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(The views expressed within are those of the authors alone)

OCTOBER/NOVEMBER 1987

ISSUE 3

HELLO OUT THERE!

Greetings from the Executive of your Society - we hope that all our members both in Canada and overseas are enjoying their fall.

NEWSLETTER CONTENTS

This newsletter contains:-

The News Bulletin

Supplement "A": An account of the Annual General Meeting (1987)

Supplement "B": "Confederation: The BNA Section 95, and the Immigration Act of 1869".

THE ANNUAL GENERAL MEETING

Though the details of the AGM are, as stated, to be found at Supplement "A", it would be remiss not to mention up front our thanks to four people in particular for their role in making the day a success. So thanks to Ben Pflanz, for once again arranging a perfect venue with the Department of External Affairs; to Ruby Crosman and Connie Pflanz for their excellent catering; and to Bud Muise for his photography, a montage of which you will find here and there in Supplement A. Thank you all.

PRESIDENT'S MESSAGE

At the June 13, 1987 Annual General Meeting, Mr. M.G. "Bud" Clark was unanimously elected President of the Society. As most of you are aware, Bud had a distinguished career in policy with the central agencies and got his first exposure to our work as a former Director of Personnel of the Department of Citizenship and Immigration. Some years later, he served as the Director of Finance, Personnel and Inspection in the former Foreign Service Branch, and later was promoted Director-General, thus being "in charge" during some very exciting years, such as those of Uganda and Chile. Later Bud was appointed Canadian Commissioner to Hong Kong. Bud

was asked by your Publications Committee to mark his induction with a message to the Membership, and here it is:

"This Bulletin is my first opportunity to make contact with you since I assumed office. The Society is off to a good start thanks both to the support from members and the efforts of those who were instrumental in forming the Society. We now formally exist, having an elected Board of Directors, an Executive, and several active Committees.

A fairly large measure of our efforts in the remainder of this, our 1987-1988 year, will continue to be applied to organizing a program framework and ensuring a secure financial base. Efforts will be made to involve as many members as possible in the work of the Society. The trick will be to set priorities, to co-ordinate program activities, and build a sustaining organization.

One of the first tasks will be to involve members living outside the National Capital Region in the work of the Society. To do this, the formation of local chapters will become very important; so much of the knowledge of the history of immigration has local or regional aspects. We should be pleased to hear from any members who would be interested in forming local or regional chapters.

In Ottawa, we will be contacting various departments and agencies who can be of assistance to us or who themselves have some responsibility respecting the history of Canadian immigration. Other areas to consider will be contacts and relationships with the universities and other non-governmental organizations. Last but not least we will seek out sources of possible administrative or financial support for certain basic needs of the

Society, e.g. translation facilities, clerical and typing support. This is particularly important because one of our current problems is the lack of an organized administrative base. Without this it will be difficult to serve members in the efficient and timely way that will maintain interest and build the Society.

I look forward to the months ahead and trust that by the time of the next Annual General Meeting the efforts of all of us will result in a Society that can claim to have begun its contribution to the history of Canadian Immigration."

M.G. Clark

TREASURER'S STATEMENT

I apologize to members. The fact that you have not received a BULLETIN since last May is due to a number of factors but, in the last few weeks, primarily because of my reluctance to see a new issue go out without a clearcut message on membership fees.

Our application to Revenue Canada for registration for status as a charitable organization was delivered on June 9th, shortly after we had been informed of our incorporation. We were informed that the Charities Division was backlogged 3-4 months. We waited patiently for this period to elapse, followed up, and after a further interview and submission of a statement of the Society's intentions on research, have now been registered.

The registration has been back-dated to May 1st, 1987. This means that the Society will only be able to issue an official receipt for income tax purposes to those who have subscribed for our 1987-88 financial/program year. The official Society receipts have been designed and printing ordered; as soon as possible they will be issued to those members eligible to

receive them. At the same time, reminders will be sent to those who have not given us their 1987-88 subscriptions. No personal recrimination should be inferred; the Society did not wish to suggest any deadlines for fees until our position with Canada Taxation had been resolved. We hope those receiving subscription notices will let us have their cheques by Dec 15th. This will permit us to go ahead with a membership list as a supplement to our Jan/Feb Bulletin.

H.C.C.

PROFESSOR HAWKINS

On the evening of November 3rd, we were delighted to be able to arrange for one of our most distinguished members, Dr. Freda Hawkins, to give a lecture on the topic of her new book: "Critical Years in Immigration, Canada and Australia Compared", which is due out in March 1988. The evening was co-sponsored by the Centre for Immigration and Ethno-Cultural Studies at Carleton University, and took place in the Herzberg Building on the Carleton campus. The lecture was attended by some twenty-five people, most of them from our Society, but several from Carleton. Professor Hawkins lecture was extremely well received, with much group discussion and individual involvement and contribution following. A brief precis of Professor Hawkins' speech will form part of a subsequent Newsletter. Many thanks again to one of our staunchest members and supporters, Professor Hawkins.

OUR NEW SOCIETY LOGO

You will all have noticed that we have acquired a new logo, the work of Joanne ApSimon, a local artist commissioned by the Executive.

The circle represents the world. The

bird is, of course, the Canada Goose, one of the most truly distinctive emblems of Canada and of migration. The Immigration badge, we know, is very dear to the hearts of many of our members and therefore we felt it should be incorporated as the centrepiece of our new logo.

CHRISTMAS BOOKS

Not even our oldest member can recall a time when the Canadian public could look forward to a festive season with three new books on immigration. We have obtained them and they are being read now; hopefully, we will be able to arrange for reviews before our Jan-Feb issue. In the meantime, if any of you find one in your stocking, and wish to make an individual comment to the Bulletin on the basis of your own reading it would be welcomed.

The details, and short quotations from the publishers' book jacket are as follows:

JUSTICE DELAYED - Nazi War Criminals in Canada.

DAVID MATAS with SUSAN CHARENDOFF
Toronto, Summerhill Press. \$21.95

"Justice Delayed is a brilliant moral and legal argument for putting an end to Canada's decades of inaction, by proceeding to investigate and prosecute the over 200 suspected Nazi war criminals living in this country".

David Matas is a Winnipeg lawyer specializing in immigration law. Susan Charendoff acted as counsel for the League for Human Rights of Bnai Brith Canada to the Deschenes Commission.

The book makes reference to the testimony of "Joseph" or J.R.R. Robillard ("Robby" now of Lindsay) and George O'Leary (of Immigration).

HAVEN'S GATE - CANADA'S IMMIGRATION FIASCO
VICTOR MALAREK
Toronto, MacMillan of Canada \$24.95

"Victor Malarek goes behind the facade of Canadian immigration to ask the tough questions that successive governments have sidestepped for decades:

- Does Canada need more immigrants? Who and how many?
- Is Canada fulfilling its international obligations toward the world's 15 million refugees?
- Why have thousands of bogus refugee claimants been allowed to stay in the country?
- What sort of attention should be paid to widespread racism and public hostility to immigration?

There are no easy answers to the complex issues surrounding immigration, but the necessary first step is to restore public faith in the system. Haven's Gate rightly poses more questions than it answers - the rest is up to us."

Victor Malarek, born in Lachine, Qué., in 1948, has been a journalist since 1970, currently the Globe and Mail's senior reporter on social policy issues. In 1986 he won the Michener award for coverage of the refugee issue.

We see the names of more of our members and friends in these pages.

DOUBLE STANDARD - THE SECRET HISTORY OF CANADIAN IMMIGRATION
REG. WHITAKER
Toronto, Lester and Orpen Dennys

"Double Standard is the history of Canada's immigration policies from the

time of the Second World War, through the troubled years of the Cold War, and into the present - from our notorious treatment of refugees from Hitler's Germany, through our own McCarthy - like "witch hunt" for undesirable immigrants, right up to the startling revelations made by the Deschenes commission. Reg. Whitaker uses his skill as a researcher and historian to reveal the true (and limited) nature of this "compassion" for which Canada is celebrated."

Reg Whitaker is Professor of Political Science at York University. In the release material the publishers go on to say: "Based upon hitherto top secret government files, Double Standard is extensively documented and thoroughly researched. Not only is it the definitive history of Canadian Immigration, it also provides the arguments for ensuring that Canada maintains a just, fair and humanitarian refugee policy in years to come."

We are far enough into the book to say "Not quite so, Messrs Lester, Orpen and Dennys". Indeed, in his introduction, the author defines his parameters quite explicitly, as follows:

"This book is an essay on the political bias that has underlain the process of immigration and the granting of citizenship in Canada in the post-war years. This history has never been written before, although bits and pieces have previously come to light. It is called a "secret history" for two reasons: first, the policies and practices of immigration security have been deliberately concealed from the Canadian public, the press, members of Parliament, and even "bureaucrats" with "no need to know"; second, most of the documentation upon which this book is based has until recently been classified as "secret" or "confidential". Only the passage of time and the use by the author of the

Access to Information Act, which came into force in 1983, have made this documentation available."

Mr. Whitaker has certainly taken the lid off. Chapter 7, "Stage B", the Security Panel, and the principals in the security screening arrangements in the post-war immigration movement are identified.

The footnotes (annoyingly, at the back of the book) identify the file sources, and many of our members will recognize the names, A.L. Jolliffe, C.E.S. Smith, Laval Fortier, G.R. Benoit, W.R. Baskerville, etc. For many this part of the book may spur the contributions by members which can flesh out the procedural history of the time.

Of the three, Double Standard, seems the best value for money.

H.C.

FINALE

And that's it for this issue's News and Views. We hope you like our new format. All letters to the Editor, news of local gatherings, book reviews for publication, etc. will be gratefully welcomed. We hope that our next edition will reach you early in the New Year.

STOP PRESS!!!!

At the time of going to press, we are delighted to announce that Jack Manion, who has been a strong supporter of the Society since the earliest days, has accepted the position of Honorary President.

FIRST ANNUAL GENERAL MEETING

JUNE 13th, 1987

1. The meeting, chaired by Fenton Crosman, began at 10.00 a.m. in the Main Conference Centre, Tower 'A', Lester B. Pearson Building. 45 members were present. Mr Crosman welcomed the members and guests and briefly reviewed the Society's activities during the past year.

REPORTSIncorporation Committee.

2. Fenton Crosman reported that he had spent some time preparing an explanation of our failure to become incorporated. That effort had been wasted, thanks to the aid given to us by Mrs Green at Consumer and Corporate Affairs, because the letters patent incorporating the Canadian Immigration Historical Society/La Societe Historique de l'Immigration were recorded on June 11th, 1987, (Film 580, Document 38). The date of the letters patent, i.e. official date of incorporation, is, however, March 5th, 1987. Harry Cunliffe reported that changes suggested by Consumer and Corporate Affairs had been largely a matter of form, except in respect to a provision which had been introduced to permit Chapter Presidents, as Directors, to vote by proxy. This is not consistent with corporate practises. He moved, seconded by J.R. Robillard, that the observations by Consumer and Corporate Affairs be accepted by the Society. CARRIED

3. Roger St Vincent expressed a possible concern that the French version of our name may be incorrect in that it indicates the Society itself as being historic, and does not exist in the present. The Chairman replied that the question would be reviewed and, if necessary, a determination made as to whether the Letters Patent required to be amended. [Note: It has been

established that we are following local general usage; Roger's comment was based on a Montreal professor's observation.]

Program and Planning Committee.

4. M.G. (Bud) Clark reported that this committee had begun to identify some of the areas where our limited resources could be most usefully applied. First priority will be given to the creation of indices of the books and papers, artifacts, buildings, photographs and documents relating to immigration movements, refugee programs, illegal entry and amnesty arrangements. Our progress will be circularized to members and their input sought. He also noted his concern about our limited bilingual capacity, and failure to establish any membership base in Quebec.

Research and Publications Committee.

5. Henry Stauffenberg began his report with the statement that the Bulletin is the lifeline of an organization such as ours, and an onerous burden for those preparing it for print. The Committee has been investigating the possibility of having the work done by commercial enterprises. This Committee has, in principle, approved a start on the Society's first monograph which will be based on personal memoirs done by Maurice Mitchell last winter on his association with Canadian Immigration since 1924, when he joined his father, a Canadian Government Emigration Agent, in Danzig. The Committee is also continuing negotiations with National Archives with a view to developing procedures acceptable to them which will ensure that a distinct storage bloc for deposits from the Society and its members will be established. The Honourable Richard A. Bell, a former Minister of Citizenship and Immigration, has authorized access by the Society, under certain conditions, to papers lodged at Archives in his name. This is important in itself to the work of the Society and as a precedent which gives

credibility to C.I.H.S. as an organization meriting support and participation. Since the last general meeting some of the members of the Interim Executive Committee have attended a course on oral history, given by the Ontario Historical Society; this represents a developing technique in maintaining a record of the past.

6. J.L. Manion initiated a discussion about the possibility of recording on tape the memoirs of ex-ministers, and mentioned again a possible research project on the experiences of an immigration officer who had been taken prisoner in Hong Kong and interned throughout World War II. Harry Cunliffe observed that from his contact with Mr Bell in connection with the Bell papers at Archives he did not think he would be able or prepared to accede to a taped interview. Both Bud Clark and Gerry Van Kessel indicated that the Executive were aware that time and mortality were erasing our corporate memory and that priority would be given to taping, with transcription left if necessary to other and later researchers.

Membership and Finance.

7. Harry Cunliffe, Interim Treasurer and Membership Secretary, submitted his reports in a combined form. In the Society's first financial and program year, 1 Feb 1986 to 30 April 1987, total membership income of \$741.00 was \$17.84 less than total expenses of \$758.84. Only 48% of total membership of 214 is in good standing; we have 13 life, 2 patron, 5 sustaining, and 82 annual members. However, the Society is beginning the 1987/88 year with no liabilities and \$1,632.79 in the bank. He also read the report of the Auditing Committee, composed of Messrs. Bourgeau, Pflanz, and Muise, which certified that the financial affairs of the Society were being maintained in accordance with accepted accounting practises. Moved by H. Cunliffe, seconded by G.J. Van Kessel, that these reports be accepted

as presented. CARRIED

OTHER BUSINESS

Local Chapters.

8. There was a general discussion on the creation of local chapters, a consensus emerging that the C.I.H.S./S.H.I.C. would be unable to function effectively if local chapters were not created to perform the "real" work of the Society, i.e., collect the information which would provide the raw material for those who may wish to research and write on the history of Canadian Immigration. Al Gunn moved and Harry Cunliffe seconded a motion that the Annual General Meeting instruct the incoming Board of Directors to strike a sub-committee to:

(a) foster the immediate creation of an Ottawa chapter of the Society, and,

(b) encourage and foster the formation of local and regional chapters of the Society, wherever the membership shows interest in such activity.

Maurice Mitchell and Bud Curry both spoke in favour of the motion, and stressed the need to bring eastern and western Canada membership into the organization.

CARRIED

Pier 21.

9. Fenton Crosman explained that John Leblanc, in Halifax, was still following developments on behalf of the Society. It had not been possible for the National Historic Sites and Monuments Board to include the Society's request for designation of Pier 21 on the agenda of its June meeting but Board officials promise every consideration for the next meeting at year-end.

Proposed Slate.

10. Al Gunn informed the meeting that J.S. Cross, Victoria B.C., who had not been

shown on the announcement of the meeting circulated by the Interim Executive, had now agreed to serve.

Membership List/By-laws.

11. Roger St Vincent asked how he might find out who is a member of the C.I.H.S. Gerry Van Kessel replied that, on request, individual copies of the Membership List could be supplied, and that copies of the by-laws would be available in the same way. There was a discussion on the question of a routine distribution of these documents to all members but there was general agreement that it would represent additional extra costs which, at this particular time, we would prefer to avoid.

Auditing Committee.

12. It was moved by M.J. Ethier, seconded by H.O. Ring, that Messrs. Bourgeau, Pflanz, and Muise be asked to serve again and report to the Second Annual General Meeting in 1988.

CARRIED

ELECTION

13. Fenton Crosman conducted the election, first reading the proposed slate prepared by the outgoing interim Board:

As President: M.G. (Bud) Clark

As Directors: A.K. Beattie, M.A. Blair, B. Brodie, F.C. Crosman, H. Cunliffe, M.J. Ethier, J.A.W. Gunn, J.P. LeBlanc, G.M. Mitchell, B.T. Pflanz, H.O. Ring, H. Stauffenberg, G.J. Van Kessel, E. Ziegler.

14. Nominations from the floor were invited. H.O. Ring nominated J.S. Cross, and this being duly seconded, and no further nominations being received, M.G. Clark was declared elected as President, and those named above, with the addition of Mr Cross, declared elected as Directors by acclamation. Maurice Mitchell stated that because he

had never really served in the Canadian field service of immigration he could not undertake the organization work of the Society in Montreal. J.A.W. Gunn acknowledged this and said Mr Mitchell's lack of familiarity with Quebec based staff would be considered when the Organization committee undertakes chapter development in Montreal.

GUEST SPEAKER

15. Fenton Crosman introduced Ms. Bennet McCardle (who was kind enough to show her personal support for the Society by becoming a member that day.) We were given a most interesting description of the arrangements on Immigration at National Archives, the method of cataloguing material, and access by researchers. She provided those present with copies of documents, "Introduction to the Public Archives of Canada" (for 'Public' read 'National' since the Archives has been so designated by a new Act which became operative on June 10th) and "Records of the Immigration Program at the National Archives of Canada".

16. Miss McCardle was generous in accepting questions from the floor concerning specific issues or concerns, e.g. existence of bibliographies on immigration, destruction of the Hungarian movement case files, etc. (NOTE: The Research and Publications Committee intends, at a later date, to develop a monograph on the services and facilities on immigration research that are available from the National Archives to Society members, in Ottawa and elsewhere.)

CLOSING EVENTS

17. Maurice Mitchell spoke briefly, outlining his long and varied life with immigration abroad and expressed his gratitude that the Society had now made it possible for him to preserve his recollections, spanning more than half a century of immigration history.

18. Harry Cunliffe introduced Edna Whinney (believed to be la doyenne of our membership) as the first post World War II female Immigration Counsellor to be posted abroad. Edna has provided some papers on her work in London from 1947.

19. It was moved by Bud Curry, seconded by Don Pelton, that the minutes of the First Annual General Meeting of the Society record the appreciation of the membership and thank Fenton Crosman for his efforts in the organization of the Canadian Immigration Historical Society. CARRIED.

In turn, Fenton thanked all those who had participated in organizing the Society, and the Interim Committee, and expressed his best wishes to Bud Clark, the newly elected president.

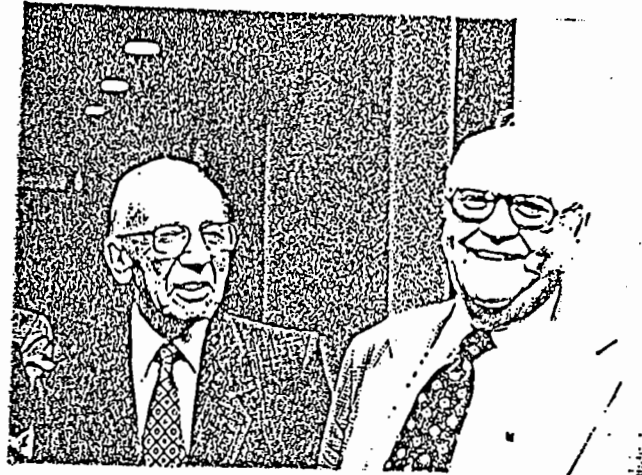
20. The new President, the first elected under the by-laws and letters patent of the Society, spoke only briefly, assuring the members that he would do his best to pursue and promote the Society's goals.

21. At 12:05 p.m. the 1987 Annual General Meeting was closed, on a motion by Ron McDougall, seconded by Don Pelton. CARRIED unanimously.

A.K.B.



Above, Nestor Gayowsky, Treasury Board, greets the new President, Bud Clark/



Above, Fenton Crosman, Past President, and Harry Cunliffe, Treasurer.

Below, Al Gunn, Vice President, Peggy Blair, and Mike Ethier, Directors.



Ed Ziegler and Henry Stauffenberg, Directors.



"The B.N.A., Section 95, and the
Immigration Act, 1869"

Perhaps I should have had the background to this locked to my heart but until recently I had neither examined, nor questioned, the federal-provincial division of jurisdiction in immigration.

The Historical Background

The Immigration Act, 1869, the first federal statute, was to commence and take effect on January 1st, 1870; it repealed the provincial legislation previously in force.

A pre-eminent Canadian historian, Donald Creighton, ("Canada's First Century 1867 -1967", Macmillan of Canada, Toronto, 1970) has given the following as the basis for the joint federal and provincial arrangements on immigration:

"The Fathers of Confederation and their successors were sure from the beginning about some features of their programme; but about others they were hesitant and divided.

"The first and most fundamental of the three national policies, large-scale immigration and western settlement, was accepted by everybody without doubt, misgiving, or disagreement. Immigrants from abroad and settlers in the West were the first essentials. The occupation and development of Rupert's Land and the North-West Territories were basic to the whole design of continental nation building.

"The west would make Canada a nation. Its settlement must be rapid, in the national interest; it should be made as easy and attractive as possible in order to compete with the United States. For all these reasons the federal government should keep control

of the whole process in its own hands. By the terms of the British North America Act, lands and natural resources were left to the Provinces; but the Fathers of Confederation decided that the management of the great new western domain should remain with the nation in order that it might work out an integrated series of national policies for immigration, settlement, and transcontinental transport."

The Actual Words

The Immigration Act, 1869, gave expression to these principles in a preamble incorporated in the first paragraph of the legislation as a

"Recital of arrangements between the Dominion and the Provinces" in the following terms:

"Whereas the concurrent jurisdiction given to Canada and to the Provinces by the 95th section of the British North America Act, 1867, is, according to arrangements arrived at by the governments concerned to be exercised as follows, namely, -

"the Canada Government to maintain an Immigration office at London, in England, and to have other offices in the United Kingdom as it may think proper, from time to time; and to maintain one Immigration agency on the Continent of Europe, and have other similar agencies, as it may think proper, from time to time; and to maintain quarantine stations at Halifax, St. John (New Brunswick) and Grosse Isle; and to maintain Immigration offices at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, St. John (New Brunswick) and wherever else it may deem necessary; -

"the Provincial Governments to determine their policy concerning the settlement and colonization of uncultivated lands, as bearing on

Immigration; and to appoint agents in Europe and elsewhere as they may think proper, who shall be duly accredited by the Canada government, and also agents in their own provinces; and to furnish respectively all information and documents connected with Immigration and the colonization of their unsettled lands, and transmit the same to the Department of Agriculture or to the agents of Canada in Europe;

"conferences of delegates of the Canadian and Provincial Governments to be convened, from time to time, at the office of the Minister of Agriculture, by the Governor in Council, at the request of one or more of the Provincial Governments or without such request; and Canadian Immigration agents to use as directed, any sum or sums of money handed to them by any Local Government, for the purpose of procuring either food, clothing, transport or other help to Immigrants intending to settle within the territory of the Province having furnished such sum or sums: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: etc., etc.,

Mr Pickersgill's intervention

Only days after Mr Trudeau's public statements on the Meech Lake agreement The Ottawa Citizen (Tuesday, June 16 1987), carried a banner headline OLD PRO PICKERSGILL TAKES ON 'SUPERMAN' TRUDEAU, over a long commentary on the Meach Lake accord by the Hon. J.W. Pickersgill, who was the Minister of Citizenship and Immigration 1954 - 57. [N.B. Superman was Mr Pickersgill's term. Ed.]

Applicable to Immigration, the pertinent statements by Mr Pickersgill were as follows:

"Even more shocking was Trudeau's assertion that the accord would give Quebec "a constitutional jurisdiction

the rest of Canada does not have." He reached this conclusion by deliberately leaving out the substance of the paragraph which limits Parliament and the provincial legislatures to the exercise of their respective powers. The accord gives the Quebec legislature no constitutional jurisdiction beyond that it now possesses.

"Trudeau's next objection is that the accord would give Quebec and the other provinces jurisdiction over immigration which will balkanize Canada. Trudeau had evidently forgotten that since 1867 provincial legislatures have had the power to legislate about immigration as had the Parliament of Canada, and that where the provincial legislation conflicts with the federal, the federal prevails.

" A decade ago the Trudeau government made an agreement with the government of Quebec for sharing in the selection and settlement of immigrants. The Trudeau agreement is cited in the Meech Lake Accord. So, if there is any balkanization Trudeau is the one to blame."

Other provisions

Apart from providing a federal-provincial base for land settlement, the other objectives of the Immigration Act 1869 were to replace the provincial statutes with the the federal legislation required to maintain the health requirements, and controls on the cruel transportation practises of the day in the movement of immigrants to Canada.

The Act of 1869 only foreshadowed the restrictions on entry which developed into the prohibited classes, bonding arrangements, and prohibition of landing of indigents and paupers. Succeeding Acts and Regulations in 1886, 1902, 1905, 1906, 1907, 1908, 1909, and 1910 extended both the protective and restrictive provisions, and remained substantially the same until replaced by the Immigration Act, 1952. R.S.C. 1952, c. 67).