



MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

OTTAWA,
August 1st 1946.

Personal

Honourable A. W. Roebuck,
The Senate,
O t t a w a

Dear Senator Roebuck:

I thank you for your letter of July 30th, informing me of your views with respect to the applications for clemency on behalf of Messrs. Adams and Lunan.

You do appreciate, of course, that it is rather a delicate matter to attempt to interfere with sentences for contempt of Court, but we are giving the matter careful consideration.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Louis St. Laurent".

Ottawa, July 30, 1946.

Honourable Louis St. Laurent,
Minister of Justice,
Ottawa, Ontario.

Dear Mr. St. Laurent:

I have been waited upon by Mrs. Josepha M. Adams and Mrs. Phyllis Lunan, wives of two men who were committed to prison in Montreal when they refused to testify when called as witnesses during one of the Official Secrets Trials on the ground that such testimony would prejudice the hearing of similar charges already laid against themselves.

These women tell me that their husbands greatly need their freedom in order that they may prepare their defence and in view of the accusations which they will be called upon to meet this is readily understandable. I am told that one of them will be released on the very day upon which his trial is scheduled to commence. A fair trial of the accused can hardly be anticipated under such circumstances.

These ladies have seen you, and I understand that the question of public opinion was raised as having some bearing on their continued incarceration. I have little knowledge as to what others think upon this point, but consider it a duty to state to you my own views.

There is undoubtedly precedent at law for the calling of persons charged with one and the same offence to testify each against the other, but in my judgment as a lawyer it is highly improper on the part of the Crown if the giving of such evidence involves the testifying by an accused person against himself. Such action by the Crown is highly improper because it violates that principle of English law which jealously guards accused persons from the risk of being forced into a position in which they must choose between per-

jury and their own compelling interests, I call your attention to the restrained wisdom of the learned Chief Justice of Ontario, when under exactly similar circumstances, in connection with these very official secrets trials, he declined to use the punitive processes of the Court in order to compel an accused person to give evidence ostensibly against someone else, but in fact against himself. The Chief Justice of Ontario did not find contempt of court in the desire of an accused person for a fair trial.

The fact that these witnesses might have invoked the provisions of the Evidence Act so that testimony given by them which they claimed might incriminate them shall not be used against them in subsequent proceedings, other than a trial for perjury, does not meet the situation in this case, for the court officials who were present would, no doubt, take part in the subsequent trials, and the courtroom was crowded with newspaper men ready to take down what was said and publish it to an eagerly ^{wailing} world.

We accept, of course, the decision of the court based upon precedent that the men must testify and its later punishment of the disobedience, but I do not approve the action of the Crown Officers in placing the court in that position.

I need hardly add in a letter to you that this expression on my part in no way indicates my opinion as to the seriousness of the offences with which these men are charged, I look upon the alleged offence as exceedingly serious, but I nevertheless bear in mind the salutary principle of English law that an accused person is to be regarded as innocent until proven guilty, and I suggest that, if the seriousness of the offence has anything to do with the point in question, it should be to impel the authorities to take every reasonable precaution to assure that the accused shall not be hampered in the preparation of defence.

Under these circumstances, graciously permit me to advise that in my judgment these sentences may well be mitigated as an exercise of clemency to allow the accused an opportunity to prepare for trial.

I am taking the liberty of sending a copy of

Rt. Honourable Louis St. Laurent - 3.

this letter to the Solicitor General, and have the honour
to remain

Faithfully yours,

A. W. Roebuck.

to any... witness... Ottawa, July 30, 1946

Rt. Honourable Louis St. Laurent,
Minister of Justice,
Ottawa, Ontario.

Dear Mr. St. Laurent:

I have been waited upon by Mrs. Josephine Milto Adams and Mrs. Phyllis Lunan, wives of two men who were committed to prison in Montreal when they refused to testify when called as witnesses during one of the Official Secrets Trials on the ground that such testimony would prejudice the hearing of similar charges already laid against themselves.

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These women tell me that their husbands greatly need their freedom in order that they may prepare their defence and in view of the accusations which they will be called upon to meet this is readily understandable. I am told that one of them will be released on the very day upon which his trial is scheduled to commence. The trial of the accused can hardly be anticipated under such circumstances.

These ladies have seen you and I understand that the question of public opinion was raised as having some bearing on their continued incarceration. I have a little knowledge as to what others think upon this point but consider it a duty to state to you my own views.

There is undoubtedly precedent at law for the calling of persons charged with one and the same offence to testify each against the other, but in my judgment as a lawyer it is highly improper on the part of the Crown if the giving of such evidence involves the testifying by an accused person against himself. Such action by the Crown is highly improper because it violates that principle of English law which jealously guards accused persons from the risk of being forced into a position in which they must choose between per-

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waiting

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Rt. Honourable Louis St. Laurent - 3.

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to remain

Faithfully yours,

A. W. Roebuck.

Ottawa, Ont.
July 25, 1948.

Right Hon. Louis St. Laurent,
Minister of Justice,
Ottawa, Ontario.

Right Honorable Sir:

We, the wives of men at present in Bordeaux jail on charges of contempt of court arising out of the recent trial of Mr. Fred Rose, M.P. earnestly request that you give consideration to the following representations:

Our husbands have been sentenced to jail for refusing to give testimony which they believed would prejudice their chances of a just trial on charges facing them now. A similar refusal to testify had previously been recognized as justified by Chief Justice McRuer.

We believe that the sentencing of our husbands for periods of three months each in jail gravely hinders them in preparing their defences for the impending trials. This is particularly true in the case of Mr. D. Gordon Lanan, whose jail sentence will end on the day he is scheduled to be tried.

Our husbands are being deprived of the companionship and counsel of their wives at a time when this companionship and counsel is most needed.

The imprisonment of our husbands is imposing severe hardship on us and our children, since it has deprived our husbands of an opportunity to contribute to our support.

Our husbands have already served approximately half of their sentences.

In view of these considerations, we urge that in your capacity as Minister of Justice you recommend the commutation of our husbands' sentences to the time they have already served. In doing so, we believe, you will be serving the cause of justice.

Respectfully yours,

(Mrs.) Josephine M. Adams.
(Mrs.) Phyllis L. Lanan
(Mrs.) Regina L. Lanan

Halperin

Ottawa, July 23, 1946.

Mr. Wilfrid Egglestone,
Aylmer Road,
Ottawa, Ontario.

Dear Mr. Egglestone:

In the Resolution attached to your letter of the 8th instant, you mention as one of the breaches of Civil Liberty committed by the Royal Commission, under item No. 4, failure to inform witnesses, of their right to claim the protection of the Canada Evidence Act in answering questions which might incriminate them. The protection of the Canada Evidence Act was asked and granted on behalf of Halperin, and I am under the impression that notwithstanding this, the evidence was used in the Police Court, and may be used at trial. It would be well to look into this for accuracy sake.

Halperin's counsel is R. M. W. Chitty, K.C.,
38 King Street West, Toronto.

Faithfully yours,

A. W. Roebuck.

Ottawa, May 28, 1946.

Mrs. Dorise W. Neilsen,
% Mrs. Fred Rose,
4050 Clarke Street, Apt. 8,
Montreal, Quebec.

Dear Mrs. Neilsen:

I have your letter of the 22nd instant, in which you ask me whether I could give character evidence during the trial of Fred Rose for its affect on the Jury. The only reply I can make is, that I could not do so, as I know practically nothing of his character. Beyond saying "Good Morning" to him when meeting in the halls of the Parliament Buildings, I have not exchanged a half a dozen sentences with him at any time. I have never been in his room in the Buildings, or in his apartment. I have had no touch with him, that I remember, either in politics or in business or socially. We have lived and worked in different cities, so that I am not even familiar with his local reputation.

I could not so testify for the good reason that as I have no knowledge, there is nothing that I could say.

Such a witness would not serve the purpose you have in mind.

I regret that it is not possible for me to comply with your request, and I am sure that under the circumstances you will agree with me.

Faithfully yours,

A. W. Roebuck.

File
Spy Hunt

OTTAWA.

May 22nd, 1946.

Senator Roebuck,
House of Commons.
Ottawa.

Dear Senator Roebuck,

I am very sorry indeed that I was unable to see you today, since I had a request to make. Knowing of your interest in the matter of Civil Liberties I hoped that you might lend your good offices as a character witness for Fred Rose.

Mr Arsenault, M.P. and some of the other members have agreed to allow their names to stand as witnesses if the lawyer wishes to call on them, to testify that they knew Fred Rose as a member of the House. and that his relationships with them were the same as with any other member.

The lawyer who is defending Fred Rose, thinks that any friendly testimony given by other members, might have a good effect upon the jury. The testimony would be of a personal and not a political nature.

There are certain aspects of these trials being held which are sufficient to alarm those who have a healthy respect for our old and treasured laws, and I am hoping that you will join some of the other members in giving this slight aid to Fred Rose. If you will do this may I ask you to kindly send a note to Mrs Rose, Apt 8, 4050 Clarke St. Montreal. as soon as possible.

Thanking you, and with kindest personal regards,

I remain,
Sincerely yours,

Dorise Nielsen.

Dorise W. Nielsen.