

# Shovelling Out the "Mutinous:"

## Political Deportation from Canada Before 1936

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DEPORTATION IS NOT a well-explored topic in Canadian historical writing. A few historians of labour, dissent, or immigration have suggested recently that deportation has served as a method of political repression, a reinforcer of economic exploitation, a *de facto* guest-worker system, and, moreover, that it has been arbitrarily and unjustly administered. Countering this view, Henry Drystek has recently argued that "deportation was never designed for these specific purposes" but instead served to pacify the nativist middle classes who "lacked the assurance and confidence which would have allowed them to adapt to the emerging urban, industrial society," by providing a cheap substitute for adequate social services, and defusing their fear of the hordes with "different cultural and social values" brought in to please the importers of cheap labour.<sup>1</sup> These few studies have had little impact on the conventional view of deportation as a rare occurrence, as a regrettable but unavoidable necessity arising out of mistakes in selecting or admitting immigrants, or caused by the shortcomings or wickedness of individual immigrants.

<sup>1</sup> Donald Avery, *'Dangerous Foreigners': European Immigrant Workers and Labour Radicalism in Canada* (Toronto 1979); B. Roberts, "Shovelling Out the Unemployed: Winnipeg City Council and Deportation, 1930-35," *Manitoba History*, 5 (1983), 12-24; Shin Imai, "Deportation in the Depression," *Queen's Law Journal*, 7 (1981), 66-94; B. Roberts, "Purely Administrative Proceedings: The Management of Canadian Deportation, 1900-1935," (Ph.D. thesis, University of Ottawa, 1980); B. Roberts, *Deportation from Canada* (Ottawa forthcoming); Henry Drystek, "The Simplest and Cheapest Mode of Dealing with Them: Deportation from Canada before World War II," *Histoire sociale*, 14 (1982), 407-41.

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We still know very little about the process by which the deportation work of the Department of Immigration was built up from a patchy network of inspection and processing procedures into an ironclad administrative absolutism with slight flexibility, and we know virtually nothing about the civil servants who were responsible for that development. The rare sketches that do exist are portraits which hardly inspire confidence: they paint a picture either of incompetent political hacks or of smooth, professional administrators grasping the reins of power, enshrining their racist and conservative prejudices in policy and practice. For example, Malcolm Reid, a Vancouver agent, used illegal and improper tactics against the *Komagata Maru* immigrants in 1914. Top-level bureaucrat Frederick Blair played a major part in refusing entry to or deporting Polish Jews around 1920, and held the line against refugees fleeing Nazi persecution in the 1930s, even after realizing these refugees would be killed if they remained in Europe. He and his colleagues likewise had few compunctions about the fate of deported radicals.<sup>2</sup>

Was deportation policy being made and carried out by ordinary Canadians, as Henry Drystek suggests, and were mild-mannered civil servants merely ministering to an atavistic frontier impulse of Canadians?<sup>3</sup> Or were good grey bureaucrats the conscious forerunners of the police state, using ends to justify means, knowingly causing human suffering, and, when necessary, barefacedly lying about what was being done to further the goals of the department or their own careers? Many a career has been made in Canadian government by whitewashing the unthinkable; career bureaucrats in the Department of Immigration are no exception. They may even have had more opportunity than most to practice the art of *raison d'état*. Officials managing Canada's deportation policy whitewashed so well that some historians today find it difficult to understand the true nature of the department's policies and practices.

A critical reading of the internal documents of the department reveals that immigration officials repeatedly violated the letter and the spirit of the law,

<sup>2</sup> Hugh Johnston describes "Conservative party hack" and former elementary school-teacher Malcolm Reid, the Vancouver Immigration Agent who was appointed in 1911, thanks to Tory MP H.H. Stevens, for whom Reid served as a mouthpiece and agent. Johnston describes Reid as racist, consistently willing to violate the law, court orders, and departmental regulations, and in concert with his master Stevens, the embodiment of "local prejudice pure and simple." Judged incompetent after his mishandling of the *Komagata Maru* situation, he was finally kicked upstairs and ended his days harassing his colleagues. H.J.M. Johnston, *The Voyage of the Komagata Maru* (Bombay 1979), 19-20, 49-52, 68, 129, 152 n 12. *None Is Too Many* exactly describes the immigration mentality of the 1930s, exemplified in Frederick C. Blair. He had joined the department by the turn of the century; in 1905 he became an immigration officer and moved up rapidly. After a spell as secretary, he became acting deputy minister from 1921-3, and in 1936, director (equivalent to deputy minister in rank). Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe, 1933-1948* (Toronto 1982), 7-9.

<sup>3</sup> Drystek, "Simplest and Cheapest," 440.

routinely concealed their activities behind bureaucratic reporting procedures, sometimes falsified statistics, and, when necessary, deliberately and systematically lied to the public and the politicians.<sup>4</sup>

Strong measures may have seemed necessary to discharge their duty and protect the nation. Deportation was the drain through which our immigration refuse was directed, in order to assure that "the river of our national life" would not be unnecessarily "polluted by the turgid streams" of the immigrant, unfit, unemployed, unprofitable, and ungrateful.<sup>5</sup> Deportation served an important economic function for the state, as Drystek and others have pointed out;<sup>6</sup> but it also served a political function. Deportation helped relieve employers, municipalities, and the state from the burdens of poverty, unemployment, and political unrest. Deportation helped the municipalities to shovel out some of their poor (much as emigration had helped English parishes in the mid-nineteenth century), thereby reducing the cost of maintaining them. Deportation got rid of workers when they became useless, surplus, or obstreperous. It helped the state reduce the cost of maintaining some of its non-producing members by deferring these costs to the economies of the countries whence the immigrants had come. It also served the function of political and social control by getting rid of immigrant protesters who challenged the assumption implicit in immigration policy that they were commodities for the use of the powerful.<sup>7</sup>

Deportation became legal (it had long been practised extra-legally) under the Immigration Act of 1907; political deportation was legalized in 1910. The

<sup>1</sup> On cooked statistics and deliberate lies, see B. Roberts, "Shovelling," "Purely," and *Deportation*.

<sup>2</sup> Dr. J. Halpenny of Winnipeg, writing in the October 1919 issue of *The Canadian Journal of Mental Hygiene*, cited by W.G. Smith, *A Study in Canadian Immigration* (Toronto 1920), 226. On early deportation policy see Public Archives of Canada (hereafter PAC), RG76, file 837, McNicholls to Immigration, 3 September 1895, and Lowe's testimony before the Select Standing Committee on Immigration and Colonization, 1877 Session, cited in Boardman to Fortier, 19 October 1894. Unless otherwise indicated, all RG and MG files refer to the PAC.

<sup>3</sup> Drystek, "Simplest and Cheapest," *passim*; for a fuller discussion see Avery, *Dangerous Foreigners*, chap. 1, and Roberts, "Purely," chap. 12, and *Deportation*, chaps. 1 and 8.

<sup>4</sup> On the poor law and provisions for removal, see George Nicholls, *A History of the Scotch Poor Law in Connexion with the Condition of the People* (London 1856); Dorothy George, *London Life Before the Eighteenth Century* (Evanston 1925, 1964 reprint); Geoffrey Oxley, *Poor Relief in England and Wales, 1601-1834* (London 1974); Pat Thane, "Women and the Poor Law in Victorian and Edwardian England," *History Workshop Journal*, 6 (1978), 29-51; "Poor Laws Report," *Westminster Review*, 1834, in A.W. Coats, ed., *Poverty in the Victorian Age. Debates on the Issue from 19th Century Critical Journals*, Vol. II, *English Poor Laws, 1834-70* (London 1973). On the similarities between English poor law and deportation, see Roberts, "Purely," 440-4. On useless, surplus, and obstreperous workers, see Avery, *Dangerous Foreigners*, 12-3 and *passim*, and Roberts, "Shovelling," and *Deportation*, especially chaps. 5 and 7 on political deportation.

World War I period from 1914 to the early 1920s saw the first deliberate and systematic deportation of agitators, activists, and radicals. These were people who had not necessarily done anything illegal, but who were considered undesirable on the basis of their political beliefs and activities. The threat they posed was not to the common people of Canada, but to the vested interests represented by big business, exploitative employers, and a government acting on behalf of interest groups. The radicals represented a new target group for systematic deportation. Before this, they had been expelled on an individual basis whenever possible: during the war period (and during the Great Depression), they were dealt with as a group. They were designated as undesirable not merely by legislation (as immigrants with tuberculosis or venereal disease were, for example), but by employer blacklists and complaints, by the surveillance networks of the industrial and Dominion police, the militia, and the Royal North West Mounted Police (later the RCMP), and United States intelligence, as well as by a certain anti-labour tradition among immigration officials.<sup>8</sup>

<sup>8</sup> For surveillance, see J.S. Woodsworth's 1922 comments in the House of Commons, cited by Lorne and Caroline Brown, *An Unauthorized History of the RCMP* (Toronto 1978), 52-3, 56-7. The RCMP files contain lengthy and detailed examples of surveillance networks: see RG18 B2(c), file 16/6, and file 17/2. Mountie officers in charge summarized secret spy reports and other intelligence and sent monthly reports on labour and radical activities. The 1919 annual report of the RCMP discusses the role of the Mounties in helping the Immigration Department deal with the red menace. The Borden papers also contain examples of surveillance activities and networks. See, for example, a confidential memo from Percy Reid, immigration chief inspector, to Immigration Minister Calder. Reid had obtained information about various radical individuals and organizations from Pinkerton's, the Dominion police, the CPR police, the United States Immigration Department, as well as from Canadian Immigration: MG26 H1(a), vol. 112, OC559 61050-2. *Political deportations depended on information from these and like sources* (such as various industrial police and private security agencies). See RG24, files 363-47-1, 3568, and 2656 for weekly intelligence reports and periodic preparations for rumoured armed red uprisings. Militia officials recommended deportation for troublemakers: RG24, vol. 2544, file 2051, Mr. and Mrs. Joseph Knight, Edmonton radicals whose names appear a number of times in surveillance files, "the most dangerous of the [OBU] group . . . should certainly be deported," 25 March 1919. During the Winnipeg General Strike, Col. Godson, provost marshal in Calgary, had urged that the only method to deal with all alien enemies and revolutionists was to pass legislation for massive deportations, take "drastic action" by having "these men . . . quietly deported without any fuss or bother, simply just put across the border without public trial or advertisement:" RG24 363-47-1, 4 June 1919. RG 24 C1, file C2101, the IWW file, contains surveillance and deportation references, such as the case of John Nelson of Port Arthur, a Finnish immigrant arrested for possession of prohibited literature: "Nelson has been under surveillance . . . he is the leader of the Lumber Workers Industrial Union at Pt. Arthur . . . a branch of the IWW. Nelson is a dangerous agitator and at the conclusion of his trial . . . I propose to take action . . . [to bring about his] deportation" wrote RCMP Commissioner Perry to Comptroller McLean, 25 October 1919.

The department did not stay within the law in dealing with these "undesirables." Between 1918 and 1922, for example, about twenty radical groups, including the Industrial Workers of the World (IWW), were made illegal in Canada under the War Measures Act. Before and after that period, it was not legal for the department to debar or deport immigrants simply because they were (or were suspected of being) IWW members. Nonetheless, this was common practice. Political deportations were frequently carried out under other legal headings, such as criminality, or they were accused of becoming a public charge.<sup>9</sup> These cases were in any event concealed in the annual reports of the department by the simple expedient of tabulating political deportations under the normal reporting categories.

The war period offered a unique opportunity for the department to learn how to conceal illegal or unfair practices behind the legal categories through which it reported its deportation work. This period was characterized by a decrease in the number of deportations, and by a sharp increase in the intensity of deportation work.<sup>10</sup> During this period the head office at Ottawa devoted

<sup>9</sup> See Roberts, "Purely," chap. 4, *passim*, for examples of illegalities, and of political deportation under other legal headings. The files of Immigration, Justice, the RCMP, the World War I press censor, and the militia reveal the background work carried out to identify and investigate political activists so they could be deported under various causes. They also provide a sprinkling of names of political deportees not found in the few Immigration Department records of admittedly and overt political deportations. Whatever headings were used, the department's files contain numerous references to political deportations during the World War I era; for example, see RG76, files 817510, 917093, 563236, 961162, 267931, and 884866. Some of the Immigration Department's annual reports do discuss political deportations, although they do not include them as such in their statistics: for such discussions, see *Annual Reports*, 1924 (for 1922-3), Western Division report; 1921, Pacific Division report of B.C. activities for 1919-20 describes the deportation of 14 (of 22 arrested) members of the Russian Workers' Union; 1920, describing political deportation work at Montreal for 1918-9. For legalities, see Leslie Katz, "Some Legal Consequences of the Winnipeg General Strike of 1919," *Manitoba Law Journal*, 4 (1970), 39-53; and Kenneth McNaught, "Political Trials and the Canadian Political Tradition," *University of Toronto Law Journal*, 24 (1974), 149-69. See also Ernest Cashmore, "The Social Organization of Canadian Immigration Law," *Canadian Journal of Sociology*, 3 (1978), 409-29.

<sup>10</sup> See B. Roberts, "Purely," chap. 2, "Lying with Statistics," or *Deportation*, chap. 3 for a critical analysis of the published statistical reports of the department. According to Drystek, "The deportation of criminals was a much more straight-forward matter. Between 1902 and 1939 just over thirty percent of the persons deported were returned for criminal activity." Drystek, "Simplest and Cheapest," 440. But scrutiny of public reports shows that criminality did not emerge as an important cause for deportation until 1908-9, when it almost doubled. In 1920-1 it was the most significant single cause for deportation. In the nine-year period after 1916, criminality accounted for one-half to one-third of all deportations. Were there recurring crime waves among immigrants? Or was there an increasing propensity to convict immigrants of such crimes as vagrancy, watching and besetting (picketing), nuisance, or obstruction of police, as well as a

much attention to instructing the local offices in how to build a tight case for each deportation, a case that would stand up to challenges from the courts, from the transportation companies (who had to pay costs for taking away "defective" immigrants they had brought in), from foreign governments, and from interest groups in Canada.

The conditions of the war created new political crimes, and new opportunities to get rid of trouble-makers, opportunities not available in pre-war circumstances. The "interned enemy alien" (these were legal immigrants, not prisoners of war) category, for example, created by the War Measures Act and specific to the war, was used to get rid of some long-term residents who were considered undesirable, but who were not legally deportable.<sup>11</sup> This was especially true for radicals and agitators. Because these people were not, technically speaking, legally deported (they were "repatriated" through the Department of Justice), the procedures used were not subject to the provisions of the Immigration Act, and the cases were not included in deportation statistics. Anyone the department wanted to get rid of, it had merely to intern, even briefly.<sup>12</sup>

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number of "enemy alien" infractions invented during World War I? Crime is not merely a legal, but also a socio-political category; criminality statistics are a better reflection of social control than of real crime. On this see Jason Ditton, *Controlology: Beyond the New Criminology* (London 1979), especially chap. 2, "Crime Waves or Control Waves? A Recipe for Atheistic Statisticians." On the necessity to consider *where* the categories of criminality statistics come from, rather than just count "crime," see John Kitsuse and Aaron Cicourel's classic "A Note on the Uses of Official Statistics," *Social Problems*, 11 (1963), 131-9, reprinted in William Filstead ed., *An Introduction to Deviance* (New York 1972). On the use of criminal justice to control surplus population that can't be absorbed into the political economy, see Richard Quinney, *Class, State, and Crime: On the Theory and Practice of Criminal Justice* (New York 1977), 131-9. On the ONDA (drug laws), see Elizabeth Comack, "The Origins of Canadian Drug Legislation," in Thomas Fleming, ed., *The New Criminologies in Canada. State, Crime, and Control* (Toronto 1985), esp. 83. Criminality deportations rise sharply in periods of repression, such as around World War I and during the 1930s. Roberts, "Purely," 78-85.

<sup>11</sup> RG76, file 912971, Scott to Director of Internment Operations, 25 April 1919, 7 May 1919; Director to Scott, 16 May 1919; Scott to Director, 15 May 1919, 17 May 1919; on attempts to ship out mental patients and other ill people with the interned enemy aliens, see *ibid.*, Superintendent of Verdun Asylum to Secretary of Immigration, 17 November 1919, and Secretary Blair to Commandant of Vernon Internment Camp, 11 October 1919. On wartime internment, see Desmond Morton, "Sir William Otter and Internment Operations in Canada during the First World War," *Canadian Historical Review*, 14 (1974), 32-58.

<sup>12</sup> RG76, file 912971, Scott to Director of Internment Operations, 17 May 1919, 26 August 1919; RG76, file 563236, Deputy Minister of Justice to Blair, 12 October 1919. See also Press Censor Records, RG6 A12, vol. 10, file 1431, correspondence between Acting Registrar of Enemy Aliens [Dominion Police] Captain J.N. Carter, Sherwood of the Dominion Police, and Mulvey of Secretary of State, May and June 1918 *passim* for discussion of the seizure of the Ukrainian Social Democratic Party's press: the USDP

Political deportation must be seen in the context of the economic imperatives underlying the development of deportation policies and practices. Drystek points out correctly that deporting "undesirables" was simpler and cheaper than providing adequate social services.<sup>13</sup> When immigrants became unproductive, they were shovelled out. But this is only half of the equation: apparently straightforward economic imperatives were also profoundly political. Agitators and radicals challenged a social and economic order (and a political system) that immigration policy served. Political deportation and economic deportation (although they are in reality not separate or separable) were methods of preserving the status quo. The Department of Immigration set itself up as the protector of the public purse, the public health, the public morals, and increasingly, the public "safety," as these were defined by powerful political and business interests.

Between 1906 and the beginning of World War I, modern deportation practices were developed. The department's work became specified in law and regulation, became systematized, and rationalized. The department constructed a number of systems to seek out and deport individuals and members of undesirable social groups: the insane, infected, diseased, mentally defective, and unemployed, for example. It took on a moral and punitive tone during this period, in response to economic and social conditions that produced large numbers of clients for deportation services. In fact, most deportations were caused by illness, accident, industrial injury, unemployment, and other conditions largely beyond the control of individual immigrants. But the department

had printed anti-conscription pamphlets in Ukrainian for Montreal and in English for Ottawa branches. The authorities eventually followed Carter's recommendation that the type be melted down, all objectionable material be destroyed, and the remainder of the property seized by the landlord in lieu of rent. Carter arranged to have Immigration investigate press head John Hyndei (aka T. Hynda) "with a view to having him deported after the war." Carter discovered that Hyndei had once been a corporal in the Austrian army, had in his possession objectionable printed material, was receiving a prohibited newspaper (*Nardona Wola*) at a post office box, had an order to print a theatrical notice of an anti-conscription play planned by the Ukrainians, and, moreover, was reputed to have an appointment with the secretary of the Russian consulate. Any of these would have sufficed; many were deported on lesser grounds after the war through the simple expediency of being interned, even briefly, during the war. One of many examples is Blair's step-by-step instruction to a Department of Immigration agent faced with a shaky case against suspected OBU member Nicklas Babyn, concluding, "I think, however, if it is desired to get rid of him, the best plan is to have him interned and then his deportation is very simple" and would take place "as a matter of course and without any further examination or difficulty." RG76 961162, 18 December 1919.

<sup>13</sup> Although he attributes this choice to Canadians' lack of self assurance and the confidence necessary to provide social services for immigrants, rather than deport them. Drystek, "Simplest and Cheapest," 44. For a more critical discussion of the issue, see Michael Katz, "Origins of the Institutional State," *Marxist Perspectives*, 1 (1978), 6-22.

blamed the victims for their plight; deports became public charges because they were lazy or had bad characters. They deserved to be punished, not just given the reward of a free trip home. This curiously old-fashioned tone contrasted strangely with the distinct bureaucratic modernism of the way the department was beginning to organize and carry out its work. It is probably explained in part by the cost argument: the department needed to prove it was not frivolously sending home those who did not deserve a free trip, and it had to assure that the transportation companies would pay for as much of the cost as possible.<sup>11</sup>

In its endeavour to safeguard the country, the department stretched, ignored, and sometimes flouted its own rules. As the laws and regulations became increasingly complex, the procedures laid out for the department to follow became more minutely defined. Failure to follow legal niceties could bring trouble, such as painful court appearances, losing deports on habeas corpus writs, and the like. The common response of the department in these cases was to tighten up the procedures (and the paperwork) when it had to, and try to get the law changed to legalize what it had already been doing.

The 6 June 1919 amendments to Section 41 of the Immigration Act widened the scope for political deportation: anyone who advocated or acted to bring about the overthrow of organized government either in the empire (at the provincial level in Canada, too) or in general or destroy property or promote riot or public disorder, became a prohibited immigrant who could not be legally landed in Canada, no matter how long they had been here. If someone fell under this section at any time after 4 May 1910 (the amendments made actions or affiliations retroactively illegal), they were still a member of the prohibited classes. The sole exceptions were Canadian citizens by birth or naturalization. British-born immigrants could not be naturalized (their Canadian citizenship was automatic after the required period of residence); they were thus subject to this amendment.

The original 1910 version of Section 41 had provided for political deportation only for immigrants who had not met domicile requirements. A first set of amendments proposed in the spring of 1919 merely provided that someone undesirable or prohibited on political grounds could never gain domicile. The 6 June amendments removed in addition the protection of citizenship for British subject immigrants. Three days later, amendments to the Citizenship Act made it possible to strip naturalized citizens of their protection. Section 41 was finally restored by Parliament to its pre-6 June 1919 form in 1928, after the Senate had refused on eight separate occasions to pass liberalizing or revoking measures. Its strikingly similar companion law, Section 98 of the Criminal Code, remained on the books until 1936, but was not used during the 1920s by a King government dependent on progressive support to stay in office.<sup>12</sup>

<sup>11</sup> On making transportation companies pay for deportations of "defective" immigrants, see Roberts, "Purely," 103-7.

<sup>12</sup> Immigration files on subversives, especially RG76 917093, and 961162 show that



The Department of Immigration continued to deport radicals throughout the 1920s, but it was handicapped by the loss of War Measures Act anti-radical legislation. Employer groups pressed the department and the government for

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existing legal limits forced Immigration to look for technical violations of unrelated regulations, to stretch the law to its limit, or to act illegally; by the fall of 1918 the Department of Justice was developing amendments: RG76, file 917093, Scott to Deputy Minister of Justice 6 and 9 September 1919. The authorities were determined to get rid of the radicals not only in Winnipeg but also in other cities on the apparent verge of strikes, revolts, or revolution. On the amendments of Section 41, to the Citizenship Act, and Section 98, see Roberts, "Purely," chap. 1, *passim*. See also J.B. Mackenzie, "Section 98, Criminal Code, and Freedom of Expression in Canada," *Queen's Law Journal*, 1 (1972), 469-83. Militia records, notably those found in RG24, file 363-47-1, *passim*, contain a series of telegrams between Andrews, the lawyer for the Citizens' Committee, and Meighen, and from Meighen and Minister of Immigration Calder to Andrews, Robertson, and other officials (such as Manitoba attorney-general Thomas Johnson), and military reports, all of which were sent in code by the military, which trace the development of the June 1919 legislation, its intent and its proposed and actual application. Pressure for denaturalization legislation (and toughened sedition legislation) came from Andrews, and Senator H.W. Lud, General Ketchen, RCMP Commissioner Perry, and other officials, and Citizens' Committee members. The government had intended the Section 41 amendment to be even more sweeping; see Andrews' (and Perry's) complaint that they had been led to believe that the amendment would allow them to "deport any undesirable save Canadian-born stop anything less than this is absolutely useless and will not meet situation, . . ." Andrews to Meighen, 6 June 1919. Andrews was given authority over local Immigration Department and RCMP officials; Calder instructed Colonel Starnes and immigration officials on the scene that they were to act to initiate deportation of prominent strikers on Andrews' say-so (with Robertson's approval). Drystek's discussion of the Winnipeg General Strike deportations, attempted and accomplished, mentions the internment at Kapuskasing of twelve Bloody Saturday "rioters," ordered by Starnes after Magistrate Macdonald had urged internment and deportation of many of the 31 men brought before him; ten of the twelve were deported by means of "prisoner of war repatriations," without boards of inquiry being held or normal procedures followed, or records of these actions appearing in the Immigration Department annual reports. But this relatively picayune purge was not what Robertson and the Citizens' Committee had in mind when they planned to carry out mass round-ups and deportations of strikers. Robertson wired Meighen: "we therefore propose and are preparing to make the necessary arrangements to as quietly as possible accomplish this. . . . Our plan will probably be to remove a considerable number directly to a train" destined for Kapuskasing Internment Camp, and any "necessary Board of Inquiry to deal with individual cases at leisure can then be arranged." RG24, file 363-47-1, Robertson to Meighen, 13 June 1919. These round-ups, initially intended to also include about a hundred activists from across the country, in fact went awry in Winnipeg and dwindled to the arrests and imprisonment at Stony Mountain Penitentiary (necessary because there were no other secure places to hold them, explained Andrews) of ten strike leaders which Avery describes, *Dangerous Foreigners*, 84-5. The strategy was to arrest them for seditious conspiracy, but to substitute deportation for criminal proceedings as soon as the necessary legalities were completed. (As carried out, the arrests and imprisonment were illegal.) Kapuskasing was to be used as a prison, not as a substitute for normal deportation procedures.

action against immigrant radicals and activists. The department did its best to oblige, but found Section 41 deportations politically and legally risky. Radicals who had gained domicile were less likely to be deported in this period. In 1928, for example, Arvo Vaara was convicted for sedition after he wrote in a *Vapaus* editorial that he did not care if the king recovered from his present serious illness. The Reverend Thomas Jones got a Finnish fellow missionary to translate Vaara's seditious editorials, and took the translations to the *Sudbury Star* for publication. Jones' public-spirited act was personally motivated as well as politically; Vaara and the red Finns hindered Jones' missionary work, and *Vapaus* made fun of missionaries. Worse, *Vapaus* was campaigning to organize a union for northern Ontario miners. The timing was inopportune: two major nickel companies were negotiating a merger, and Queen's Park, ever a friend of the mine owners, would not like any hitches.<sup>16</sup> His tactics were effective: the town was stirred up, the legion passed resolutions, the local crown attorney stepped in, and Vaara went to jail. But he was not deported. After the Sam Scarlett fiasco in 1924, when the Department of Justice had given Immigration bad advice about charging Scarlett, then later had been forced to recant and tell Immigration to grant his appeal and release him because there were no legal grounds for his deportation, the department was much more cautious and tended to carry out political deportations under other legal causes.<sup>17</sup>

Legal causes for deportation were published in the Department of Immigration's annual report under five headings. "Public charge" covered those who were non-paying inmates of any publicly funded institution (usually medical or charitable), or who received some form of welfare payment from the public purse. "Criminality" covered those who had served sentences in penal institutions. Domiciled immigrants could not be deported as public charges or for criminality. "Accompanying" referred to members of families who were themselves not necessarily deported or deportable (Canadian citizens by birth, for example), accompanying a deported family head or member. "Medical causes" included those who were ill, injured, or incapacitated in ways that contravened the Immigration Act; these people were usually not self-supporting

<sup>16</sup> Lita Rose Betcherman, *The Little Band* (Ottawa 1983), 29-33. Vaara was not Jones' only target. See RG76, file 95027, Joliffe to Starnes, 23 April 1930, re: Jones' letter informing on Hannes Sula, another red Finn returning to Sudbury after a visit to the U.S.S.R. Joliffe ordered his officers to take "any action possible under the circumstances." On other 1920s intended or completed political deportations see Roberts, "Purely," chaps. 4 and 5, and *Deportation*, chap. 5.

<sup>17</sup> It even denied it had carried out any deportations under the 6 June 1919 version of Section 41 — a falsehood, as the internal records reveal: Roberts, "Purely," 152-72. See also then-Minister of Labour Gideon Robertson's Senate speech claiming that large numbers had been deported under its provisions: Senate *Debates*, 1920, 388-9, 417, 422. His claims were never challenged, even in the internal records of the department, perhaps because they were accurate, as records cited throughout these footnotes suggest.

at the time they had been ordered deported, and might have been non-paying inmates of hospitals and so on. Some may have been self-supporting but had a contagious disease, or were afflicted in some way that might in the future affect their ability to be self-supporting. Causes ranged from industrial accidents, TB, epilepsy, heart disease, varicose veins, VD, retardation, and psychological problems (from raving insanity to masturbation). Most domiciled immigrants could not be deported under this category. "Other causes" referred to various violations of the act, usually related to improper entry, or belonging to some prohibited category.<sup>18</sup> The key to deporting domiciled immigrants under these categories lay in removing their domicile by establishing that they belonged to the prohibited classes and could never have obtained domiciled status.

"Other causes" covered a multitude of sins. A board of inquiry could use Section 33 for an immigrant whose entry had been improper (not necessarily knowingly), or Section 3 for an immigrant belonging to the prohibited classes on account of medical conditions, political beliefs, activities, or intentions, criminal records, morals, etc., at the time of entry. Many cases falling under sections 3 or 33 could be deported regardless of the number of years of residence subsequent to entry.

The charge of "entry by misrepresentation" was a handy catchall used by the department to deport those who undertook activities at variance with those they stated as intended at the time of entry. For example, Mikolaj Dranuta was

<sup>18</sup> RG76, file 563236, department memo requested by High Commissioner for Canada Ferguson, London, 4 March 1931. The deportation of Winnipeg striker Oscar Schoppelrei was an example of the use of this legal heading. For militia records on Schoppelrei, who was a military bandsman of the 10th Garrison Detachment, and had been under surveillance for some time, see RG24 363-47-1, WGS situation report, 14 June 1919, and GOC to Adjutant-General, Ottawa, 17 June 1919. For records of the boards of inquiry and trials of the four non-British strike leaders, see RCMP Records, RG18 H1, vol. 4-5, July 1919, *passim*. A Mountie officer sent regular reports to Commissioner Perry about Almazoff's court trial; other Winnipeg activists' trials are reported in vol. 7, including those of Fred Dixon and George Armstrong, see December 1919. But whether political deportation took place invisibly, by way of internment and "repatriation," or overtly under Section 41 or other antiradical legislation, or was concealed under various unrelated technicalities, the most cursory crosschecking of evidence in Immigration Department files alone, not to mention RCMP, militia, Borden papers, and other labour and left non-governmental sources, shows that deportation was intended to be a systematically employed method of social control and that it was used as such, albeit not as widely and successfully as the more extreme anti-dissent elements inside and outside government had hoped. I am puzzled by Drystek's understanding that because Schoppelrei's deportation was carried out under the heading of "illegal entry," it was actually for that cause, e.g. not a political deportation, and that despite Drystek's discussion of the law and the examples of attempted political deportations he cites for the 1910s and 1920s, he nevertheless asserts in his conclusion that the small number of overtly political deportations of Communists listed in a few specific Immigration Department files in the 1930s "indicates that there was no concerted effort to deport radicals;" see Drystek, "Cheapest and Simplest," 422-7, 440-1.

brought over under the auspices of the Ukrainian Colonization Board in 1926 to do farm work. Instead, according to an RCMP spy report, he took a job in an Edmonton meat packing plant, joined the Ukrainian Labor Temple and taught in a Ukrainian school, helped to organize cultural activities such as the visit of a dance troupe, and so on. The Mounties described him as a communist, and noted that while he had not made any public speeches ("yet"), he was open about his views. After reviewing the spy report, an immigration official perused Dranuta's photograph (from his CPR Occupational Certificate) and decided on that basis that Dranuta was not the farming or peasant type. "Under the circumstances" wrote the official, the department would take "action . . . with a view to deportation on the ground of entering Canada by misrepresentation."<sup>19</sup>

Despite the relatively liberal climate in 1920s federal politics, a right-wing element continued to flourish. Anti-radical drives were established in several Canadian cities by the end of the 1920s. Police and civic officials as well as provincial politicians, were prominent in such campaigns.<sup>20</sup> At conferences, in groups and individually, officially and privately, they warned that the "communist menace" was growing, and urged clampdowns and wholesale deportations. In Toronto, regulations were passed in 1929 against public meetings conducted in languages other than English, and disorderly or seditious utterances. Anyone renting a public facility for such a meeting could lose their licence. Police Chief Draper and Mayor McBride promoted police harassment and assault against radicals, for which the radicals frequently found themselves arrested. The "free speech" issue became a *cause célèbre*; and Toronto remained a hotbed of radical action and repression by the authorities until the mid-1930s.<sup>21</sup>

The 1930 election of a right-wing federal government brought a change in political climate. A senior immigration official spoke for those who saw their change to get rid of radicals: Western Commissioner of Immigration Gellay argued that to allow the "communistic element" to come into contact with young people was like a farmer allowing potato bugs to multiply until the whole potato patch was endangered. The department must now take some

<sup>19</sup> RG76, file 274485, memo for Mr. Joliffe, 23 July 1927. Three-page RCMP spy report included. Similar cases are discussed *passim*.

<sup>20</sup> Michiel Horn, "Keeping Canada Canadian: Anticommunism in Toronto, 1928-29," *Canada. An Historical Magazine*, 3 (1975), 35-7, and "Free Speech Within the Law: The Letter of the 68 Toronto Professors, 1931," *Ontario History*, 72 (1980), 27-48; the *Canadian Labor Defender* (hereafter *CLD*), *passim*, describes many such campaigns. Weisbord's brief account of the 1931 sedition trials in Montreal is illuminating; see Merrily Weisbord, *The Strangest Dream* (Toronto 1983) 35-7. She notes the deportation of one of the Montreal sedition prisoners, David Chalmers, to Scotland after he served his one-year prison term at Bordeaux, 39. His case is discussed in RG76, file 513057, C Division, Commander to Commander, RCMP Ottawa, 8 September 1932; his Canadian-born co-defendants could not be deported.

<sup>21</sup> Horn, "Free Speech;" *CLD*, *ibid*.

"radical action . . . to stamp out this element from Canadian life."<sup>22</sup> As the cost of relief and the number of local protests over unemployment rose, municipal politicians demanded increased deportation: by the spring of 1931, over 70 city councils had sent resolutions to the federal government. Provincial premiers and other officials wrote urging more action.<sup>23</sup>

In the meantime, municipalities did what they could to deal with the unemployed and contentious.<sup>24</sup> Askeli Panjata was arrested for marching in a Port Arthur, Ontario parade of unemployed workers in November 1930. He was sentenced to three months in prison, then was hastily removed from the local jail to Halifax, "before any of his friends were aware of it." He was deported to Finland in March 1931, in spite of his protests that his life would be in danger there.<sup>25</sup> Hymie Sparaga was arrested in Toronto in January 1931 on the picket line of a garment worker strike, was sentenced to two months in jail, then was deported and, according to Annie Buller, he was later killed by the Nazis.<sup>26</sup> Louis Revay and John Gryciuk were convicted respectively of unlawful assembly and rioting during the 1931 Estevan strike, and were deported.<sup>27</sup> A number of local employers', veterans', and fraternal associations supported such actions; the Bennett papers contain many resolutions and demands for stiffer laws and intensified or automatic deportation of radicals.<sup>28</sup>

In Winnipeg, Mayor Ralph Webb, a staunch supporter of law and order, carried out a one-person campaign, writing regularly to R. B. Bennett demanding action against communists and agitators. In May 1931, Webb sent Bennett the names of fifteen Winnipeggers who had gone to Moscow to study revolutionary organizing, asking that the Immigration Department be told to bar their reentry. In July, Webb wired Minister of Labour Gideon Robertson urging him to press for "deportation of all undesirables" including behind-the-scenes radical activists and administrators.

Such sentiments were not surprising from the influential classes of a city

<sup>22</sup> RG76, file 95027, Winnipeg Commissioner of Immigration Gelley to Commissioner of Immigration Joliffe, 25 June 1931.

<sup>23</sup> City of Winnipeg Archives, Winnipeg City Council Papers, file 15141, Sudbury City Clerk to Winnipeg City Clerk, 1 May 1931; B. Roberts, "Shovelling," Lyle Dick, "Deportation under the Immigration Act and the Canadian Criminal Code, 1919-1936," (M.A. thesis, University of Manitoba, 1978), 118.

<sup>24</sup> See Roberts, "Shovelling."

<sup>25</sup> For Panjata see *Canadian Forum*, 11 (1931), 284-5.

<sup>26</sup> For Hymie Sparaga, see *CLD*, January 1931 and May 1931; *Canadian Forum*, 11 (1931), 284; Louise Watson, *She Never Was Afraid: The Biography of Annie Buller* (Toronto 1976), 111.

<sup>27</sup> Stanley Hanson, "Estevan 1931," in Irving Abella, ed., *On Strike* (Toronto 1974), 57. Gryciuk and Revay are on the RG26 list (see 41 below).

<sup>28</sup> MG26K, Bennett papers, file C-650, "Communists, 1931, \$98," Webb to Bennett, 29 May 1931; Webb to Robertson, 9 July 1931, cited by Michiel Horn, ed., *The Dirty Thirties* (Toronto 1972), 457-8. The Bennett papers are an excellent source of examples.

that had survived Canada's strongest attempted Bolshevik revolution (or so they thought) a scant dozen years before. There was a fear in some quarters that such an event might again be in the making. RCMP and provincial police headquarters especially were prone to such alarms, basing their intelligence on typically wild-eyed spy reports. They warned the premier that the local Communist Party was setting up a "fighting group . . . to obtain funds" by "rob[bing] banks and stores," and reported that the CP had insinuated many of its important members into municipal and other government positions, to gain protection against the authorities.<sup>29</sup>

In fact, the powers-that-be had reason for concern. The Communist Party was planning a nationwide protest and recruiting drive among the unemployed in 1931. Since the 1920s, Communists and other radicals had been involved in activities which deeply alarmed the government and business community of Canada: organizing industrial unions, building left-wing groups within existing unions, organizing the unemployed, leading militant strikes, and conducting successful public campaigns, such as the one that collected 100,000 signatures on a petition for unemployment insurance, a five-day work week, and a \$35 weekly minimum wage for both women and men workers.<sup>30</sup>

The Bennett government was determined to stamp out "communism" (radicalism and social protest). Bennett began meeting with police and other officials early in 1931 to plan the campaign.<sup>31</sup> He revived Section 98 of the Criminal Code, lying virtually unused throughout the King years, and the government used it to go after the Communist Party. The CP was declared an illegal organization in Canada on 11 August 1931, under Section 98 of the Criminal Code.<sup>32</sup>

<sup>29</sup> Henry Trachtenberg, "The Winnipeg Jewish Community and Politics: The Inter-war Years, 1919-1939," *Manitoba Historical and Scientific Society Transactions*, 35 (1978/9-1979/80), 115-53.

<sup>30</sup> In 1930 the absolute minimum upon which a worker's family could live with some degree of health and decency, although certainly not in comfort, was \$20.00 weekly. This figure is based on unpublished research by F.D. Millar, and his "Real Incomes in Manitoba," unpublished manuscript; see also B. Roberts, "Social Policy, Female Dependence and the Living Wage," paper presented to the Canadian Women's Studies Association, Learned Societies, 9 June 1982, Ottawa; and Roberts and Millar, "Living with Less," *Western Association of Sociology and Anthropology*, Regina 1984. For an account of organizing activities, see J. Petryshyn, "R.B. Bennett and the Communists," *Journal of Canadian Studies*, 9 (1974), 45-8, and "Class Conflict and Civil Liberties: The Origins and Activities of the Canadian Labor Defense League, 1925-1940," *Labour/Le Travailleur*, 10 (1982), 39-63. See also Merrily Weisbord, *The Strangest Dream*, 10-48.

<sup>31</sup> Betcherman, *Little Band*, 159.

<sup>32</sup> William Beeching and Phyllis Clarke, eds., *Yours in the Struggle: The Reminiscences of Tim Buck* (Toronto 1977), 161 (hereafter *Buck, Yours*). Ian Angus claims the CP itself was partly to blame for not responding effectively in court; it had lost most of its members and isolated itself from the broader left movement, and the Buck group was so focused on sectarianism, and adventurism, and a suicidal clash with the

Police signalled this campaign by raiding the offices of the party and the homes of three of its leaders, the offices of the Workers' Unity League, and the official paper, *The Worker*, on 11 and 12 August 1931. The raids had been planned by the Ontario Conservative government with the enthusiastic cooperation of the OPP, the RCMP, and Toronto's "red squad."<sup>43</sup> It was an attempt to cut off the CP's head. Bennett called it his iron heel policy.<sup>44</sup>

The actions resulted in the arrest of eight party members and officials; all were charged with being members of an unlawful organization, and with seditious conspiracy.<sup>45</sup> The eight were tried by jury in Toronto. The crown's method of presenting evidence was to become a precedent for the numerous prosecutions that followed. Rather than arguing that these individuals advocated force or violence, it argued that as Communists, they were under the direction of the

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authorities (which they called revolutionary) that it almost invited persecution. On internal splits within the party during the 1930s, see Ian Angus, *Canadian Bolsheviks. The Early Years of the Communist Party of Canada* (Montreal 1981).

<sup>43</sup> Ron Adams, "The 1931 Arrest and Trial of the Leaders of the Communist Party of Canada," Canadian Historical Association, 1977; Betcherman, *Little Band*, chaps. 15-17, is the best published account, especially when read with Buck, *Yours*. Public Archives of Ontario (PAO), Attorney-General's Department, RG74, series D-1-1, file 3188/1931, Justice Minister Guthrie to Ontario Attorney-General Colonel Price, 18 March 1931, and 1 April 1931. See Betcherman's detailed account of the role Bennett played in the months of planning, *Little Band*, 159-70.

<sup>44</sup> Petryshyn, "Bennett and the Communists."

<sup>45</sup> The eight were: Tim Buck (age 40, married, three children, British-born, here since 1912), chief official of the CP in Canada; Sam Carr (age 31, of Ukrainian origin, immigrated in 1924), in charge of the party's organizational work; Malcolm Bruce (age 50, born in P.E.I.), editor of *The Worker* and on the party executive; Matthew Popovich (age 41, Ukrainian-born, in Canada since 1911), was former editor of *Robochny Narod* and a leader in several organizations, such as the Ukrainian Labor Farmer Temple Association; John Boychuk (age 39, married with one child, Ukrainian origin, immigrated in 1913), was a long-time organizer and official Ukrainian representative on the Central Executive Committee; Tom Ewan (age 40, widower with four children, in Canada since leaving Scotland in 1911), was national secretary of the Workers' Unity League; Amos Hill (age 33, married, one child, Finnish-born immigrant to Canada in 1912), was active in various Finnish organizations; and Tomo Cacic (age 35, Croatian, in Canada since 1924), was active in various ethnic branches. For biographical sketches see *CLD*, December 1931, 4-5; William Rodney, *Soldiers of the International* (Toronto 1968), 161-70; Anthony Rasporich, "Tomo Cacic: Rebel Without a Country," *Canadian Ethnic Studies*, 10 (1978), 86-94; and RG76, files 513173, part 2, and 513057. Petryshyn, "Bennett;" Betcherman, *Little Band*; Buck, *Yours*. Weisbord describes the problems with the indictment, which Chief Justice Rose refused to accept as initially written. He did not accept the view that mere membership in an illegal organization was an offence as provided in Section 98; he believed the accused had to be an officer of the organization *and* commit the illegal actions laid out in the section, to be indictable. The prosecutors had to negotiate with Department of Justice officials in Ottawa, and eventually change the wording of the indictment: see her discussion, *The Strangest Dream*, 36-9.

Communist International, which advocated revolutionary violence. The views or actions of the individuals were not germane; all that was necessary was to show that a person was a member of the CP, which was obliged to follow Comintern policy. The crown's case rested primarily on Comintern policy documents and publications, and on the testimony of a Mountie spy who had been an undercover member of the party for ten years. Sergeant Leopold's statements were used to establish the subordination of the Canadian CP to discipline from abroad, and the seditious nature of the organization. All eight men were convicted. All save Tomo Cacic were sentenced to five years' imprisonment.<sup>36</sup> On appeal, in February 1932 the seditious conspiracy charges were dropped, but the Section 98 charges stood. All eight were supposed to be deported, but in the end, only Cacic was.<sup>37</sup>

<sup>36</sup> Frank Scott, "The Trial of the Toronto Communists," *Queen's Quarterly*, 39 (1932), 512-27; Adams, "1931 Trial," and Betcherman, *Little Bund*, have details. The transcript can be found in *Rex v Buck et al.*, Ontario Court of Appeals, Mulock CJO, *Dominion Law Reports*, (1932) 3.

<sup>37</sup> Petryshyn, "Bennett," 45; Rasporich, "Cacic." As the Immigration Branch records show, the government's initial hopes that all could be deported were dispelled by subsequent investigations, each of which shortened the list of those who might come under the deportation provisions of the Immigration Act. See RG76, file 513109, Assistant Commissioner of Immigration, memo, 13 November 1931, RCMP to Immigration, 7 December and 12 December 1931, Commissioner Joliffe to Mr. Fraser, 31 January 1933. In August 1932, the assistant commissioner of immigration wrote to his colleague, "You will remember there was a question as to whether we would take action against those men under Section 41 of our Regulations and the information contained above would indicate that the majority of those concerned are either Canadian-born, British subjects with Canadian domicile [thus citizens], or have the protection of their Canadian naturalization certificates" which the Secretary of State did not wish to cancel. Although he considered calling a deportation board of inquiry for each of these regardless, Cacic was in any event to be tried: *ibid.*, 27 August 1932. That winter Immigration notified the RCMP it would hold deportation hearings under Section 41 for Carr, Popovitch, and Cacic: *ibid.*, 28 November 1932. The Assistant Commissioner of Immigration wrote to the minister only a few weeks later that only Carr and Cacic were eligible for deportation. Curiously, no mention was made of Carr's revoked citizenship certificate: the memo said only that "while he has resided in Canada over five years, his conviction under Section 98 of the Criminal Code brings him within the purview of Section 41 of the immigration Act," *ibid.*, 8 February 1933. Carr was duly tried and ordered deported to Russia, but plans were brought up short when the British Foreign Office wrote to the Office of the High Commissioner for Canada pointing out that Carr had lost his Russian citizenship by emigrating after 1917 and becoming a British subject, so he could not be readmitted to the U.S.S.R., and in any case he had still been a British subject on 13 December 1932, when Immigration had asked the British Foreign Office to negotiate with the Soviet authorities: *ibid.*, 17 July 1933. Immigration hastily cancelled Carr's deportation: *ibid.*, 2 August 1933. Details of the Cacic case, and copies of thousands of requests to halt his deportation, are in RG76, file 513173-2, *passim*. Although the bulk of RG76, file 513057 is concerned with the deportation of CP members from later raids and arrests, it does contain some material on the



Thus the Communist Party's status as an illegal organization was confirmed; all its members were chargeable under Section 98. Such an outcome had been the hope of the authorities,<sup>38</sup> and it was particularly pleasing to immigration officials. Now the only evidence needed for political deportation was to prove that the immigrant was a member of a communist organization. Naturalized citizenship was no sure defence against deportation. The department routinely sent names of prospective deports to the Citizenship Branch of Secretary of State to see if naturalization certificates could be revoked. Stripped of citizenship, an immigrant could revert to being a member of the prohibited classes, unable to gain domicile no matter how long in Canada, because persons of that class could never legally enter.<sup>39</sup>

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department's procedures in the Cacic case and the attempted Popovitch and Carr deportations (see especially Commissioner of Immigration to RCMP, 7 January 1933, naming Cacic and Carr as the only remaining two of the Buck group subject to deportation due to others' Canadian citizenship). The authorities had Buck under surveillance since the early 1920s, and there is some evidence that they had long been desiring his deportation, despite his Canadian citizenship, which they hoped to cancel. See RG76, file 513173-3, *passim*, and especially Commissioner of Immigration to RCMP Commissioner, 5 May 1927.

<sup>38</sup> Dick, "Deportation," 124-5, citing Sedgewick to Price, 17 October 1931, "it would establish the unlawfulness of the association, and future proceedings could be taken against those who are mere members of the association, as was always intended." Ontario A-G papers, file 3188/1931. On actions against "mere members," see, for example, Gordon Hak, "The Communists and the Unemployed in the Prince George District, 1930-1935," *BC Studies*, 68 (1985-86), 45-61; Hak describes political deportations on 52 and 54. See also Glen Makahonuk, "The Saskatoon Relief Camp Workers' Riot of May 8, 1933: An Expression of Class Conflict," *Saskatchewan History*, 37 (1984), 55-72.

<sup>39</sup> RG76, file 563235, memo from the Assistant Deputy Minister, 26 June 1931; see also Shin Imai, "Deportation in the Depression;" he points out that in the fiscal year ending March 1932, there were 239 certificates revoked, a rate six times greater than average. Imai overlooks the use of Sections 3 and 33 to negate domicile and thus render long-time residents deportable. (Even if every revocation did not end in deportation, this figure supports the view that 1930s political deportations were numerous.) He also mistakenly claims the department did not resort to illegalities: on this see B. Roberts, "Purely," and "Shovelling;" RG76, file 513157, Joliffe to Mulvey, 18 November 1931, Mulvey to Joliffe, 24 November 1931; RG76, file 513057, RCMP Commissioner J.H. MacBrien to Joliffe, 16 November 1931. Bennett had appointed MacBrien to succeed Starnes. According to Sawatsky, MacBrien was "an even greater anti-Communist fanatic" than Starnes; John Sawatsky, *Men in the Shadows: The RCMP Security Service* (Toronto 1980), 65. RG76, file 513057, department memo, 19 November 1931. Radicals were not infrequently warned not to apply, or rejected for citizenship in the 1930s. See "Branded as a Communist in 1930s," *Toronto Globe*, 17 June 1974, 8, about Nick Urkewich, who was told by the RCMP not to apply, after a 1932 strike in Crow's Nest Pass; when he finally did apply in 1972, he was rejected, presumably on the basis of his involvement in left and other labour causes in the 1930s. Others in the area were in a similar situation and it took intervention by their MP to get citizenship, after 40 years.

Pending the appeal, Immigration Department officials had been routinely exploring various avenues to expedite the deportation of radicals. They received names from the RCMP and other sources, investigated the immigration status of the prospective deportees, and set in motion the appropriate machinery. By the fall of 1931, intensified political deportation had become federal policy. In October, the minister of justice hosted a special meeting to discuss the need to increase deportation. It was attended by the minister of national defence, the commissioner of immigration, the military chief of general staff, and the RCMP commissioner. They decided to use the RCMP barracks in Halifax to house the expected deportees.<sup>10</sup>

Although it is impossible to be sure how many political deportations were carried out during the Depression, it is possible to verify that they were numerous. The evidence suggests a conservative estimate of at least several hundred during the 1930s (and perhaps a somewhat lesser number in the 1914-22 period). They were usually carried out under public charge, criminality, or other legal categories, and they were not explicitly acknowledged as political deportations in the public documents of the department, such as the annual reports. Internal documents are somewhat more revealing.<sup>11</sup> Department files,

See also comments on citizenship refusal by Shin Imai, "Deportation," 70-1.

<sup>10</sup> Browns, *Unauthorized*, 64, citing McNaughton papers, vol. 10, file 46, secret memo of Chief of General Staff to Adjutant General, 14 October 1931.

<sup>11</sup> There are only a few memos in the Immigration Department files listing the names of agitators deported under the 1930s' S98-S41 legislation. One lists 82 names; it is found in RG26, vol. 16, "Deportation of Communist Agitators, 1931-1937." A second is a list of 35 names compiled to have citizenship status checked and naturalization certificates revoked, in order to effect deportation (note Imai's figures above); this is found in RG76, file 513057, Mulvey to Joliffe, 24 November 1931, and gives names that do not appear on the list of 82. A third list gives 26 names of alleged communists, some of which are not included on the first two lists; this is in RG76, file 513116 (Arvo Vaara); see memo, *Immigration to RCMP*, 21 November 1931. A fourth file concerned with political deportation includes 13 of the 23 immigrants arrested in Rouyn and ordered deported for participating in a May Day demonstration in 1932: file 513057, memo for file, 17 June 1932. Other files mention single or a few individuals by name, for example, RG76, file 513173. Labour and left sources supply names and some numbers. For example, the *Canadian Labor Defender* of January-February 1933 gives a figure of 59 deported militants from its own circles for 1932 alone. Between January 1932 and April 1935 this journal names over 80 of the group's activists being deported, and discusses many more cases without giving individuals' names. Although crosschecking is tedious and inconclusive, it is possible. However, most radical deportations took place under other grounds than Section 41, so they do not appear as such in the Immigration Department files. Sources other than Immigration provide a glimpse of the depth, breadth, and intentionality of political deportation. For example, RG24, file C-2380, documents the widespread RCMP surveillance of labour and political groups in various cities (unemployed groups under surveillance are more numerous in the latter decade but by no means absent from the early 1920s records); numbers of the activists who are named in the 1920s surveillance files were deported in the 1930s under various

memos, and correspondence contain names and discussions of cases of radicals. Whatever the details of individual cases, it is clear that such practices were routine and widespread.<sup>12</sup>

Another source of information on individual cases is the *Canadian Labor Defender*, the organ of the Canadian Labor Defense League, which cites numerous instances of deportations for political activities.<sup>13</sup> Also informative are oral history interviews with people who participated in the events of the time. Satu Repo's interview of Einar Nordstrom, a Lakehead radical, provides details not only about department practices, but also about community responses. By late 1932, deportation had become so common, according to Nordstrom, that ethnic associations had developed the custom of holding dances and other fundraisers to pay a tailor to make a suit of clothes for the person to wear on the trip home.<sup>14</sup>

Some cases, such as Sophie Sheinen's, were widely publicized in radical circles. She was ill-treated in jail and lost nearly 35 pounds in six months; she was ill and spitting blood.<sup>15</sup> By September 1932 protests against her deportation were gaining Bennett's attention. He sought advice from Immigration Department officials, who told him that Sheinen had been "mutinous" in jail. Her claims of ill health were simply a device to avoid deportation, they said; she had been examined by a doctor and pronounced "fit to travel." As was their policy, they ignored protests and deported her in September 1932.<sup>16</sup>

Another typical pattern was exemplified in the experience of Sam Langley.

charges not necessarily overtly political, although these documents make it clear that these were indeed political deportations, and neither isolated nor rare events. As Shin Imai says, referring also to unemployed deportations (and his unfamiliarity with many of the RG sources causes him to understate the case), "deportation was used in the Depression to carry out the most massive repression in Canada's history:" "Deportation," 90. I am beginning to compile a data base and would be pleased to receive information about cases.

<sup>12</sup> "Deportation Abuses," *Winnipeg Tribune*, 26 October 1931.

<sup>13</sup> See Oscar Ryan, *Deported!*, Canadian Labor Defence League, (Toronto nd [1932]), 10, and RG26, vol. 16.

<sup>14</sup> Satu Repo, "Lakehead in the 1930s — A Labour Militant Remembers," *This Magazine*, 13 (1979), 40-5. Mauri Jalava's interviews with Sudbury Finns revealed that deportations were a strongly feared feature of Finnish life in Canada during the Depression. By the early 1930s many Finns still did not have citizenship, and others were refused when they applied, so any contact with the authorities could prove dangerous. Political persecution could take place even if no laws were broken: translators for companies hiring Finns were often anti-radical informers. From discussions about his research with Mauri Jalava, 27 July 1981. At the time he was researching an M.A. thesis on left-wing Finns in Sudbury for Laurentian University.

<sup>15</sup> See "They're Killing Sophie in Jail," *CLD*, June 1932; see also *CLD*, December 1931, November 1932; she is on the RG26 list.

<sup>16</sup> RG76, file 244957, Secretary of Immigration to Prime Minister's Secretary, 6 October 1932; see also Ryan *Deported!*; RG26, vol. 16; *CLD*, November 1932.

He was an activist in northern Ontario who was deported to England on 23 December 1931. He had been ordered deported previously after a 1929 jail sentence for a free speech demonstration, on charges of vagrancy (the disorderly conduct subsection) — part of a whole series of arrests by Toronto police beginning in February and continuing on into the summer. Protests averted his deportation at that time, but by 1931 the political climate had changed. He was picked up in Port Arthur at 5 PM, and was on the train to Halifax by 9 PM that same evening, to be deported under the reactivated 1929 order.<sup>17</sup>

John Ferris of Sault Ste. Marie, a young man during the Depression, recalled pressures exerted against radicals. Women canvassing for the Canadian Labor Defense League, for example, were arrested, then released without charges being heard. These cases were merely adjourned and left hanging so they could be picked up long after if needed. Ferris remembers numerous cases where radicals were picked up and deported — sometimes so fast that friends did not even know they were gone. Most of these cases involved non-British immigrants. The Sault Ste. Marie city council, like others, had passed a resolution to “deport all known Reds.” “Reds” was synonymous with “activists,” in their view.<sup>18</sup>

Cases were often built on personal impressions of officials about the attitudes of the accused; the immigrants were not privy to and could not refute this material. Sam Kluchnik’s experiences in Canada were representative of many who ended up on relief in the 1930s. He had entered as a farm worker in 1928, but quit in disgust at the wages (75¢ a day). In the ensuing years he worked seasonally in railway construction. More often than not unemployed, he lived “on the charity of friends” through most of 1930 and 1931. By October 1931 he was sufficiently desperate to apply for relief, and when the deportation complaint was recorded he had received a total of \$101.50 in beds, meals, and clothing, in exchange for which he had worked a number of weeks on the Grassmere ditch. He was reported for deportation by J.D. Fraser, superintendent of the City of Winnipeg Relief Department in June 1932.<sup>19</sup>

At his deportation hearing he said quite clearly that he was prepared to accept any kind of work, including farm work; he hoped to get hired for the harvest. Nonetheless, he was ordered deported as a public charge. He appealed. The regional Immigration Department official contacted Ottawa about the appeal, and said that the chair of the board of inquiry had found that Kluchnik was “surly and gave the impression of one who belonged to one of the ‘Red’ organizations of this country, although he denied this. The Chairman

<sup>17</sup> *CLD*, January 1932; RG26, vol. 16; see also Betcherman, *Little Band*, 44-50. Essentially the same thing happened to Joseph Farley, who had been arrested and jailed with Langley and four others in 1929. The old order was activated and used to deport him after he completed a ten-month sentence in Lethbridge. He was sent back to England in December 1931.

<sup>18</sup> Personal communication, 19 August 1981.

<sup>19</sup> Roberts, “Shovelling.”

of the Board is of the opinion that Canada would be well rid of the appellant."

The next step in the proceedings was to get the steamship company to pay the costs of deportation. If an immigrant were proven to be "defective," the transportation company who brought them in was liable to remove them at its own expense. To the steamship company, Commissioner Joliffe wrote that Kluchnik "refuses to accept farm work." The transcript of the board of inquiry reveals that Kluchnik made no such statement, nor could anything he said be so interpreted. But an internal memo to the commissioner of immigration and the deputy minister had claimed that Kluchnik

had not fulfilled the conditions of entry to Canada and apparently has no intentions of doing so. While he claims to be anxious to remain in this country he does not desire to take farm work and in the opinion of the examining officer he is a surly individual and gave the impression of being a Red although he denies this.

However, Sam Kluchnik's deportation was not effected; by the time the order got back to Winnipeg, he had found farm work. He was lucky; by now there had been such an outcry against deporting the unemployed that the department had begun suspending deportation orders against those who had been on the dole but had found work by the time their orders were ready. Should they go on relief again, the orders would be activated and carried out; otherwise, they would remain suspended.<sup>50</sup> Kluchnik remained under suspended sentence of deportation for more than twenty years.<sup>51</sup> Kluchnik's case shows that department statistics on incidence and causes of deportation cannot be taken at face value.<sup>52</sup>

There were several easy ways to deport radicals. "Criminal conviction" was a handy catchall, greatly aided by police harassment. "Vagrancy" was a common criminal charge against radicals, used with increased frequency during periods of repression. John Ferris recalls that in Sault Ste. Marie, activists in unemployed workers' movements were picked up and charged with vagrancy

<sup>50</sup> *Ibid.*, for reaction to the deportation of the unemployed.

<sup>51</sup> In December 1949 he hired a Winnipeg law firm to try to get his passport. The Department of Immigration investigated the request. Their records show that since 1932 Kluchnik had worked in farming, construction, and had finally gone into mining. By 1949 he had a family, owned a home and other property, and had savings. The local immigration official declared himself ready to quash the outstanding deportation order, but the RCMP demurred. In a confidential memo, Special Branch replied "We have no alternative but to say that he is 'Not Clear For Security' on the grounds of 'A.'" On this basis, the Department of Immigration decided to retain the deportation order, although Kluchnik had never done anything to warrant its use. RG76, file 530021, including Board of Inquiry transcript, 21 July 1932.

<sup>52</sup> Drystek, "Simplest and Cheapest," 435, repeats a number of questionable department claims on 1930s public charge cases. For example, the department claimed that over 40 per cent had requested deportation. Further 28 per cent of those ordered deported had refused available work, he states. For other examples of questionable claims and lies, see Roberts, "Shovelling," Roberts, "Purely," and Roberts, *Deportation*.

because they were "without substantial means of support."<sup>54</sup> The real actions for which radicals were deported varied. Arvi Johannes Tielinen, Thomas Gidson Pollari, Viljo Adolf Piispa, and Jaako Emil Makynen were convicted (along with several others) of taking part in an unlawful assembly after they had marched in a parade at Timmins, and deported in 1932.<sup>55</sup> Of 34 people convicted of unlawful assembly for a similar parade in May 1932, eight were deported.<sup>56</sup> Those deported for organizing or participating in relief strikes or demonstrations included Matti Hautamaki of Port Arthur, Leontie Karpenkower of The Pas, and W. Jacobson of Vancouver.<sup>56</sup> Deportation for any cause except Section 41, that is, under any category not overtly political, was considered so problem-free, so automatic, by the department, that it did not normally bother to hire lawyers for the boards of inquiry. There was little likelihood of any successful challenge, even by the courts.<sup>57</sup> The department processed tens of thousands of deportations without any interference whatsoever during the 1930s. Most were carried out under "public charge" although many were in fact political deportations, such as those of Winnipeg Poles reputedly "members of organizations connected with the Communist movement."<sup>58</sup>

In May 1932 the authorities carried out another showcase "red raid" of leaders in cities and towns all across Canada. Victims were quickly sent to Halifax for hearings and deportation.<sup>59</sup> As details of the proceedings became known, there were widespread protests. There was good reason. Questioning of

<sup>54</sup> John Ferris interview, 19 August 1981.

<sup>55</sup> RG76, file 513057, memo for file, 17 June 1932; names on RG26, vol. 16 list.

<sup>56</sup> RG76, file 513057, memo to Joliffe, 17 June 1932; *CLD*, November 1932; eight names appear on the RG26 list, for the Rouyn deports: Mathias Rubinski, Lauri Renko, Emile Suorsa, Kalle Simola (all domiciled Finns); Steve Garich, Mitar Mrdic, Steve Pavletich (Yugoslavs, Pavletich domiciled); and Byll Semergo (Pole, here since 1913). For Timmins, the following were listed: Arvi Tielinen, Thomas Pollare (aka Tom Blaren), Viljo Piispa, Emil Maki (Makynen) (all Finns, none domiciled). RG76, file 513057, memos, 17 June 1932.

<sup>57</sup> *CLD*, January 1931, January 1932, May 1933; Hautamaki is on the RG26 list; so is Karpenkower, whose case is mentioned in *CLD*, September 1931. Jacobsen is on the RG26 list, and is mentioned in the *CLD* of February 1931. The fruit of CP organizing drives, these 1932 hunger marches were usually the occasion for police violence.

<sup>58</sup> See, for example, the discussion of the need to hire legal counsel for the department if the Poles had been charged under Section 41; RG76, file 817510, Winnipeg to Ottawa, 3 September 1931.

<sup>59</sup> RG76, file 563236, Winnipeg Commissioner to Ottawa, 5 September 1931, Ottawa to Winnipeg, 2 October 1931; RG76, file 817510, Winnipeg Commissioner to Ottawa, 3 September 1931; RG76, file 563236, Ottawa to Winnipeg, 6 November 1931. The Poles had refused to sign passport applications but the department ingeniously found their photographs and other necessary documentation on their entry cards, as they had come in under the Railway Agreements, a series of 1920s agreements permitting the transportation companies to bring in agricultural immigrants.

<sup>60</sup> RG76, file 513111, warrant to search Dan Chomicki's residence.

the immigration minister in the House of Commons by Woodsworth and others revealed an arbitrariness and a disregard for due process all too typical of deportation methods. Gordon evaded questions concerning the nature of the charges and the whereabouts, date, and nature of the hearings. Cornered, he excused the hurried removal of the men by saying that when immigration officials were sure that an immigrant was illegally in the country, they frequently chose the "nearest most convenient port" for deportation as the site of the hearing.<sup>60</sup>

Feeble on the face of it, subsequent revelations suggested Gordon was trying to cover up star chamber tactics. One of the arrested men, Orton Wade, was a Canadian citizen by birth, under no circumstances deportable, and not accountable to the Department of Immigration for any reason. He sued the deputy minister and others for false arrest and imprisonment. His case was dismissed by Winnipeg's Court of Queen's Bench, but heard by the Manitoba Court of Appeal. The hearing produced a number of scandalous revelations for which the department was roundly criticized by the bench and the public. For example, Deputy Minister Egan had signed the warrant for Wade's arrest five months before it was used, but had made no effort to verify that Wade was subject to the Immigration Department's authority. Nor did he think it reasonable to do so. *If the department verified particulars before issuing warrants, it would never get its work done, he said.* Egan's response was as revealing as his apparent imperturbability. He defended the department's actions on the grounds that they were perfectly routine and normal procedures used in a "great number" of instances. Thus, if there were anything wrong in the Wade case, by implication, it was wrong in most deportation cases. And indeed it was. A victory in this case would have put a serious crimp in the department's activities.

Wade's treatment after arrest "amounted to a denial of justice . . . actuated by motives which are not permitted by the law," said Justice Dennistoun. Further, *even if Wade had been deportable, there was no excuse for his removal from Winnipeg (close to the United States border, thus the nearest port for his deportation) to Halifax.* Justice Trueman compared the department's conduct to "parallel high handed proceedings" of 1667 when Clarendon shipped off various of his opponents to islands and other remote outposts so they could not have the protection of the law. Wade lost the case by a narrow 3-to-2 decision, one judge ruling against him solely on a technicality.

Orton Wade got away only because he was Canadian-born. The remaining "Halifax Ten," as they came to be known, lost their appeal before the Nova Scotia Supreme Court.<sup>61</sup> Although the justices agreed that the department had

<sup>60</sup> House of Commons *Debates*, 6 May 1932, 2658-9.

<sup>61</sup> Account taken from case comment by Frank Scott, "Immigration Act: False Arrest. Illegal Treatment of Arrested Person," *Canadian Bar Review*, 14 (1936), 62-7; see also Wade v. Egan, et al., Manitoba Court of Appeal, Prendergast CJM, *Canadian Crimi-*

not acted in complete conformity to the law, in the end they dismissed the appeal, as did the minister of immigration in December.<sup>62</sup> Despite much agitation and a veritable flood of letters, petitions, telegrams, and other documents attempting to avert the deportations or alter the destinations, as soon as arrangements for documents and transportation were completed, the men were shipped out.

All too often, neither human life nor British liberties appear to have been a concern. We get rare glimpses of the bureaucrats' punitive and reactionary attitudes in private correspondence. In a little joke to the RCMP director of intelligence in 1931, Assistant Immigration Commissioner Munroe hoped political deportees would "appreciate the laws and conditions which prevail [in their own countries] better than those which we have in Canada and which they decry so violently." RCMP Commissioner Starnes complained that two Yugoslav radicals had escaped in Germany during their deportation, obtained clothes and false passports, and fled to the USSR. If they had gone to Yugoslavia, it would have meant their deaths, he admitted. The response of the Immigration Department was to tighten procedures to prevent more escapes.<sup>63</sup>

Publicly the department denied it was deporting people to prison or death. Concerning an "alleged danger to those men following deportation," it wired the Canadian Labor Defense League, "they will unquestionably have the full protection of the laws of their native countries to which they are being returned."<sup>64</sup> When victims of red raids were awaiting disposal, the department received massive protests about the dangers awaiting the men in native countries now under repressive governments. Arvo Vaara and Martin Parker, for example, were to be sent back to Finland, where the Whites had been in power for more than a decade (which they had initiated with concentration camps and executions for Reds) and were busily carrying out anti-radical campaigns of their own through the agency of fascist thugs.<sup>65</sup> Immediately after receiving

*nal Cases*, 193, vol. 54. The Halifax agent pointed out the danger of using only Section 41 in such cases, suggesting that Section 3 be used as well or instead. Under S3, when membership in the prohibited classes was established, persons were illegally in the country, no matter how long they had resided here. RG76, file 513057, personal to Munroe, 9 June 1932. See also RG76, file 513057, 6 May 1932.

<sup>62</sup> RG26, vol. 172, file 3-10-111, "Communist Name Cases . . . Robinson, Reid, Carr etc.," Memo from V.J. LaChance, Chief, Bureau of Records, on Parket *et al.* appeals, 15 October 1932. See also Arvo Vaara and others v. the King, *Canadian Law Reports*, Supreme Court of Canada (1932), 37-43; RG76, file 513116 on Vaara and others, RG76, file 513111 on Chomicki (Holmes) and others; and RG76, file 513057, R.B. Curry to Brother Stanislaus, 24 February 1966.

<sup>63</sup> RG76, file 513057, 1 December 1932, 3 December 1932, Immigration to RCMP, 15 December 1932.

<sup>64</sup> *Ibid.*, Minister Gordon to CLDL, 17 December 1932.

<sup>65</sup> A. Upton, *The Communist Parties of Scandinavia and Finland* (London 1973). He points out that in 1918 about 20,000 Reds were killed directly or died in prison camps as a result of repression by the Whites, 119. By the late 1920s communists in Finland



strong warnings of dangers to Vaara and Parker in Finland, and pleas to let them go to the Soviet Union instead, the department ordered extra guards and arranged particularly tight security to insure their delivery to Finland. Similar examples abound in department records.<sup>66</sup> The kindest thing that can be said about the department officials is that they did not take such warnings seriously, even those given by the RCMP. They hid behind the law, which said that deportation sent immigrants back whence they came; if they felt any reluctance about this choice, it is nowhere in the records. As Minister of Justice Guthrie of the Bennett government said about protests of political deportations, he got too many to acknowledge. "I merely hand them over to the Mounted Police in order that a record may be kept of the names and addresses of the people who sign them and I make this statement so that the petitioners may know what I do with them."<sup>67</sup>

By 1934, public opinion was beginning to change. It was no longer merely the communists who objected to mass deportation, the curtailment of civil liberties, and Section 98. King had found it expedient to oppose the worst of Bennett's iron heel policies. He had promised that if elected he would repeal Section 98, and, by implication, stop the abuses.<sup>68</sup> The CCF, whatever support it mustered, also opposed mass deportation and Section 98 as violations of civil liberties and common decency.<sup>69</sup>

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were being arrested for political activities. By 1930, fascist vigilantes were terrorizing communists, with the approval of the government. In October 1930 anti-communist laws were passed and during the 1930s there was very little communist or communist front activity in Finland: it was simply unsafe, see 153-5, 178-93. For a brief mention of the anti-communist regime in Hungary, see N. Dreiszinger *et al.*, *Struggle and Hope: The Hungarian Canadian Experience* (Toronto 1982), 16-8. See also file 95027, Starnes to Joliffe, 15 August 1930. See also Becky Buhay, "Bennett's Answer to the Unemployed: Deportation," *Canadian Labor Defender (CLD)*, June 1931, especially her comment about Don Evanov of Toronto and the consequences of his deportation to Bulgaria. There is a further mention of Evanov in "Facing Bulgarian Gallows," *CLD*, July 1931. See as well discussion of the case of Peter Zepkar, a Croat arrested in a Ft. Frances lumberworkers' strike in January 1934 and ordered deported to Yugoslavia: *CLD*, October-November 1934. Other cases include Ted Merino of Vancouver, ordered deported to Japan, *CLD*, January 1935, and Nick Stitch of Port Arthur ordered deported to Hungary, *CLD*, April 1935.

<sup>66</sup> The department went to great lengths to assure his deportation; they held a second board of inquiry, every step detailed by Department of Justice instructions, to be sure the courts did not free him. They organized a secret route and extra guards to make sure his friends did not free him. See RG76, file 513173-2 for case records; see also RG76, file 513109, *passim*, 1932-3.

<sup>67</sup> RG76, file 513057, Ottawa to London office, 20 December 1932; House of Commons *Debates*, 14 February 1933, 2101-2.

<sup>68</sup> Petryshyn, "Class Conflict," 50-3; Justice Minister Guthrie's comment that in the repeal campaign the "CLDL had managed to build up a huge protest movement with even the churches committing themselves."

<sup>69</sup> See the Regina Manifesto, Section 12, "Freedom," in Kenneth McNaught, *A*

Many people who had been untroubled by the summary deportation of radicals were not so sanguine about wholesale deportation of the unemployed. Challenges in the courts had combined with public opinion to cause the Department of Immigration to become slightly more circumspect in its activities. By 1933, the department had to tighten up on irregular or illegal practices. As the commissioner of immigration noted in a directive, the courts were increasingly reviewing deportation cases upon habeas corpus applications by the prospective deportees. When courts found procedural irregularities, they were empowered to order the release of the appellant. Any departure from strict legality, if detected and challenged, had the potential to destroy a case and lead to "an adverse decision with embarrassing consequences and complications."<sup>70</sup>

The excesses of some local authorities had also begun to come under fire. The Toronto Police Red Squad had been under criticism for some time, because of its heavy-handed and arbitrary actions: beating up suspects, seizing papers, almost at Red Squad leader Nursey's whim. Whims were no substitute for good judgement or legality. Lawyers and judges began to express concern. In the fall of 1933, the Toronto Police Commission (its two most rabid members had retired) told the Red Squad that henceforth they could only raid meetings that were clearly in violation of the law.<sup>71</sup> That cooled down Toronto considerably.

After 1934, the worst was over. That year was a turning point. The most spectacular event was the arrest and trial for sedition of A. E. Smith, the head of the CLDL. It all began with a play called *Eight Men Speak*, put on by the CLDL in Toronto in December 1933, which castigated prison conditions, the shooting of the Estevan strikers, and the attempted shooting of Tim Buck, allegedly on orders from high authority. The play was quickly closed by Toronto police. Bennett was furious about the play. He hated Smith and had been seeking a way to silence him. Two weeks later Smith publicly accused Bennett of giving the order to shoot Buck.<sup>72</sup> Bennett ordered Smith charged with sedition.

This time Bennett and his minions had gone too far. They were criticized in the press, and support for Smith came also from mainstream labour and church groups. Then the trial revealed that the crown had no case against Smith and he was found innocent. If he was not guilty, other sedition cases were cast into doubt. A few months later, all the remaining Kingston Communist prisoners from the August 1931 red raids were set free, except Tim Buck, who was held until November. Bennett had backed down.<sup>73</sup>

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*Prophet in Politics. A Biography of J.S. Woodsworth* (Toronto 1959).

<sup>70</sup> RG76, file 563236, Ottawa to Winnipeg Commissioner, 1 April 1933. See Roberts, "Shovelling," on opposition to wholesale deportation of the unemployed.

<sup>71</sup> Betcherman, *Little Band*, 124.

<sup>72</sup> Justice Minister Guthrie gave credence to such accusations when he said that the eleven shots had been fired at Buck "to frighten him:" *Winnipeg Free Press*, 27 June 1934, cited by Betcherman, *Little Band*, 215.

<sup>73</sup> Petryshyn, "Class Conflict," 53-9; see also Buck, *Yours*, 247-8.

The Department of Immigration still carried on. It scoured the jails periodically to find those "convicted as a result of identifying themselves with riots, or disturbances of a communistic nature."<sup>74</sup> But when the country-wide crackdown against reds lessened, so did the supply of radicals in the jails who could be deported for their political activities. When King repealed Section 98 early in 1936, the authorities lost their strongest weapon for political deportation. Immigration still had all its apparatus intact; it merely had to return to a more discreet style of operation, relying on other methods and other charges for deporting immigrants it judged undesirable.

Deportation ultimately depended on a network of referrals from criminal justice, relief, medical, and political authorities. When such referrals became inexpedient, deportation diminished. There were limits to what could be accomplished by administrative fiat from the top down. The limits had been reached. After 1935, deportation declined to "normal" levels.<sup>75</sup>

*Cui bono?* The stated ideal of Canadian immigration policy was to attract a permanent agricultural population. Behind this ideal, thinly concealed and little denied, lay a more-or-less Wakefieldian system.<sup>76</sup> These permanent settlers would often be forced into wage labour, either in the short term to accumulate the capital ("cash stake") to start farming their own land, or in the long term to supplement inadequate farm earnings.<sup>77</sup> Hidden behind that bitter but still palatable modification of the ideal lay yet another reality: a massive system of importing industrial workers who could hardly claim to be farmers, even potentially. As Donald Avery has shown, Canada's immigration policy

<sup>74</sup> RG76, file 513057, Division Commissioner of Immigration at Vancouver to Commissioner at Ottawa, 11 February 1935; Ottawa to Vancouver, 19 February 1935.

<sup>75</sup> For a discussion of "normal" levels of deportation, and of the difficulty in determining patterns and incidence of deportation from published official statistics, see B. Roberts, *Deportation*, chap. 3; on the 1930s, see chaps. 7 and 8.

<sup>76</sup> See E. Gibbon Wakefield, *Letters from Sydney and Other Writings* (London 1929). Gary Teeple, "Land, Labour and Capital in Pre-Confederation Canada," in *Capitalism and the National Question in Canada* (Toronto 1972); see also the British House of Commons, *Report on Agricultural Settlements in British Colonies, 1906*, British Parliamentary Papers (2978), LXXXVI, 533.

<sup>77</sup> See S.D. Clark, *The Position of the French-Speaking Population in the Northern Industrial Community*, a report presented to the Royal Commission on Bilingualism and Biculturalism, 1966, for an analysis of the latter system at work. For an African comparison, see Bernard Magubane, "The 'Native Reserves' (Bantustans) and the Role of Migrant Labor System in the Political Economy of South Africa," in A. Idris-Soven and M. Vaughan, eds., *The World as a Company Town: Multinational Corporations and Social Change* (The Hague 1978), 263. Magubane says that the South African system of intense exploitation of Africans as migrant workers developed because mine owners could not get a large and certain supply of imported cheap migrant workers. See also, George Haythorne, *Labor in Canadian Agriculture* (Cambridge MA 1960); he was then assistant deputy minister of labour in Canada. See also his "Harvest Labor in Western Canada. An Episode in Economic Planning," *Quarterly Journal of Economics*, 47, August 1933.

promoted the recruitment of a large body of unskilled industrial workers who would function (and likely remain) as an industrial proletariat.<sup>78</sup> Yet whether the immigrants were assumed to go straight to their prairie homesteads, to detour briefly or intermittently into wage labour, or to be permanently absorbed into the industrial wage sector of the economy, one thing was clear: they were supposed to remain here and become Canadians. Even the severest critics of Canadian immigration policy tended to accept the claim that Canada was trying to attract a permanent population. Attempts by corporate interests to import large numbers of contract workers for temporary work were refused. Scott and other departmental officials "time after time refused to allow industrial workers into the country on temporary permits."<sup>79</sup> Industrial workers who entered came on the same legal terms as the highly prized and politically palatable legitimate agriculturalists: as landed immigrants who could become citizens after three or five years.

The government was uncomfortable about the reality of the immigrant industrial proletariat that lay behind the myth of the immigrant independent agricultural producer. But this "reality" was in fact little more than another part of the myth that disguised a politically devastating truth: that "many of the Europeans who came to Canada were in effect guest-workers, who met the needs of Canadian industry and agriculture and then went home."<sup>80</sup>

Agriculture's seasonality makes it easy to detect the stream of migrant harvester labour thinly concealed within the flow of those who were ostensibly and legally permanent settlers. Yet other industries were equally, if not more, dependent on this type of work force. Thus was particularly true of lumbering, mining, and railway construction. The department was not particularly pleased about this. As Avery points out, "by 1913, Immigration officials were concerned that Canada was becoming increasingly committed to a guest-worker form of immigration." But there was little the department could do. These industries wanted "an expendable labour force [that] takes its problems away when it is re-exported," as the *United States Senate's Dillingham Commission* on immigration had put it in 1910. All the department could do was to refuse to issue temporary work permits.<sup>81</sup> This was not a problem for the employers: as

<sup>78</sup> Donald Avery, "Canadian Immigration Policy and the 'Foreign' Navvy, 1896-1916," *Historical Papers*, 1972, and *'Dangerous Foreigners'*, 9.

<sup>79</sup> *Ibid.*, 12.

<sup>80</sup> *Ibid.*, See also Robert Harney, "Men Without Women: Italian Immigrants in Canada, 1885-1930." *The Italian Immigrant Woman in North America* (Toronto 1978), 82. As Harney points out, these men came "intending brief sojourns, usually hoping for a summer's work in the railway, timbering and mining camps of the Canadian North." For harvesters, see George Haythorne, "Harvest Labor," 536-7. The majority of harvesters were Canadian, but others constituted an important reserve, and the idea was that some would stay on and settle. In 1928, 90 per cent of the British workers imported (in a particularly disastrous scheme involving unemployed industrial workers) returned home after the harvest was in.

<sup>81</sup> Avery, *'Dangerous Foreigners.'* 9, 12, 29-32.

long as there was a flow of cheap immigrant labour, it made little difference whether they were legally guest workers or landed immigrants. In fact, the landed status offered a number of advantages to the employer, in part because it was unregulated.

Canada's concealed guest-worker system offered significant economic and political advantages to employers and to the state. As Michael Burawoy has pointed out, one of the invariable characteristics of a migrant work force is that the functions of maintenance and reproduction take place in different locations. In a migrant labour system, the costs of renewing the work force are passed on completely or partially to the sending economy or state. The employer of migrant labour is "neither responsible politically nor accountable financially to the external political and economic systems," that is, to the sending countries.<sup>82</sup> The receiving, or using, country has greatly reduced costs for social services partly because the families of workers remain in the sending country, where whatever available educational, medical, and other social services will be paid for. These reproductive costs — that is, the cost associated with family formation, child-rearing, and labour market training — are thus of no concern to the receiving employers or government. Migrant labour is cheap not only in terms of the lower wages paid to the migrant worker, but in terms of other costs incurred in maintaining the work force. Migrant workers can be kept in camps, fed *en masse*, and provided with minimal welfare services. Moreover, if these workers are injured, incapacitated, or incapable, neither the employer nor the state is obliged to take care of them over the long term. Because under this system these workers have no claim on the resources of the receiving country or the employer, they can be sent back "home" when their usefulness is at an end.<sup>83</sup>

<sup>82</sup> Michael Burawoy, "The Functions and Reproduction of Migrant Labour: Comparative Material from South Africa and the United States," *American Journal of Sociology*, 81 (1976), 1050-87.

<sup>83</sup> *Ibid.*, *passim*. See also S. Castles and G. Kosack, *Immigrant Workers and Class Structure in Western Europe* (London 1973). Also on the advantages to employers of "non-citizen" and undocumented workers, see Robert Thomas, "Citizenship and Gender in Work Organisation: Some Considerations for Theories of the Labor Process," *American Journal of Sociology*, *Marxist Inquiries* supplement, 88 (1982), S86-S112. For a blatant example of this system in action in Canada, see my discussions of deportation of the unemployed during periods of depression, especially, but not exclusively, the 1930s, when tens of thousands whose labour was not needed were shovelled out under various legal headings: B. Roberts, "Shovelling," "Purely," chaps. 2 and 6, and *Deportation*, chaps. 1 and 8. In some instances, as Burawoy points out, migrant workers may end up becoming domestic workers, may change from migrant to immigrant with a consequent improvement in status in terms of political rights (and access to resources available to landed immigrants or citizens), although not necessarily an immediate economic improvement (such as higher wages). On becoming immigrants, see Burawoy, "Migrant Labour," 1076; citing Castles and Kosack, chap. 2: "in contrast to all other European countries, Britain has until recently awarded full citizenship rights

Burawoy is discussing migrant miners in South Africa and farm workers in California. Yet many of the points he raises describe remarkably well a number of aspects of Canadian immigration in the period discussed here. In Canada there was a parallel system of occupational segregation and subordination based on ethnicity; many workers were housed and fed in isolated camps, often at very low standards.<sup>84</sup> Sojourners who came to Canada in boom times might succeed in realizing their dream to return home rich — but for many, possibly a majority in times of economic depression, the dream could turn suddenly to ashes. The pre-World War I railway workers are a case in point: thousands of them were trapped by depression, imprisoned in internment camps during the war, and released to the big companies when the demand for their labour again became acute.

Unless immigrants lived here continuously long enough to get domicile, and better, attained citizenship, they could be deported if they ceased to be productive members of the work force or otherwise got into trouble. This deportation could take place legally and formally, under the auspices of the department, or it could take place informally and outside the legal framework. For instance, an immigrant thrown out of work might apply to a municipality for some form of poor relief. The administration would then report the immigrant to the Department of Immigration, setting in motion the legal deportation process. Alternatively, the municipality might refuse to grant relief. In many cases, this left the immigrant with little alternative but to effect his or her own do-it-yourself deportation, by leaving. This method was even cheaper for the municipality (and Ottawa), and was favoured in times of economic distress.

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to immigrants from other parts of the Commonwealth. Whereas immigrants to France, Germany, and Switzerland have tended to assume the status of immigrants, in Britain they become part of the domestic labour force." In Canada, immigrants tended to do somewhat different jobs than Canadians so it is difficult to prove they were worse off by showing wage discrimination, etc., although it is a given that as a group, immigrants from non-preferred countries did the hard dirty work, often at wages that Canadians avoided. (This is analogous to the debate about the extent of contemporary discrimination.) It is difficult to argue that becoming domiciled (to take a legal indicator) or sending for/acquiring a family (to take another widely used indicator) — becoming an immigrant instead of a migrant (sojourner), to use Burawoy's terms — brought with it a real economic improvement. The Canadian case may offer evidence for the debate about the relationship between political and economic status in migrant/immigrant labour systems. See Burawoy, "Migrant Labour," on this, 1076.

<sup>84</sup> *Ibid.*, 1052-63. See also P.C. Lloyd, *Africa in Social Change: Changing Traditional Societies in the Modern World* (Harmondsworth 1967), 94, "Migration does not create a wealthier category of men in the village." See also Y.M. Ivanov, *Agrarian Reforms and Hired Labour in Africa* (Moscow 1979), 10-32. In Canada, see Edmund Bradwin, *The Bunkhouse Man. A Study of Work and Pay in the Camps of Canada, 1903-1914* (Toronto 1972); see also, I. Abella and D. Millar, *The Canadian Worker in the Twentieth Century* (Toronto 1978).

Nonetheless, department records show 28,097 people formally deported between (fiscal years ending) 1930 to 1935.<sup>85</sup>

In eighteenth-century Britain,<sup>86</sup> and in parts of the United States in the twentieth century, poor relief was given to agricultural and other workers to hold them until their labour was needed, at which time the relief was cut off and they were forced to take the available jobs.<sup>87</sup> In Canada it was not necessary to use poor relief grants to maintain a readily available supply of cheap labour. Immigration took care of this, particularly after World War I when inflow was directly adjusted to the labour requirements of certain large employers. Deportation was one of the mechanisms that maintained a balance between the need for cheap (and docile) labour in times of economic expansion, and the desire to cut welfare costs (and political unrest) in times of economic contraction. Those who were superfluous to demand or useless to production, those who upset the system or threatened its smooth working, could, if they were immigrants (and they often were), be gotten rid of. Deportation deferred some of the costs of maintaining and reproducing the labour force onto the sending country and economy. Deportation was an unnoticed but important way not only to keep the stream of immigration pure, but, more to the point, to keep profits high and problems few. One of the most significant features of an industrial economy is the need for a large supply of mobile labour. Canadian immigration policy made sure that getting that labour supply was not a problem. Deportation helped to assure that getting rid of it was not a problem either. Deportation, both formal and informal, helped to create a hidden system of migrant labour that functioned much like a "guest-worker" system, even though the stated policy was that immigrants were to be permanent settlers.<sup>88</sup> It was a concealed but necessary regulator of the balance between labour demand and labour supply, which was in itself a critical determinant of Canadian immigration policy and practice between 1900 and 1935.

There was little check on the Department of Immigration's deportation activities. International legal authority C.F. Fraser, comparing deportation in Britain, Northern Ireland, Canada, South Africa, Australia, and New Zealand, concluded in 1940 that the Canadian practices were the most arbitrary, that the power of Canadian officials, unchecked by an apathetic judiciary, had grown dangerously, had gone beyond its legislative authority, and continued to increase.<sup>89</sup> Parliament was consistently uninformed or misinformed about the

<sup>85</sup> On informal deportation, Donald Avery, personal communication, 4 February 1980. On the use of departmental statistics to determine the incidence and patterns of deportation, see Roberts, *Deportation*, chap. 3.

<sup>86</sup> E.P. Thompson, *The Making of the English Working Class* (Harmondsworth 1968), 243-4.

<sup>87</sup> Burawoy, "Migrant Labour," 1069.

<sup>88</sup> Avery, personal communication, 4 February 1980.

<sup>89</sup> C.F. Fraser, *Control of Aliens in the British Commonwealth of Nations* (London 1940), 104, 106, 111, 114.

department's deportation activities, and judicial review was severely limited by the Immigration Act.<sup>90</sup> Neither Parliament nor the courts chose to test the limits set upon their sphere of inquiry. It was Parliament which passed the laws relating to deportation, but it neither made those laws, nor knew, nor controlled how they were carried out. Fraser commented,

the most notable feature of deportation cases in Canada is the apparent desire to get agitators of any sort out of the country at all costs. . . . [T]he executive branch of the government, in its haste to carry out this policy . . . displayed a marked disregard for the niceties of procedure.<sup>91</sup>

Deportation officials operated in disregard of the law and beyond the control of Parliament.<sup>92</sup> C. D. Fraser concluded that "later cases indicated a premeditated intent to deprive the alien of his right to judicial protection."<sup>93</sup>

Immigration officials lied to conceal their activities, broke their own laws, and consistently abused their power. To argue that they merely reflected the prevailing views of the Canadian public is naive: the concealment of deportation policy and practice meant that the public had virtually no idea of what was being done in its name. Drystek edges close to a class analysis when he specifies (however one might question the characterizations) interest groups: the middle classes are nativists, the employers want cheap labour, the farmers want seasonal workers and harvesters — a labour force with a high turnover, not requiring services or demanding rights. But he denies that deportation was intended to function as a means of social control, or that it maintained a concealed migrant labour system.<sup>94</sup> For him, department bureaucrats may have been cheapskates, but if they served the interests of the dominant classes, that was due to innocence or coincidence.

The weight of the evidence suggests strongly that they were not only cheapskates, but dishonest and malevolent as well. Most of this appears systemic rather than individual in cause; these bureaucrats, it could be argued, were just doing their jobs, which virtually required them to break the law when

<sup>90</sup> In re: Munshi Singh, 1914, cited by Fraser, *ibid.*, 100.

<sup>91</sup> *Ibid.*, 114. Compare this to Drystek's conclusion that "there was no concerted effort to deport radicals." Drystek, "Cheapest and Simplest," 441. On the development of deportation law and Parliament's role, see Roberts, "Purely," chap. 1 and *Deportation*, chap. 2.

<sup>92</sup> See Roberts, "Purely," 458-9 on the illegal admissions systems developed and operated by the department after 1910. See Report of the Select Standing Committee on Agriculture and Colonization, Minutes of Proceedings and Evidence and report, Appendix Number Eight of Select Committee, *Sessional Papers*, House of Commons, 1928. There is no indication that Parliament was disturbed by Egan's revelations. On this see Blair Fraser, "The Built-in Lie Behind our Search for Immigrants," *Macleans*, 78 (19 June 1965), 11-3, 48-50. He says, "Canadian immigration policies and practice are a monument to Canadian hypocrisy."

<sup>93</sup> C. F. Fraser, *Control of Aliens*, 114.

<sup>94</sup> Drystek, "Cheapest and Simplest," 440-1.



its very substantial leeway proved inadequate, to lie about or misconstrue the statements of immigrants at their deportation hearings, and the policies and practices of their department. Although it is little more than speculation to discuss their motives, the question of individual responsibility is moot here. There is no evidence in the departmental papers to suggest that the top Immigration Department bureaucrats saw their actions as dishonest or hypocritical, although there is much to indicate that they were anxious to avoid public exposure, scandal, and court cases relating to procedural "irregularities" or substandard conditions. Yet the law gave them arbitrary powers which went beyond and contravened British traditions of justice and fair play; deports, as critics observed, had not even the legal rights of criminals, and the courts were expressly forbidden to interfere as long as the department followed its legally proper, if arbitrary, procedures (or was not caught violating them). In this setting, it was easy to overstep the boundaries, to move from actions which kept the letter but violated the spirit of the law, to actions which violated the letter, to those which were simply beyond the law. One suspects that they would not have thought their actions wrong or dishonest, and if they had, would have believed that the ends justified the means.

But there was a logic of capitalist necessity operating here that was prior to the caveats of liberal democracy, and a social imperative that went beyond individual judgements about right and wrong, or individual British liberties. As Winnipeg Senator McMeans asked rhetorically during Senate debate, arguing against the repeal of Section 41, "Do you think that any man of a good character would be accused of sedition and deported?" Insofar as deportation law, policy, and practice were concerned, the right to British liberties was based on a social contract, and could be forfeited when individuals broke that social contract by becoming unemployed, sick, radical, or in some other way a threat to the social order or a liability on the public. While the "deportation policy of the Canadian government" may not have been designed exclusively to "control radicals and to expel surplus labour,"<sup>95</sup> these intentions were well

<sup>95</sup> See John Duncan Cameron, "The Law Relating to Immigration to Canada. Volume II. From Confederation to the Present," (Ph.D. thesis, University of Toronto, 1943), 577-80 on arbitrary powers, on court interference. The arbitrary nature of immigration law was admitted by supporters such as Cameron, as well as critics. Cameron was born in Minnedosa, Manitoba in 1882, received his B.A. from the University of Manitoba in 1909, his L.L.B. there in 1933, his M.A. from University of Toronto in 1935, and the Ph.D. from that institution in 1945. He was a practising lawyer for more than twenty years when he wrote the dissertation, and certainly was not an adversary of the immigration system: he was superintendent of immigration and colonization for the CPR in Ontario, 1933-4, and was European colonization manager for the CPR beginning in 1944. For McMeans' remarks, see *Senate Debates*, 15 June 1926, 244. On deportation law, and attempts to change it, see Roberts, "Purely," chap. 1, and *Deportation*, chap. 2. The quote is from Drystek's abstract, "Cheapest and Simplest," 407, and see also his conclusions and n126, 441.

served by its initial and subsequent development over the years, and were consistently among its most important functions.

*Discussions with F.D. Millar have provided a number of crucial insights, important references, and much useful criticism, for which I am grateful. L/LT reviewers also made valuable suggestions. Some sources cited may be among those removed from the PAC in the early 1970s by the RCMP, most of which have recently been returned, and may now be differently constituted and referenced.*

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