

CIVIL RIGHTS RALLY

"FREEDOM IS YOUR AFFAIR"

Monday, January 27, 1947

8.15 p.m.

- Arthur Roebuck Papers
MG 32 C 68.
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- Nat
archives
of Ottawa.*
1. Oh Canada
 2. Chairman's Remarks
 3. Rabbi Feinberg, Holy Blossom Temple
Rabbi Feinberg will speak generally on racial discrimination and civil rights. (Approximate guide as to time, 8.25 -- 8.40)
 4. Mr. George Burt, Canadian Director United Automobile Workers of America, Executive member of Canadian Congress of Labour
Mr. Burt will discuss the civil rights of labour with particular reference to recent cases in which obsolete laws have been used to attack trade unions. (Approximate guide as to time 8.40 - 8.55)
 5. Mr. Leslie Roberts, well-known writer, author of "We must be Free", member of the Montreal Civil Liberties Association
Mr. Roberts will discuss the violations of civil rights connected with the recent espionage investigation. Mr. Roberts will also make an appeal for funds to defray the cost of the meeting. (Approximate guide as to time 8.55 - 9.20)

COLLECTION (during which piano selections will be played)

9.20 - 9.25

6. Mr. Andrew Brewin of the Toronto Civil Liberties Association, Counsel for the Japanese-Canadians in the recent appeal to the Privy Council
Mr. Brewin will discuss the civil rights of the Japanese-Canadians (Approximate guide as to time 9.25 - 9.40)
7. Senator A.W. Roebuck, K.C., distinguished Canadian lawyer, former Attorney-General of Ontario, well-known defender of civil liberties
Senator Roebuck will discuss generally the situation of civil rights in Canada and in particular the question of a bill of rights for Canadians. (Approximate guide as to time - half an hour 9.40 - 10.10)
8. Following Senator Roebuck's speech, a resolution embodying the various points discussed will be placed before the meeting).
9. God Save The King.

RESOLUTION

To be presented to a public meeting sponsored by the Civil Rights Union and the Toronto Civil Liberties Association at Jarvis St. Collegiate, Toronto, 27th January, 1947.

Whereas during the past twelve months there has been a series of encroachments on the civil rights of Canadians:

- (First) - in the conduct of the government and the Taschereau Kellock Commission in the espionage investigation,
- (Second) - in the continued denial of their civil rights to the Japanese-Canadians,
- (Third) - in the discriminatory use of the law and law enforcement agencies against members and officials of trade unions in industrial disputes,
- (Fourth) - in the persecution of the Jehovah's Witnesses by the misuse of executive power,
- (Fifth) - in the increasing number of cases of discrimination based on race or religion.

And Whereas these abuses demonstrate the need to set forth the basic rights of Canadians clearly and firmly in a Bill of Rights;

And Whereas it is important that the introduction of such a Bill of Rights should be preceded by the widest possible discussion and by an investigation of the existing condition of civil rights in Canada;

WE therefore urge the government of Canada to set up a Parliamentary Committee:

- to investigate violations of civil rights in Canada,
- to hear representations from individuals and organisations on means of preventing future violations,
- and to make recommendations for a Canadian Bill of Rights.

C I V I L L I B E R T I E S

(Sen. A. Raebuck
for 27 Jan/47
Civil Rts Rally
Jarvis Collegiate
Toronto)

Thanks are due to the Civil Rights Union and the Civil Liberties Association for their sponsorship of this meeting, called on the eve of the convening of Parliament. It seems necessary that at least once in every generation an authoritative and spectacular declaration be made of the rights of man as against the forces which would oppress him.

Such a declaration was made in 1215, when Stephen Langdon wrung the great Charter from a tyrannical King and thus established in English law the principle of Habeas Corpus, trial of the accused by his peers or the law of the land, and the obligation on rulers to neither sell, delay or deny right or justice.

It was done again in 1627, when the Bill of Rights was forced upon Charles I, and still again in 1688 when the Petition of Right and the Act of Settlement ~~were~~ made a condition of the crowning of William and Mary.

The framers of the American Constitution made their great declaration when they adopted their Bill of Rights, and the French followed suit with something similar on the return home of Lafayette. The Province of Ontario did something of the kind when at the first Parliament of Upper Canada following

the enactment of the Constitutional Act of 1791, we adopted as the fundamental law of this country the Common Law of England. It has been done on other and less dramatic occasions, but not sufficiently, frequently or comprehensively.

It has been the tendency of ^{all} Governments in all ages to oppress the private citizen, to filch from him his liberties and rob him of his property, ^{this pervisious must} a tendency ~~which can~~ be resisted ^{conspicuously} by a wide-spread knowledge of Civil liberties and a popular insistence on their observance.

The time has undoubtedly arrived in Canada when we should seriously consider the rights of the individual and the steps necessary for his protection. What is required at this time in my judgement is a well thought out and comprehensive bill of rights for Canada, and a dramatic declaration of the fundamental rights to which we are prepared to adhere and which those in authority will violate at their peril.

The time is just ripe for such a proceeding for we have just concluded a war for human liberty abroad while we were never so careless of human liberty at home. While with one hand we fought Hitler who would have robbed us of all liberty, with the other hand we regimented society, controlled production, limited prices, called some to the Colours and others to jobs at fixed wages, well-nigh abolished Parliament, ^{any Government} and consigned suspects to

concentration camps without trial on police orders. The answer is, of course, that this surrender of individual liberty was made necessary by the crisis in order to ward off a much worse fate, but the danger now is that having grown used to such evils in time of war we carelessly allow them to continue into times of peace, *so that they become fastened upon us for all time*

"Vice, (says Goldsmith) is a monster of such
frightful mein,

That to be hated needs but to be seen,

But seen too oft, familiar with her face,

We first endure, then pity, then embrace."

The dominant note upon which we fought the war abroad was the Atlantic Charter and President Roosevelt's Four Freedoms, and since the conclusion of hostilities Canada has agreed with the United Nations Assembly to -

"Promote respect for, and observance of,
human rights and fundamental freedoms for
all without distinction as to race, sex,
language or religion."

and to -

"Practice tolerance and live together in peace
with one another as good neighbors."

These are wonderfully fine words,

But while Canada fought for freedom and equality and

has since pledged herself to human rights without distinction as to race, sex, language or religion, there have occurred a number of disturbing failures on our part to live up to our ideals. Our practice has at times fallen sadly short of our protestations, and ^{one} cannot but wonder at times whether our acts or our words are the true measure of our intentions, and whether we are going, and how fast.

If our careless indifference manifested towards flagrant violations of ancient principles of freedom is an indication of our future we have cause for concern.

Patrick Henry, the great American champion of freedom, once used these words:

"Liberty, the greatest of all earthly blessings -
Give us that precious jewel, and you may take
everything else."

The Ontario Court of Appeal on Wednesday last week, in its judgment in a notorious criminal case, used these memorable words:

"Whatever may be the character of the Appellant, and the iniquity of her conduct, the presumption of innocence of the crime with which she is charged until she is proven guilty by due process of law and after a fair trial, is applicable in her case as in any other."

Their Lordships reaffirmed the right of the subject not to be imprisoned without bona fide charge and arraignment on the actual offence of which she is accused, not to be examined by the police without due warning that her statements may be used against her at her trial, and not to be compelled to testify against herself.

This is a magnificent reaffirmation of civil rights, and is heartening and reassuring, but one is compelled to wonder whether these principles apply in the police administration at Ottawa as they do in the Courts at Hamilton and Toronto.

The question is serious for within recent months 18 persons were taken into custody by the Dominion Police under authority conferred by the War Measures Act, and held in solitary confinement for weeks (~~one~~^{five} for 43 days) - solitary except for the presence of a guard in the room every moment of the day and night, working three shifts of eight hours each and ordered to

"Record every incident, the condition of the prisoner, and any peculiar action or any remark."

One guard reported after some days of this confinement that his prisoner's -

"eyes are bloodshot and he seemed to have a depressed look."

And well he might, for another of the guards has

told of a bank of eight electric lights from 150 to 200 watts capacity glaring all night in his room.

No communication was permitted between the prisoner and his friends or relatives, or any legal advice or assistance, or access to newspapers, or even to the Order-in-Council under which the prisoners were apprehended, or even to the charge upon which they were held, for no charge had been laid.

Under conditions such as these, the prisoners were questioned and requestioned by the police.

After this police inquisitions^{that} were taken individually before a Royal Commission of two Judges of the Supreme Court of Canada, where they were subjected to a further cross-examination. They were told that they must answer the questions put while an expert cross-examiner proceeded to weave about them a web of evidence from which guilty might be inferred.

I know whereof I speak for I was present on one occasion and saw it being done. Counsel was permitted at the Commission sittings but only after public outcry against the methods being used, and on pledge of secrecy. No opportunity for the cross-examination of opposing witnesses was afforded notwithstanding the admitted acceptance of hearsay evidence and of documents inadmissible in Court.

After some weeks of this procedure, the Royal Commission made a final written report, of which 5,000 copies were

printed for distribution, in which they publically find and denounce 18 persons guilty of the disloyally criminal act of communicating secret information to a foreign power, or of conspiring to do so.

I have every respect for the Supreme Court of Canada, and will vote if opportunity presents to make it the final Court of Appeal in Canadian causes, and I have no respect for men or women who would betray their country to a foreign power, but how can one remain silent when men, who are innocent until proven guilty, are imprisoned without recourse to Courts of Justice, coerced into giving evidence against themselves and finally declared guilty without trial. It is a virtue to be easy-going in some things but not towards encroachments upon our liberties. I quote the words of President Madison, of the United States:

"It is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens".

Labouring under the disability of this published declaration of guilty by two Judges, Judges of the highest Court in Canada, fourteen of these accused have since been brought to trial in the Criminal Courts and six of them have been acquitted.

I say that the Civil rights of these six persons have been flagrantly and cruelly invaded and so too were those of the eight found guilty, and what disturbs me is the fact that those responsible for procedure which the Canadian Bar Association terms:

"a radical departure from principles and practices which are followed in Canadian Courts administering justice in criminal cases,"

have not disavowed the error, but rather do they defend it.

Under these circumstances I wonder, if this precedent is allowed to stand, whether the principles of Magna Carta, Habeas Corpus and the Common Law apply only when not set aside by the Executive. Are we drifting towards police rule in fact while we pay lip service to democracy? Are not the implications of this incident so serious as to necessitate an inquiry into the whole subject of Civil Rights and a declaration by Parliament reaffirming the rule of law.

Were this the only incident of the invasion of Civil rights which has occurred I might take comfort in the excuse of war hysteria and the unusual circumstances with which the Government was confronted, but how can persons reared in the British tradition close their eyes to the ordered deportation of Canadian citizens on pure grounds of race, even though the Order has not as yet been carried out. The Order-in-Council has ^{been} ~~not~~ repeated, nor the evil principle ^{has not been} repudiated. The Order stands as a precedent for similar action against other minorities should occasion present. If Japanese can be deported on grounds of race why not any one else who becomes sufficiently unpopular, and why not the Witnesses on grounds of Religion, or anyone on any grounds?

The Honourable Paul Martin says that his new Canadian Citizenship Act is a -

"Major step forward to greater national consciousness", and he says that we must create -

"A greater understanding of the privileges and responsibilities of Canadian citizenship".

I agree with him, and I submit that Parliament should affirm, at its very next Session, the right of the Canadian Citizen, irrespective of race or religion or unpopularity not to be deported to Japan or anywhere else.

I hope before this meeting closes some one will speak of the plight of the 30,713 male Chinese in Canada almost all of whom are deprived of the company of their wives and of normal female company by our iniquitous Chinese Exclusion Act, and I hope that some one will call the attention of the Provincial Authorities to the gross discrimination practised against Negroes and Jews, of which the Icelandia incident is but an example.

Canada should have a comprehensive Bill of Rights which will declare ~~the death of tyranny and~~ the dignity of man, *and death to tyranny but* ~~but~~ I warn you that the drawing of such a document is a labour of great difficulty and should be proceeded by study, discussion and serious consideration. A private members Bill might serve some purpose, but what is really needed is a Commons or Senate Committee of Inquiry and a Report upon which a Resolution may be based, and in such work I assure you of my readiness to cooperate.