE IT RESOLVED that (we) demand full freedom of speech, press, and assembly, and advocate united action by organized labor to enforce these demands …"[20]

Now, beyond agreeing with such a resolution; I considered the validity of the Order-in-Council, and in court brought it to the attention of the Trial judge in somewhat the following fashion:

"My Lord, despite your advice that it were foolish for a layman to defend himself, I, nevertheless, persisted for reasons given. But as one of the legally unrepresented accused, I claim the privilege of seeking such advice and help from any officer of this court if I deem it advisable. You, my Lord, are an officer of this court and I seek your opinion. It concerns the Order-in-Council by which the publications of Charles H. Kerr and Company, of Chicago, were placed under the ban. My question is this: If a piece of legislation is so loosely worded as to be incapable of definite interpretation: if it is so constructed it will in due course and by due legal process be declared invalid. An Order-in-Council, then, I contended, being an interim substitute for a statute, should carry with it all the force and validity of a statute. But this Order-in-Council exhibit … does not state … 'a postcard and one other (or two or three or four …) Publications of the said Charles H. Kerr Company,' nor does it say … 'a postcard and ALL other publications that have … and yet may be published.' Did it mean *One* other, or *Two*; or *Three*, or *Four*, or *ALL* other …? And if it meant any of these variations, why didn't it say so?"[21]

The help and advice that I sought, which was my constitutional right, was that it "was not within the province of the Court to dispose of it." I wasn't asking for its disposition; I was asking for legal advice from the highest officer of the Court who was constitutionally entitled to submit it.

However, this was not my purpose in bringing this to the attention of the Court. We had had sufficient to know, through interruptions by Crown counsel and the Court, especially when a point seemed about to be made, or a Crown

19. Pritchard's reference is to the Consolidated Orders Respecting Censorship, PC 1241, 22 May 1918, SC 1919, vol. 1 and 2, lxvi.

20. Under the War Measures Act the Borden government could impose orders-in-council affecting any aspect of life in Canada. The use of these orders in the fall of 1918 and January 1919 triggered fierce opposition from organized labour in Ontario and Manitoba. Convictions and draconian sentences were, on instructions from Ottawa, dramatically reduced or eliminated entirely. Acting minister of justice Arthur Meighen came to appreciate that any widespread use of the Consolidated Orders Respecting Censorship would be vigorously opposed even within his own government. See Ian Angus, *Canadian Bolsheviks: The Early Years of the Communist Party of Canada* (Montréal: Vanguard, 1981), 28–36.

21. For Pritchard's commentary on this in his 1920 address, see *Pritchard's Address to Jury*, 182.

witness found himself in difficulties under cross examination, that help would come from Counsel or the Court. No! My purpose was (a) to try to bring it to the attention of the jury; (b) to the attention of the general public; and, most important of all (c) that this item should be made to stand out when that historian of the future would appear and drive the knife of critical research into the very bowels of this bogey.

At the risk of wearying you, I shall now show what was the position of the Socialist party (to which I belonged) and leave it to you to make your own judgments. I quote from an exhibit put in by the Crown, No. 846 (October 15th, 1918 issue of the Socialist organ, *The Western Clarion*):

"We have always realized that the government of a people whose group interests are profoundly in conflict, must of necessity be a dictatorship. In times of great national stress, and especially of war, it finds extraordinary measures of coercion necessary to ensure the success of its policies.

"In times of peace these coercive measures are found neither necessary nor excusable, and the statesmen and rulers of the past, whom posterity have most delighted to honor, have generally deemed it wisest and most politic to relax this tyranny and rule with the iron hand under the velvet glove.

"In view of this we are loath to believe that any government would be so pitifully blind as to attempt to suppress this movement. We hope and trust they will not. For our desire, even more than our political opponents, because we know our histories better, is for a peaceful, orderly solution of the admitted social evils of modern times. We regret the act of the Canadian Government and cannot regard it as necessary, but we do not believe, yet, that its intention is to try to suppress the Socialist Movement, and think the extraordinary measures that have been taken are taken not with a view of their permanency, but as temporary expedients of a war-time policy.

"Socialists claim no monopoly of the virtues. They concede to all their opponents, equal with themselves, strength of desire to abolish social ills, but they believe they know what is wrong with society, and more than their opponents think it possible to accomplish. They believe they know how to remedy the wrong, how to remove the obstruction and set the social life processes free. And from this work they cannot stay their hand."

Do you detect any wild appeal to violence in that? Or suggestion of sedition? Of course not. Only a plea for a hard-headed apprehension of the social problem and from such general knowledge to seek a peaceful solution. I could, had I the time and you the patience, quote scores of pamphlets, leaflets, brochures, books, etc., of the Socialist Party of Canada of that time, together with quotes from the vast number of Socialist classics – all of which were entered by the Crown as exhibits in a case where Seditious Conspiracy was charged. However, what I have read was the position of the Socialist Party of Canada in 1916. It is the position of the Socialist Party of Canada today. It is also the position of the World Socialist Party of the U.S.A., the Socialist Party of Great Britain, of Ireland, of New Zealand, of Australia, of Jamaica, of Austria, and of our groups in Sweden, West Germany, France, Africa, and elsewhere, all of which make-up what we call the Companion Parties of World Socialism.

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But the significant thing respecting this trial and that period is: of the eight men charged under this indictment, half of them (four) were then members of the Socialist Party of Canada. This, together with the fact that the main evidence produced consisted of the literature and general propaganda of that party. We were charged and convicted, not of overt acts, not even of being members of a Strike Committee (only one could so qualify), BUT FOR OUR POLITICAL OPINIONS.

I come now to my still vivid impressions of the chief witness for the Crown – he was not a witness in the Russell trial – a young man of many parts and various faces: with two names and two nationalities, who admitted that he carried a membership card in the I.W.W., an organization declared as unlawful, a card given to him by his superior officer. He was granted exemption from the Military Service Act. He received papers as a registered alien (an Austrian) – though he had never been in Austria – so he would not be harassed by Dominion officers looking for draft evaders. His Italian name was "Zanetti"; his Austrian, "Zaneth."[22] Why? To function as a police spy among both Italian and Austrian workers, especially in the coal fields. He admitted that he had lied consistently for at least nine months, whenever the circumstances, in his opinion, warranted it. He claimed to have been at meetings at which I spoke – at St. George's Park and the Pantages Theatre in Calgary – five in all. At these meetings he admitted that I had spoken at length, at some as long as two hours. Yet from these more or less lengthy speeches he extracted no more than, at best, exceeded three minutes.

You would be justified in asking: How do you know this? Because I got it out of him through a lengthy cross examination, a cross examination that was continually interrupted by Crown Counsel or the Court.

These interruptions also occurred during my final speech to the jury.

Pointing out that he had merely given a few minutes' extract from a two-hour speech, I asked if he remembered me saying something like the following:

"Production is not undertaken for the sake of consumption but for profit, so that the man who believes that he has a good chance of improving his condition goes to work and produces without asking himself whether there is need of his product or whether he can meet the required conditions."

He answered: "Yes; you were always talking like that."

I then asked if he would be surprised that I had already read those words to the jury, when allowed to present our view of the Crown's exhibits – that they

22. The name F. W. Zaneth appears on Gregory S. Kealey's partial list of secret agents from 1919–20. See Kealey, "The Surveillance State: The Origins of Domestic Intelligence and Counter-Subversion in Canada, 1914–1921," *Intelligence and National Security* 7, 3 (1992): 205, Appendix 1, "RNWMP/RCMP Secret Agents, 1919–1920."

were taken from Dr. William [*sic*] A. Bonger's work, "Criminality and Economic Conditions"?[23]

He gave a cock-and-bull story of rifles which he said were stacked in some building in Calgary, but under cross examination, I think by Mr. Bonnar,[24] became flustered and so confused that he didn't know if there were 25 or 30 rifles, or 1,000.

Much more was elicited from this chief witness than I have time to disclose, but it was during the cross examination of this witness that I was interrupted more than once; once that I still remember quite vividly. The witness had been subjected to a grueling cross examination by Mr. Bonnar and was decidedly uncomfortable, not so cocksure or exuberant as under the friendly direct examination. I had learned a little of courtroom procedures by this time and had elected to use the technique of looking at the jury while I pondered each question and then walking right up to the witness box and looking the witness directly in the eye, would fling out my question, then immediately turn my back on him and await the answer. This seemed to disturb him, and as had been the habit of other witnesses who found themselves in difficulty, would make appeal and be helped out of their troubles by the Court's intervention. This fellow looked to the jury, to the Crown Counsel's table and then to the Judge. His Lordship stopped me, and the following colloquy (in substance) occurred:

THE COURT:	Pritchard! The witness doesn't like the way you are asking your questions.
PRITCHARD:	What is the matter with it?
COURT:	He says that you ask a question and he objects.
PRITCHARD:	Why?
COURT:	He doesn't seem to like it. You turn your back on him.
PRITCHARD:	I can't help that. You may recall, Your Lordship, that the other day, when you granted permission to me to go to the Law Library to look up certain authorities, I browsed around and came across a work by an eminent jurist on The Art of Cross Examination,[25] and in that work

23. On Willem Adriaan Bonger, see J. M. Van Bemmelen, "Pioneers in Criminology VIII – Willem Adriaan Bonger (1876–1940)," *Journal of Criminal Law and Criminology* 46, 3 (1955): 293–302. *Criminalité et conditions economiques* first appeared in 1905; it was translated into English and published in the United States in 1916. See "The Present Economic System," Marxists Internet Archive, accessed 6 August 2019, https://www.marxists.org/subject/economy/authors/bonger/present-system.htm.

24. Robert Andrew Bonnar was a leading Winnipeg criminal layer brought into the trial in 1920 as defence counsel for Roger Bray. He had been the defence committee's first choice to defend the strike leaders but had declined. Approached a second time, he agreed to serve as counsel for Bray. "R.A. Bonnar K.C., Dies Saturday at Summer Home," *Winnipeg Free Press*, 15 August 1932. On Bonnar's role in the trial of the strike leaders, see Walker, *Great Canadian Sedition Trials*, 170–171.

25. Francis L. Wellman, *The Art of Cross-Examination* (New York and London: Macmillan, 1905).

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> I found this advice: One good way to conduct this is to walk slowly up to the witness box and then turn one's back on him. This is what I have done and he doesn't like it. This authority also said: Ask your question and then walk across the courtroom and look out of the window. I have not been to the window yet.

Questions put to still another of these police informers, *agents provocateurs* were:

"Did you bring all that was in the house?" "No."
"What did you bring?" "I brought what I thought was necessary."

I can still see my colleague, Mr. Queen, with that disarming smile, slow, careful speech, and rich Scottish brogue, asking one of them what it was that he went out to get, and getting the following reply:

"We went out to get whatever we could that seemed to have some connection with the Socialist Party of Canada, the O.B.U., or the Winnipeg Strike."

I shall leave Mr. Zanetti, the Italian, and his alter ego, Zaneth, the Austrian, and save what I have to say about him for the end of this address.

I have already mentioned the work of Dr. Bonger, "Criminality and Economic Conditions," in connection with the cross examination of Zanetti-Zaneth. I chose to bring this work to the attention of the jury, but before very long, I was again interrupted by Mr. Andrews, chief Crown counsel. There are so few copies of my Speech to the Jury extant that I am reliably informed that a year or so ago one might be obtained for twenty dollars – I know of several that were purchased at that price – but now it seems the price has risen to eighty-five dollars. I really should have insisted on royalties. But you can find the following on pp. 50–51 of that published speech:

MR. ANDREWS:	Is this an exhibit?
MR. PRITCHARD:	I am not the father of all these exhibits here, but since you have put them in I must use them.
THE COURT:	What is it?
MR. PRITCHARD:	I was referring to a work by Dr. Bonger, the latest work on criminology. And I find there has been a written review of this book in one of the Crown's exhibits by Clarence Darrow. I was merely telling the jury some arguments there presented are found in the Communist Manifesto.
THE COURT:	The book is not an exhibit.
MR. PRITCHARD:	Gentlemen of the Jury, I cannot tell you what Dr. Bonger said until I discover it somewhere. We will leave that just for a moment. But he does say this, gentlemen, and this is in, as he deals with the present economic system—
THE COURT:	I don't know who Dr. Bonger is.
MR. PRITCHARD:	He is a Doctor of Law in Amsterdam University, and this work of his was originally written in French and was translated.
THE COURT:	I remember the book now.

MR. PRITCHARD: It is listed in the works of the Criminological Society of the United States. I think Your Lordship will remember there is an introduction by Frank H. Norcross (Justice of the Supreme Court of Nevada).
THE COURT: I know the book, but I don't think it is in.
MR. PRITCHARD: The book is not in, but the review is in. I got a copy of the book myself through Mr. Norcross at the time.[26]

The Court having displayed its erudition and the Crown Counsel silenced, I took up the exhibit – which had caused all this discussion – and gave the number, 201. I then read to the jury what Dr. Bonger had written; at least, I gave the following quotation:

"The situation may be summed up as follows," says Dr. Bonger: "Under the capitalistic system the greater part of the population, the part upon whose labor the entire social fabric is based, lives under the most miserable conditions. The proletariat is badly clothed, badly fed, miserably housed, exhausted by excessive and often deleterious labor, uncertain as to income, and ignorant and coarse. Up to this point I have been speaking of the proletariat on the supposition that he has been able to sell his labor power. But, as we have seen already, when this sale is not possible, he and his family are left to their fate.

"This then is what freedom of labor means, a freedom that the slave never knows, freedom to die of hunger. No one guarantees to the workman or his family the means of subsistence, if for any reason he is not able to sell his labor. The slave owner had an interest in taking care of a sick slave, for the slave represented value which he did not care to see diminished. But if a workman is sick he is discarded and replaced by another. The sickness and death of the laborer do not harm the capitalist at all."

I gave the foregoing quote and much more to the jury in an endeavor to try to get them to see that we were charged – as a crime – with saying and writing what this eminent doctor of law and criminologist had published, and which work had been translated into several languages and distributed throughout the world.

We were also charged with using the term "dictatorship of the proletariat," a term from which, personally, I shied away.

But the Crown in its eagerness to throw as much into the bin as possible, slipped its foot. They placed as an exhibit Wilhelm Liebknecht's little pamphlet, "No Compromise," written many years ago. In it he gives what he thinks the term "dictatorship of the proletariat" meant to the Socialists of that time, and what I think it means yet to any scientific Socialist today: "Not … the establishment of a dictatorship of the proletariat, but the suppression of the dictatorship of the bourgeoisie."[27]

Mr. Andrews also displayed his knowledge of history by accusing us, by implication at least, of the use of the term, "sabotage," which literally, of course, means a slow-going style. I know, as most people do, the common

26. *Pritchard's Address to Jury*, 50–51.

27. Pritchard appears to be referring to Wilhelm Liebknecht, *No Compromise: No Political Trading*, trans. A. M. Simons & Marcus Hitch (Chicago: Charles H. Kerr, 1911), https://www.marxists.org/archive/liebknecht-w/1899/nocomp/index.htm.

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interpretation of the term, and in that context I told the Court and Jury what I considered "sabotage" to be:

"It is not merely some overt act engaged in by some ignorant and frustrated worker. Within a much larger context, we can justifiably say: 'Business is sabotage.' Modern competitive cut-throat business (with its price form) is sabotage. It is the key-stone of the entire commercial fabric of this modern all-embracing commercialism which has all of us in its grip and which we hug to our breasts and laud to the skies as not only the best, but the only possible arrangement for human society.

"It is the destroying of one man's property through the operation of. another's: the capturing of someone else's business in an effort to extend one's own: the beating down of a competitor by underselling him on the market: boosting through hyperbolic advertisements of one's product and a corresponding denigration of the competitor's product. MODERN BUSINESS IS SABOTAGE. The figures in a balance sheet denoting a profit means simply that one has gotten the other fellow more in debt to you than you are to him."

Mr. Andrews also said that we used the term, "bourgeoisie," and told the jury what we meant. In reality he told them "what he thought we meant." And this, said he, means the middle class. Then, as he gave a tear-jerking definition of what to him constituted the "middle class," one could visualize say, a young couple, just starting out, buying a corner lot on Sherbrooke Street and later turning it over at a small profit to some other person who has probably – because of accumulating taxes – been trying to get rid of it ever since. Surely he must have known the term comes from the French and means what we call the burghers. Had he had knowledge of the Hanseatic League, of the rising traders in the towns of Europe in the later days of Feudalism, he would have known that it applied to the burgesses of these cities who were engaged in a CLASS STRUGGLE against the ecclesiastical and economic restrictions upon their expanding trade. Thus we get the names of towns born of these conditions: Hamburg, Cherbourg, Edinburgh, etc.

I twitted him on these matters. That he went back centuries for his law was no surprise, but his excursions into history, economics, etc., amused me and I think I said something like the following;

"First of all, I saw my learned friend as a sociologist; then, with chameleon-like rapidity changing to an historian; then an economist, and finally a moralist. And as an historian he appeared to be funnier to me than he was as a moralist."

Of the literature – piles of it – brought into court, I posed the question to the Jury: What did they get in Heaps' house, in Queen's house, in John's house, in Armstrong's, or Pritchard's, or Ivens', or in that of Bray?

The Crown established that I lived in Vancouver and had for many years; that I was well known as a Socialist speaker in that town, appearing almost weekly. Yet the little they produced were a few extracts from speeches – in Calgary – and one or two in Winnipeg.[28] Not a single reference to the many

28. RNWMP commissioner A. Bowen Perry submitted a report on the One Big Union (OBU) and the Calgary Conference based in part on a conversation with Pritchard on these matters.

scores of speeches – including several debates – that I had engaged in in my home town, where I was well known, at least for my political opinions. I leave that with you.

Just one more incident in this trial before I finally deal with the Crown's chief witness. Any who are interested and can get access to a copy of my Speech to the Jury will find this is set out on pp. 197–204. It was late in the evening session of the second day of my speech, and I was becoming physically exhausted and mentally tired. But I wanted to get to the jury a particular point: the modus operandi, of the police spy, and to disclose his high degree of illiteracy. I took Sergt. Reames as typical, for he not only had testified in the Preliminary Hearing, but in this trial also. In both instances he read from notes (in order to refresh his memory), and I thought I detected, as he read from his notes in our trial, the same sentiments in almost the same words as in the Preliminary Hearing. I therefore tried my hand at getting this on the record. In order to show his attitude (this had reference to what he had said of Mr. Ivens) I referred to Vol. 1, p. 87 of the Police Court hearings.

I was not sure that this Vol. was an exhibit in our trial – I was chancing a stray shot – but I wanted to get evidence from another Vol., which the record showed as being in. This was the famous Vol. Three, and the discussion over this had the entire court in a. tizzy.

This particular Volume was marked as Exhibit 694 and on its face carried the only evidence: It was in all of it. Mr. Andrews, with the practiced sophistication and rationalization of a long-time and well trained legal mind, held that only parts of the Vol. were in. But he didn't say which parts. I was backed strongly by Mr. Queen – and here again the record speaks for itself. For it was here that His Lordship now, also apparently confused, said:

"Get the reporter's notes; you will probably find out as to what went in."

Mr. Andrews' response to this order I now quote from the record:

"Your Lordship knows how difficult it is to get the reporter notes; (I emphasize the following –WAP): PROBABLY BY THE TIME THE TRIAL IS OVER WE WILL FIND OUT."[29]

And that, my dear fellow students, would have been of great assistance to the accused, would it not?

But the question, I suppose, now rises in your minds: What was Pritchard trying to do? I tried a lot of things but was not successful. In this instance also I was thwarted. I was trying to get what I knew this man, Sergt. Reames, the

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He concluded that labour radicals like Pritchard were not aiming at revolution in the ordinary (violent) sense of the word, but wanted to bring about a social and economic revolution. In doing so, they might unchain forces that could endanger Canada's security. A. Bowen Perry, RNWMP commissioner, to RNWMP comptroller, Ottawa, Re: Inter-Provincial Labour Convention Calgary, Alta., 2 April 1919, Sir Robert Borden fonds, reel C 4341, 56825–29, Library and Archives Canada, Ottawa.

29. *Pritchard's Address to Jury*, 201–202.

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man who had sworn out the original information, had said in Court that the meeting he attended addressed by Mr. Ivens was "… not very interesting as far as I was concerned. …" But I also wanted to show that his evidence, similar to that of Zanetti-Zaneth, consisted of, at best, some three minutes of extracts from some speeches lasting more than two hours, and that in Reames' case he admitted that: not wanting to be discovered in his rather dainty occupation, he had written these few minutes of extracts inside his hat. Now, my friends, a good magician may sometimes produce a rabbit out of a hat, but this performer could not even produce anything as alive as a rabbit. All his evidence – read from notes to refresh his memory – was "to the best of my knowledge and belief."

And now I come to the Crown's chief witness: the man with two names, two nationalities; many faces, and various functions. He was by virtue of his holding a card in the I.W.W., a member of an illegal organization; he was also declared by his superior officer (who must have been backed by the Government) as a registered alien, which he was not; he admitted that he had wormed his way into the Calgary Local of the Socialist Party, had helped to organize meetings, upon which he later made reports, helped so well in the sale of literature that he eventually became, for all practical purposes, literature agent, and had, therefore bought literature, etc., for the Local. This, you understand, should be considered in the light of these facts: This man admitted having wormed his way into this group and through chicanery and dissimulation had become its literature agent. He had access to the library, the literature shelves, and bought and sold and distributed literature on behalf of the group. He could put literature in, and he could take literature out. Consider now the vast amount of Socialist literature, including what we call the classics that appeared in Court as exhibits: The three volumes of "Capital" by Marx, "Socialism, Utopian and Scientific" by Engels, Lewis H. Morgan's "Ancient Society," etc., etc. And as indicated by the Crown, they had gathered many, many copies of most of these works. There were, I think, scores of "Capital," including my three volumes, of which Volume One had been published in England by George Allen, and therefore not under the idiotic ban of the censor. Piles and piles of this literature gathered by the agents of the Crown, with many copies of most of them.

This two-named national of two countries, one of which he admitted he had never visited, gave evidence of procuring from this Calgary hall a small pamphlet entitled "Social General Strike," published, if I remember aright, in New York. It was a piece of anarchist trash. But there was only one copy produced. From the Gaspe Peninsula to the west coast of Vancouver Island, one miserable copy. Yet scores of other works had been gathered in. This man who could take literature out as well as bring it in, testified he found this ONE copy. Nowhere else in the whole Dominion could the Crown produce another copy. Is it unreasonable to assume that this man who brought it out was not also the same individual who had first taken it in – and then, presto! had suddenly discovered it? For these men were out to find certain things. That was their job.

And I also assume that in cases like this, where one is assigned to find things, that if one doesn't find them, he produces them himself.

I had spoken of habit, habits of the physical, of how a man could practice and practice, and so habituate himself that it became custom. That a trapeze artist could practice for a hazardous undertaking like flying on the high trapeze but through practice could so perfect himself that he could fly "through the air with the greatest of ease." In a similar way "habits of thought" work and eventually help in shaping a man's behavior.

This witness said he came from Piedmont, and I commenced to think about that. Where is Piedmont? It is an area often referred to as "the other side of France." France had often gone to war with Austria over certain Italian claims, the territory known as "The Italian Irridenta," for instance. Piedmont became the battleground of forces of outside countries and for years was occupied first by one and then the other. In the war of 1859 this backward and forward movement of these contending forces took place in Piedmont. First the Austrian troops occupied Piedmont, then the French. A people subjected for years to these conditions had to develop a cute diplomacy in order to survive. At least they would have to pretend friendship with the Austrians, and then, conversely, with the French, depending upon which set of invading forces held the ground at any particular time. Such conditions would help breed a people who found it expedient to lie and practice deceit and trickery. Thus a whole people are developed as consummate liars. This man whose name as an Italian was Zanetti, and as an Austrian, Zaneth, said his father had changed his name to Zaneth when he was a baby. He didn't know what it was all about, yet he knew that half the population of Trieste spoke the mother tongue, although he had never been there. Do you suppose that a man who had habituated himself to lying for the better part of a year, as part of his occupation, and admitted having done so whenever he thought it necessary, could be believed when in the witness box he declared: "I am telling the truth now"?

And now, despite the fact that I shall have to leave out a large amount of interesting and important data associated with this case, I must bring this address to a close. I mentioned at the beginning that I would refer towards the end of my speech to the Jury foreman, Mr. Bruce, the gentleman with the rolling Scottish brogue and the elegant moustache. All the speeches were ended, the case given to the jury, and eventually they returned and asked for some further information. I think they returned for the third time and asked about certain exhibits and pieces of evidence, whereupon my friend Mr. Andrews arose and volunteered to the Court his services: He would be willing to go into the Jury Room and explain to the jury any of the exhibits (there were 1,010). This brought me to my feet immediately, and on behalf of myself and my colleagues I protested: If Mr. Andrews was allowed in that jury room I would claim the same privilege and claim it for my colleagues. There the matter rested and finally the jury returned. Heaps was acquitted. Bray was found guilty only of "Common

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Nuisance." The remaining five were found guilty. The prosecution had won its pyrrhic victory. After delivering the verdict, the foreman started to say something along this line: "We think, My Lord, that these men have already suff—" when the Judge, now having his verdict, barked at them, "What are you trying to do? You've given your verdict. …" Then he caught his feet. "If you want to make a recommendation – a recommendation to mercy – it's your privilege." I don't think I shall ever forget the grim face of Mr. Bruce, as evidently shocked, he retorted: "The fullest possible mercy of this court, My Lord."

I have introduced this not only because of its import, but because of a little incident of some years later. It was the fall of 1933, and I had addressed a crowded meeting in Marpole, a district of Vancouver, on the northern bank of the Fraser River delta. I had, perhaps for the only time in my life, concluded a meeting by giving a short extract from an excerpt of a speech given by Anatole France to a convention of teachers sometime in 1919, I think it was. The meeting was over and I was still on the platform, when one of the organizers of the meeting came up and called me. He said: "There is an old friend of yours who would like to speak to you." I said, "All right: Bring him along." He turned round and pointed to this gentleman who smilingly said, "Ye dinna know me?" I was stunned, I'll admit, and puzzled, and then the timbre of that voice and the man's smile hit me like a bolt. "Well, well!" I grasped his hand and said: "Whatever became of your wonderful moustache?" We had a short, jolly time together, but when he wanted to tell me what went on in that jury room, I objected. "It's over – the secrets of the jury room are not revealed in British procedures."

I have often been asked if I feel any bitterness, and my answer, honestly, is "No." The men on the other side were only doing a job for their masters. If there is any bitterness; it is against the system that produces these problems. In fact, I had the pleasant experience of meeting Mr. Andrews again, in 1932. I was attending a convention of the Dominion Municipal Union held in the Royal Alexander, in this city, and as the last featured speaker I gave a talk on "Unemployment." These were the days of the great world-wide depression, and politicians everywhere were looking for ways out. My talk had to do with basic economics; that the problem facing governments and corporate officials alike stemmed from the crises that occur periodically in a system that produces goods primarily for sale; that a time comes when over-production gluts the market, and no sale means a laying-off of the working force. And in the days of the Great Depression that lay-off had been enormous. Many of the engineers, fiscal experts, and legal gentlemen who were delegates were among the crowd which applauded the speech, but although complimenting me on a fine presentation, begged to differ with the analysis I had offered. I replied: "That is what I expected. For if a majority of trained experts such as you, together with a majority of the populace, were to agree, the social consequences would be very much in evidence. But despite our present distress, that time is not yet."

Now at this time Mr. Andrews had a brother who was an alderman of the city and attended this conference as a delegate.[30] The speech seemed to be almost as interest-provoking as my speech to the jury some twelve years earlier. It hit the public prints and was reported over the radio of the Grain Growers Association, I remember as I came to the entrance of the hotel I was met by Bob Russell who grabbed me and said, "What have you been up to now, Bill? Your speech is being broadcast all over the city." He told me he had some business with Mr. Andrews (some legal business, I think) and asked if I would like to go along. I answered: "Yes." So we went, and when Mr. Andrews came out of his office, he said to Russell, "What can I do for you, Bob?" Russell replied: "I've brought an old friend of yours who would like to see you." Andrews looked at me without any sign of recognition, and then Russell said: "Bill Pritchard from Vancouver." A. J. grabbed my hand and said: "Just a minute. I have a client in my office." He got rid of his client and we engaged in a nice friendly chat in which he said: "My brother said you made a remarkable speech at the Municipal Convention." I thanked him and then he went on to discuss what was on everyone's tongue and in everyone's mind: The Depression. What did I think about it, what was to be done, etc.? "Just a minute, sir," I said. "I came here to say Hello in a friendly way, but if you think I am going to give my opinions as to what I think should be done to the man who helped to send me to jail for doing exactly that some twelve years ago, you're sadly mistaken." He laughed and said, "You haven't changed a bit."

My acquaintances say that I have mellowed through the years. Well, one can hardly expect the fire of an ardent youth to continue to flame into what are called "The Golden Years." If there is any change it is only that experience and the happenings throughout the world since that time have strengthened my opinions, amplified them, so to speak. For today we see a world in greater chaos that even in the days of "The Great Depression." The struggle for markets more intense, trade rivalries more pronounced, and all the elements appear that produced World War I and World War II, but greater in degree and now affecting the entire globe. Bourgeois society has indeed invaded all lands, nestled into all corners, made the world over into its own image, and stamped its indelible imprint upon all peoples. And the world's diplomats and politicians, its rulers and its statesmen cry, "Peace, peace," when there is no peace.

In the early portion of this speech I gave a short excerpt from my Speech to the Jury. If, in these my Golden Years, I can reproduce to any small degree the flame of my more ardent youth, I'll finish with a longer extract from the speech that Anatole France made to the teachers convention in 1919, and which I used towards the end of my speech:

"No more industrial rivalries, no more wars; work and peace. Whether we wish it or no, the hour has come when we must be citizens of the world or see all civilization perish.

30. Alderman Bert Andrews, Winnipeg City Council, was A. J. Andrews' nephew. See "83 Roses – One for Spanks," *Winnipeg Tribune*, 25 April 1947, 8.

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My friends, permit me to utter a most ardent wish, a wish which it is necessary for me to express too rapidly and incompletely, but whose primary idea seems to me calculated to appeal to all generous natures. I wish, I wish with all my heart that a delegation of the teachers of all nations might soon join the Workers Internationale in order to prepare in common a universal form of education and advise as to methods of sowing in young minds ideas from which would spring the peace of the world and the union of people.

"Reason, wisdom, intelligence, forces of the mind and heart whom I have always devoutly invoked, come to me, aid me, sustain my feeble voice, carry it, if that may be, to all the peoples of the world and diffuse it everywhere where there are men of goodwill to hear the beneficent truth. A NEW ORDER OF THINGS IS BORN, THE POWERS OF EVIL DIE, POISONED BY THEIR CRIME. The greedy and the cruel, the devourers of people, are bursting with an indigestion of blood. However sorely stricken by the sins of their blind or corrupt masters, mutilated, decimated, the proletarians remain erect; they will unite to form one universal proletariat and we shall see fulfilled the great Socialist prophecy. The union of the workers will be the peace of the world."[31]

I cannot close without posing a question, not so much to you, but, specifically, to the Manitoba Bar Association, and, generally, to the Bar Association of Canada:

"Why is it that any lawyer today, or historian, for that matter, can go into the archives and find a copy (or copies) of every case in the history of this Province, but cannot find a copy of this, the greatest state trial in the history of Canada?"[32]

You may ponder that, as I hope the Bar Association will. The historians are doing so, and I, personally, live still in expectancy that someone will provide the answer.

I thank you for inviting me and for your patience in listening to me.

31. *Pritchard's Address to Jury*, 215–216.

32. There is a bit of hyperbole at play here. It is not true that a researcher "can go into the archives and find a copy (or copies) of every case in the history of this Province." It is true that an extensive record of the trial Pritchard refers to does exist. The records "consist of exhibits and other records related to the Winnipeg General Strike trials of R v. R. B. Russell, R v. Ivens et al and R v. Dixon. Records include some of the exhibits from the R v. Ivens et al trial (some of which were also used in R v. Russell) as well as many publications and documents removed from trades and labour halls but not used as exhibits (GR3081). Records also include two reels of microfilm which include the transcript of the preliminary hearing for R v. W. Ivens, R. J. Johns and R. B. Russell et al.; R. B. Russell's petition for special leave to appeal to the Privy Council; and a transcription of the exhibits used in R v. Russell (GR3082)." "Scope and Content," Exhibits and Other Records related to the Winnipeg General Strike Trials, A0272, AM.