

DOMINION DAY

1867 1946

AN OPEN LETTER TO THE PRIME MINISTER OF CANADA

The Right Hon. William Lyon Mackenzie King, P.C., M.P.,
House of Commons, Ottawa.

Sir,

This should be a day of hope and promise for Canadian nationhood and Canadian freedom. In your distinguished career as Prime Minister of Canada you have always cherished the idea of Canada's growth as a free nation. Throughout your public life your professed aim has been to build a Canadian nation in which the British liberties, so ably defended by our Canadian forbears, would ever give us strength.

Yet this, the 79th anniversary of our nation's birth and the first since the end of a war fought for our freedom, is very nearly a day of shame. For things have been done this year, by the government over which you preside, which have brought Canada into ill-repute and tarnished her heritage.

Your government has by executive action swept aside the most sacred rights of citizens. The established legal safeguards of the liberties of the citizen have been overridden by Orders in Council, passed in secret and acted upon in secret. Your government has authorized its officials to seize, and forcibly detain for as long as they wished, any person they wished, without showing any cause other than your order, without charging them with any offence, without trying them by due process of law. Your government has given authority for men and women to be interrogated in any way and under any condition that a member of your government thought convenient; and under this authority men and women have been interrogated against established law, and against established law have been sworn to secrecy so they could not report the manner of their interrogation. Your government has set up a special Commission which has compelled men and women to speak without aid or legal counsel and without knowing their rights. Your government empowered this Commission to issue reports, and it did issue reports, which your government published, condemning the men and women whom it had by your authority unlawfully questioned, before they had been charged or given a hearing in open court. All this is foreign to our whole tradition.

You know that many of the people's representatives in the House of Commons, and many eminent and humble people in the country have denounced these things since first they became known a few months ago. But we cannot think that you realize all the harm that has been done. Already sufficient news of this affair has been published in Great Britain and the United States to bring into disrepute not only the Canadian government, but Canada. The people of Canada do not want to be held in contempt by other nations.

We are, therefore, addressing some questions to you, questions to which the people of Canada require answers.

What reason can you give the people of Canada for having authorized by two Orders in Council the denial of the vital rights guaranteed by Magna Carta, the Petition of Right, the Habeas Corpus Act and the whole tradition of British and Canadian law? You have said that you thought it necessary because evidence of a widespread conspiracy had fallen into your hands. Was not the great Petition of Right enacted by the British Parliament to prevent an overbearing government from claiming just such excuses for arbitrary suspension of established rights?

Besides, if you had evidence of such a grave conspiracy in September of 1945, why were these people, who were seized in February of 1946, allowed to continue in their positions of trust in the civil service from September to February? It would have been easy to arrest and charge in September any who were suspected, and to let the courts decide their guilt or innocence by due process of law. We have always thought, and do still think, that that is what the courts are for. The whole idea of a special Commission with unlimited power to go beyond the law is doubly repugnant when it appears, as now it begins to appear, that the Commission found no evidence that was not already in your possession in September. For now it seems as if the purpose of the Commission had been to intimidate those whom it was examining. If this was not the intention when the Commission was set up, why were the Commissioners given unlimited power to go beyond the law?

You said on March 18 that the Commission before asking for the detention of anyone "had made perfectly certain that the persons whom they were asking should be apprehended were persons whom, upon the evidence before them, they felt justified in asking should be detained." Yet in the case of one of these persons there was certainly no proper evidence, for the charges against him were later dismissed in the magistrate's court.

How can you account to the people of Canada for your action in publishing the reports of the Kellock-Taschereau Commission in which, on the basis of secret interrogation, and with no provision against false interpretation of the evidence by the Commissioners, thirteen people were in effect declared guilty of certain offences before they had been charged or allowed to appear in court? How could anyone have a fair trial after that?

How can you account to the people of Canada for your action in allowing the Kellock-Taschereau Commission to continue in existence? Is not the Commission acting in contempt of court, by compelling people to answer its questions on matters before the courts?

How can you account to the people of Canada for what you have done to the reputation and standing of our Supreme Court? You explained on March 18 that you chose as Commissioners two men who were judges of the Supreme Court because you were anxious that the liberty of the subject should be protected and that justice and justice only should be done. To protect the liberty of the subject, you asked two judges of the highest court in the country to acquiesce in denying all the established judicial processes which protect the liberty of the subject, and they did so. By this travesty of justice the standing of the Supreme Court has been greatly damaged. And how will the Supreme Court be able to give fair judgment on any appeals that may be sent to it from other courts, when two of its members have prejudged the cases?

You have prided yourself, even within the last fortnight, on having carried forward the traditions of your grandfather, William Lyon Mackenzie, in strengthening responsible government and personal liberty; and in bringing Canada to full nationhood. What you have done, and what you have allowed to be done, this year, has reversed that tradition.

The harm that has been done cannot all be undone. But there is a remedy which would restore the lawful liberties of the Canadian people and give them back their national self-respect. Put a stop to the activities of the Kellock-Taschereau Commission. Discard all its works before they have given rise to more evil and injustice. But before the Commission is dismissed, let Parliament hold a public investigation of its actions and records. Let the oaths of secrecy which the Commission extorted be remitted, so that the Parliament and people of Canada may know what was done to civil rights and established law.

Canada and the world respect you, Sir, as the Prime Minister who led us so ably through a great war for freedom. Let history judge you by your worthy record of leadership. Do not let it be written in the closing pages that freedom was betrayed.

Respectfully yours,

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