

# THE METHODS OF THE KELLOCK-TASCHEREAU COMMISSION

The basic rights of Canadians are endangered by the recent and continuing actions of our Federal government and the Kellock-Taschereau Commission. The Commission does violence to the rights of free men. Any Canadian citizen can still be victimized by this procedure. The methods of the Commission are not new. They were used against Englishmen in 1649 and against Canadians in 1946. The records in each case are set out below.

## 1649 VERSION

### "THE LAWS OF ENGLAND KNOW YOU NOT"

ON Wednesday, March 28th, 1649, between four or five in the morning, Lieut.-Col. John Lilburn and others were arrested and taken before the Council of State to be questioned on the authorship of a supposedly seditious pamphlet. Here is Lilburn's story of his examination by Bradshaw, President of the Council:

Mr. Bradshaw said to me to this effect: "Lieut.-Colonel Lilburn, this Council judge themselves bound to demand of you this question, whether you made this book, or were privy to the making of it or no?"

To which I said, "I am an Englishman born, bred and brought up, and England is a nation governed, bounded and limited by laws and liberties. And the laws and liberties of England are my inheritance and birthright. And sure I am that no free man of England ought to be adjudged for life, limb, liberty or estate, but by the laws already in being established and declared."

"And truly, Sir, if this be good and sound legal doctrine (as undoubtedly it is, or else your own declarations are false and lies), I wonder what you Gentlemen are. For the declared and known laws of England know you not, neither by names, nor qualifications, as persons endowed with any power either to imprison or try me, or the meanest free man of England. And truly, were it not that I know the faces of divers of you, and honour the persons of some of you, I should wonder what you are, or before whom I am."

"Mr. Bradshaw, it may be the House of Commons has passed some votes or

orders to authorize you to sit here for such and such ends as in their orders may be declared, but that they have made any such votes or orders, is legally unknown to me. I never saw them. But admit that the House of Commons in good earnest have made you a Council of State, yet I know not what that is, because the law of England tells me nothing of such a thing. Surely if a Council of State were a Court of Justice, the law would speak something of it."

"By answering this question against myself, I should betray the liberties of England in acknowledging you to have a legal jurisdiction over me, to try and adjudge me, which I have already proved to your faces you have not in the least; and if you have forgotten what you said to me thereupon, yet I have not forgotten what I said to you.

"And secondly, Sir, if I should answer to questions against myself, and to betray myself, I should do that which not only law, but nature, abhors. And therefore, I cannot but wonder that you yourselves are not ashamed to demand so illegal and unworthy a thing of me as this is.

"And, in short, were it that I owned for power (which I do not in the least), I would be hanged, before I would do so base, and un-Englishman-like an action, to betray my Liberty, which I must of necessity do, in answering questions to accuse myself."

From "The Picture of the Council of State," written in April, 1649, by Lieut.-Col. John Lilburn, then a prisoner in the Tower of London.

## 1946 VERSION

### "WHILE THERE IS STILL TIME"

ON Friday, February 15th, 1946, at about six in the morning, thirteen Canadians were taken into custody and questioned, first by the R.C.M.P. and then by the Kellock-Taschereau Commission, in relation to alleged breaches of the Official Secrets Act. Here are accounts of their detention, written by two of those detained:

"I have been held nearly four weeks in this improvised jail without any charge being laid against me and without being allowed to consult counsel. I have been refused access to the order-in-council under which I was arrested, and even to the terms of reference of the royal commission which I am told has been appointed to investigate a "plot," the details of which have been withheld from me. I am not allowed to see any newspapers.

"I have been told that I was arrested under an order-in-council covering persons 'reasonably suspected of communicating with an agent of a foreign power'. I have not even been told whether I am suspected, or whether a charge will be placed against me. But I am certainly not being treated as innocent (which I am) until proven guilty.

"Sir, I want freedom of speech, or a speedy, fair trial. But not any more than every Canadian citizen needs these basic rights. The people of Canada can do without my freedom of trial, but they cannot dispense with assurances of their own freedom from illegal arrest and detention.

"Fortunately, it is not yet given to most people to suffer illegal arrest and imprisonment. But I feel bound while there is still time to warn everyone of their insecurity. I have seen injustice—and it works. Let no one say: "They can't do it to me." They can. They have done it. There is no guarantee that "they" will not do it again."

From a news story of March 28, 1946, which carried the text of a letter to the leaders of political parties, from W.L. P. W. Poland, then detained at Rockcliffe.

"It May Sound Fantastic" . . .

"Since February 15th, 1946, I have been held a prisoner by the R.C.M.P. at their barracks at Rockcliffe, Ontario, by an order signed by the Minister of Justice, the Honourable Louis St. Laurent.

"It may sound fantastic but I have to tell you that no charges have been laid against me and that I was given to understand that my status was still that of a prisoner held at the pleasure of the Minister of Justice, for an indefinite period of time and with absolutely no civil or legal rights other than those specifically granted by the Minister of Justice. I still do not know which rights, if any, the Minister of Justice has granted to me.

"For the past five weeks I have been held in isolated imprisonment, denied access to legal counsel, to newspapers, in short, cut off from the outside world.

"I have written twice to the Minister of Justice in protest against this Bastille-like imprisonment. His replies referred to some Royal Commission but made no change in the incredible situation in which I find myself. They have in effect merely confirmed that the Minister of Justice is fully aware of the conditions of my imprisonment.

"This imprisonment is a terrible injustice to me, and I charge the Minister of Justice with using his authority in a way which sets up dangerous precedent, one which should alarm every Canadian citizen.

From a news story of March 28th, 1946, which carried the text of a letter to Mr. John Bradshaw, M.P., from Professor J. Halperin, then detained at Rockcliffe.

## THE EMERGENCY COMMITTEE FOR CIVIL RIGHTS PROPOSES ACTION NOW FOR THE FOLLOWING PURPOSES:

- (1) To conduct an educational program to remove, as far as possible, the prejudice caused the defendants in the espionage cases —
  - (a) By the manner of their interrogation prior to trial.
  - (b) By the way in which their cases have been publicly prejudiced by the findings of the Kellock-Taschereau Commission.
  - (c) By the fact that the Commission has continued to hear witnesses in relation to matters now before the courts.
- (2) To set forth the basic civil rights of Canadians and to take steps to protect every Canadian from the arbitrary suspension of these rights.
- (3) To set up an EMERGENCY CIVIL RIGHTS FUND for the above purposes and for legal and technical assistance where needed.

We feel that there are other Canadians who are disturbed and shocked by the actions of the Federal Government and the Kellock-Taschereau Commission, and we appeal to these Canadians to express their support of our purposes, both by endorsing this statement and by contributing to the funds of the Emergency Committee for Civil Rights.

## EMERGENCY COMMITTEE FOR CIVIL RIGHTS

### EXECUTIVE

Mrs. Margaret H. Spaulding, Chairman  
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### MAIL THIS COUPON NOW!

To: THE EMERGENCY COMMITTEE FOR CIVIL RIGHTS  
4 HUNTLEY ST., TORONTO, ONT.

I endorse the above statement of purposes.

I would like \_\_\_\_\_ free copies of this statement for distribution.

I would also like to contribute to the Emergency Civil Rights Fund and I enclose cheque/money order for \$ \_\_\_\_\_

(Make cheques or money orders payable to EMERGENCY COMMITTEE FOR CIVIL RIGHTS)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_