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"PURELY ADMINISTRATIVE PROCEEDINGS":
THE MANAGEMENT OF CANADIAN DEPORTATION,
MONTREAL, 1900-1935

by

Barbara Ann Roberts

Thesis presented to the School of
Graduate Studies in partial ful-
fillment of the requirements for
the degree of Doctor of Philosophy
in History.

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DEDICATION

TO

DAVID

O. U.

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INTRODUCTION

This thesis is not about immigration. Neither is it about immigration policy, nor about immigrants. The subject of this thesis is deportation, and deportation policy - not the people who were deported ("deports", as they were called by the Department of Immigration). Of course these deports appear in the thesis from time to time but for obvious reasons the main attention is on those who determine the deports' fate on a day to day and long term basis. For the most part the deports remain faceless and nameless in this study. That is also how they were in the deportation process. Deportation is treated here as something that was done to them, something over which they had little control, and their experiences or reactions are rarely even a secondary issue here (any more than they were at the time).

The thesis is not a collective biography of the bureaucrats and civil servants in the employ of the Immigration Department. Although this thesis does discuss the people who directed and carried out deportations over this thirty-five year period, the study is not really intended to focus on them as individuals. Who they were is seldom of even passing interest. What they thought is somewhat more to the point. Of main interest is what they did, to each other and to the deports over whom they had a remarkably absolute degree of control.

The thesis is divided into two parts. The first is a study of deportation from the point of view of law and policy formulation. This should indicate what was to be done by the Department of Immigration to carry out its deportation responsibilities. Law and stated policy supposedly delineate the procedures to be followed and the limits within which power is to be exercised. This examination of the official picture of deportation is complemented by a study of the statistics published by the Department. The statistics ought to show what the Department was actually doing to carry out policy. In fact, they conceal as much as they reveal. Some of what is concealed can be discovered through a reworking of the statistics, combined with an examination of published Departmental reports. For the rest, it is necessary to turn to administrative history as revealed by the unpublished papers, internal memos, and correspondence of the Department. With this, one part of the picture of the deportation policy and activities of the Department is relatively complete. What is missing is information on what deportation implied on a face-to-face basis.

Policy is an abstraction until it can be seen put into practice, carried out by the actions of people in their everyday lives. Deportation policy was carried out in Canada by Immigration Department officials all over the country, but it was concentrated at several

centres where deports were collected and distributed and finally expelled. Montreal was the deportation centre for the country. The Agency there handled more deports than any other facility. It is for this reason that the second section of this thesis is a detailed local study of deportation work at the Montreal Agency. By this is meant not only an examination of how deports were handled at Montreal, but of the managers and their management of the Agency, and of the workers there who carried out the decisions from above. This necessitates some consideration of the Agency as a work place. Also considered in this section is the relationship between the head office of the Department of Immigration at Ottawa, and the subordinate Agency at Montreal, as a (but not the only) determinant of what was done at the Agency, to and by the staff and the deports.

In the concluding chapters, the thesis returns to the level of the general, informed by the specific, and discusses some of the implications of what has been uncovered: The hidden functions of deportation, and the effective abrogation of civil rights by "purely administrative proceedings".

This combination of policy, administration, and local study has yielded gratifying results, in one sense. In another sense it has underlined the frustrating complexity of the relationship between policy and practice, between what is professed and what is done, and between

the documents with which the historian must work and the reality she seeks to discover and disclose. A local study will not stand by itself. It must be set in a larger context. Relying on one source is often misleading, particularly in this area where misrepresentation (whether purposeful or the unintended result of bureaucracy) prevailed.

We historians all too easily assume that to examine the policy is to know the practice - but what the Department of Immigration officials at Ottawa said was not always what they did, nor was it always what the officials at the Agency at Montreal did (and likely this is true at other Agencies). We are often prone to assume that practice follows policy in the sense that policy comes first and practice after. Yet the examination of sources at both levels has shown that it was very often the reverse, that policy and law came about to legitimize and codify practice. Moreover, there are several examples of practice remaining consistent regardless of the legal or policy position while policy and law change several times and in effect outlaw the actual and continuing practice. Further, the information revealed by the local study, and in this instance by the study of the Agency as a place of work for the employees of the Department, helps to clarify and perhaps to explain some of these discrepancies described above.

This particular approach has answered some of the

questions raised in this thesis; alas it has also raised more that cannot be satisfactorily answered in what, in the absence of other work in the field, is far from a definitive study. One major area of inquiry concerns the development of public policy, how it is translated into legislation and regulations and actions, and the relationship all these bear to each other. This raises the issue of precisely what is the real policy when the official and the internal versions seem to be at odds with each other. Put another way, is legislation the reflection, refinement, or the justification of public policy? Moreover, how does public policy evolve, and what determines the direction it takes? To what extent does public policy reflect public opinion? How is the relationship between public policy and public opinion affected by the degree of information available to inform the latter about the former? Also raised are some questions about the role of bureaucracies in the process of policy development and implementation. As well, the structure and nature of bureaucracies as these affect persons within them are issues needing study.

Another area of inquiry here is the relationship between the way the Department dealt with the deports, and the way it dealt with its own employees. Related to this are several questions concerning administrative procedures and practices, and the extent to which these take place outside of the sphere of our system of law and justice. Further, the conflicts between outside profes-

sionals and inside officials raise the issue of the impact of personality on the carrying out of policy. Were these conflicts, which were presented as personal, rather not reflections of the contradictions within the management of deportation? And, by implication, conflicts over deportation raised questions about immigration policy management; in a sense, the conflicts between the medical professionals and the bureaucrats at the Montreal Agency arose directly out of the discrepancy between what the government claimed to be its policy about letting people in to Canada and what was its actual practice.

This latter point leads to another area of questions raised by this study; the functions of deportation. The Department treated deportation as a regrettable but unavoidable necessity, arising out of accidental admissions of the unfit, and out of the individual failure of immigrants in Canada. And yet most of the deportations did not arise from faulty admissions nor from individual failures. There were clear benefits to certain interest groups from these admissions apparently in violation of stated policy, and as well from the deportations which were implied to result from these violations.

There is little that need be said about the historiography of deportation: it is virtually nonexistent in the Canadian context. There is no recent major study of this topic. The most recent American work is

that of William Preston, which focuses on the use of deportation in the United States to suppress radicals and dissenters.¹ Preston was extremely useful as a reference in certain parts of this thesis. His conclusions about the United States practices were thought-provoking, and it is by his study that the title of this thesis was initially inspired. This initial inspiration was strengthened by several older works. Two of these were also concerned with the United States, and although their foci and approaches were not the same as Preston's, their findings supported his conclusions.² Finally, the work on Canada upon which this study chiefly relied is a 1940 comparative analysis of the control of aliens in the British Commonwealth.³

Although there are virtually no Canadian studies of deportation extant, there are numerous other works which were helpful in elucidating events and approaches pertinent to this topic. The specific titles are listed in the bibliography, but the approaches associated with the various topics and disciplines bear mention here. This thesis is informed by conceptual and methodological frameworks originating in a variety of disciplines and a number of areas within the discipline of history. Perhaps the most important is the work done in recent years in women's history and women's studies. Work done by feminist scholars on social reform and particularly on female immigration has uncovered much valuable informa-

tion about women's activities and experiences and helped to fill in fundamental gaps in our knowledge of the ordinary lives of Canadians. Moreover, the contribution of women's studies to certain aspects of historical and other scholarly methodology has been of fundamental importance, not the least because it has created a new paradigm. Labour history, oral history, and ethnic studies have been important in a somewhat similar way here. All have underlined the importance of centring the account on the experience of the person. Despite the fact that this thesis is not about deports, it does seek to see deportation from the perspective of the lived experiences of real people. Also drawn from these areas is a certain critical approach in the treatment of evidence; that is to try to go beyond the official version of events, which although it may be correct is seldom representative of the experiences of subordinate minorities. Some approaches from sociology have been useful here, particularly from ethnomethodology, and from the sociology of knowledge, as developed by a particular Canadian school.⁴ Although these cannot be discussed at length here, the concepts that have been of importance have included those of the usefulness of members' knowledge as a source of information; the concept of a documentary reality which is abstracted from real experiences and constructed by members of some ruling organizations to conceal certain factors and

display others; and the insistence that analyses must not only be based on but must include the experiences of the people in reference to whom the analysis is to be constructed. A more traditional area of sociology which has been relied upon here is that of the sociology of work, notably the monumentally important study by Harry Braverman.⁵ The field of administrative history has yielded some benefits.⁶ Immigration history and migration studies have of course been of importance in shaping the thesis, at times due as much to frustrations engendered by the usual approaches as to appreciation of their utility. Finally and most importantly, have been curiosities sparked not by systematic or sporadic reading in one field or another, but years of conversations with people working in all of the above areas. The names of some of them appear in the acknowledgements. The influence of these and others has been so pervasive that it cannot be traced to a specific source.

1. PRESTON, William, Aliens and Dissenters. Federal Suppression of Radicals, 1903-1933, New York, Harper, 1963.
2. VANVLECK, William, The Administrative Control of Aliens. A Study in Administrative Law and Procedure, New York, The Commonwealth Fund, 1932; Jane Perry Clarke, Deportation of Aliens From The United States to Europe, New York, AMS Press, (1931), 1968.
3. FRASER, C.F., Control of Aliens in The British Commonwealth of Nations, London, Hogarth, 1940.
4. This refers primarily to the marxist-feminist school of Dorothy Smith. Several of her students have played critical roles in the development of my approach in this area, notably Marguerite Cassin and Alison Griffith. Other important sociological influences have been extended discussions with Leslie Laczko (particularly about the development of a theory of deportation in its relation to immigration and labour supply), and extremely gratifying collaboration on several projects with Danielle Juteau-Lee.
5. BRAVERMAN, Harry, Labor and Monopoly Capitalism. The Degradation of Work in the Twentieth Century, New York, Monthly Review, 1974.
6. HODGETTS, J.F. The Canadian Public Service. A Physiology of Government 1867-1970, Toronto, University of Toronto Press, 1973.
My interest in administrative history as it related to deportation was first sparked by my own research into the development and management by women of networks to direct and control the immigration of British domestic servants to Canada. The women who ran these networks were consummate experts in administration. Those of my published works to which I have referred below included some discussion of these women and the systems and institutions they managed.

* Footnote style follows Turabian, using *ibid.* rather than the "no longer recommended" *op.cit.* and *loc.cit.* A Manual For Writers (Fourth Edition) Chicago, University of Chicago Press, p. 117.

CHAPTER ONE

THE STATUTORY BASIS OF DEPORTATION, 1906-1928

Although there had been statutory provisions since 1869 to restrict certain kinds of immigration to Canada, and since 1889 to send back whence they came certain unwanted immigrants, deportation of those who had actually been admitted as immigrants was technically not legal until the 1906 Act was passed.¹ Strictly speaking, before 1906, the Department of Immigration had no right to deport those legally permitted entry.² Until that time, deportation was carried out by "a general line of action", wherein the immigrant insane, disabled, or destitute in Canada were shipped back by the transportation companies, much as if they had been sent back from the port of entry without ever having gained admission.³ Under the provisions of the 1906 Act, the Department could legally deport immigrants within two years of entry for many of the same causes specified as grounds for exclusion.⁴ The deportation powers lay in several clauses in the Act. Section 28 provided that

any person landed in Canada who, within two years thereafter, has become a charge upon the public funds, whether municipal, provincial, or federal, or an inmate of or a charge upon any charitable institution, may be deported and returned to the port or place whence such immigrant came or sailed for Canada .

Section 32, aimed at those bringing in immigrants, also pro-

vided that under certain circumstances, they should take them out.

All railway or transportation companies or other persons bringing immigrants from any country into Canada shall, on the demand of the superintendent of immigration, deport to the country whence he was brought, any immigrant prohibited by this Act or any order in council or regulation made thereunder, from being landed in Canada who was brought by such railway, transportation company or other person into Canada within a period of two years prior to the date of such demand .

Prohibited immigrants under the 1906 Act included a whole list of diseased, infirm, disabled, handicapped, and destitute. The Governor General in council also had the right to prohibit others.⁵ Section 33 provided also that

Whenever in Canada an immigrant has within two years of his landing in Canada committed a crime involving moral turpitude, or become an inmate of a jail or hospital or other charitable institution, it shall be the duty of the clerk or secretary of the municipality to forthwith notify the Minister thereof, giving full particulars. On receipt of such information the Minister may, on investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the Minister, and if he is a vagrant or tramp, or there is no such municipality,⁶ then at the cost of the Department of Interior .

The Act of 1910 added provisions for deportation on the grounds of moral and political unsuitability.⁷ The moral grounds were covered in Section 3, which listed the prohibited classes; subsections (e) and (f) were an expansion of the old provisions against prostitution and related offences, to which now immorality was added.

(e) prostitutes and women and girls coming to Canada for any immoral purpose and pimps or persons living on the avails of prostitution;

(f) persons who procure or attempt to bring into Canada prostitutes or women or girls for the purpose of prostitution or other immoral purpose ;

The political provisions were found in Section 41:

Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm, or by blackmail; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister or Superintendent of Immigration, giving full particulars .

Any immigrant in Canada contrary to the provision of the Act, was subject to investigation by the Department, and if suspected of belonging to the prohibited or undesirable classes, could be arrested, detained for examination by a Board of Inquiry composed of officials of the Department. If after investigation the person were found to be a member of the prohibited or undesirable classes as specified by the Act, he or she would be deported (subject to right of appeal to the Minister).⁸

The provisions for deportation for certain conditions or types of offences under the 1910 Act established the legal framework for deportation that was to remain substantially unchanged through the 1930's. Subsequent legislation would refine procedures, specify increasingly the steps in the processes by which deportations were to be carried out, increase the numbers and types of immigrants technically deportable, and expand the already considerable powers of the Department to act arbitrarily, as long as it adhered to the complicated regulations. The main features of deportation, and the main legal causes given by the Department to account for its deportations, were established with the passage of the 1910 Act.

American practice was perhaps the single most important influence in shaping the 1910 Canadian legislation. This influence was particularly evident in the clauses of the 1910 Act that excluded immigrants on account of their immorality or their political beliefs. The 1903 Act to regulate the immigration of aliens into the United States was "prohibitive in character", according to a study done by a Canadian immigration official, and unlike Canadian legislation, contained almost no provisions for the protection of immigrants on the voyage or at landing.⁹

Among the prohibited classes in the U.S. law were

anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials .10

This piece of legislation marked the first time in either country that immigrants were prohibited on account of their political beliefs.¹¹

The U.S. prohibition of anarchists marked the crest of anti-anarchist hysteria following the 1901 assassination of President McKinley. It was almost completely unnecessary because there were virtually no immigrant anarchists to exclude or expel.¹² Canada had even less reason than the U.S. to fear this group, but nonetheless Canada followed the American example and by 1910 included anarchists in its prohibited classes.¹³

Although there were few alien anarchists in the United States, there were other kinds of radicals, especially the Industrial Workers of the World and other labour "agitators", who were seen as dangerous. To immigration authorities, there was no significant difference: they were all "anarchists". By 1910, tensions between the conservatives and vested interests, on the one hand, the reformers, progressives and radicals, on the other, were quite marked in the United States. Tightening up on immigration legislation, especially concerning the exclusion and expulsion of "undesirables", was one of the

responses to this tension.¹⁴ The situation in Canada and the official response to it, were not so dissimilar, especially in so far as the Department of Immigration was concerned.

Canadian preoccupation with U.S. immigration law is on record at least as early as 1900, when Canadian immigration authorities noted with interest the sections on exclusion and expulsion in the Treasury Department Digest of Immigration Laws and Decisions of 1899.¹⁵ In 1904, the Minister of Immigration, Sifton, requested a comparison between the Canadian and American laws, to be used in amending the Canadian legislation.¹⁶ In the following years, the U.S. Act was seen as a model by various Canadian immigration officials concerned with revising the Canadian acts.¹⁷ These officials used as a point of reference the U.S. Act's definitions of terms, of classes prohibited, classes deportable, deportation procedures, and length of time during which immigrants could be deported, for example. Although it was not necessarily their intent that Canadian legislation should always copy the U.S. law, it is clear that for them, the U.S. legislation was an example to be followed and that certain of its provisions ought to be incorporated into the Canadian Act.¹⁸

Sifton had supported this view when he was Minister from 1896 to 1905. So did his successor, Frank Oliver:

although it is not clear whether he came into office with this view or he was converted to it by his staff.¹⁹ This was evidenced in the galley proofs of Oliver's proposed 1906 Bill, which compared in detail the provisions of the new Canadian legislation with the existing law, explaining the defects of the latter and the merits of the former, by comparing it to American legislation.²⁰ The discussion in Parliament was based on this material. Moreover, Oliver also ordered a clause by clause comparison made between the proposed 1906 Canadian legislation, and the existing U.S. Act, to help the Department assess the Canadian provisions. In the new Canadian Act, there were some departures from U.S. legislation. While the prohibited classes were essentially the same, the Canadian Act did not exclude anarchists. There was also a difference in the statute of limitation for deportation, the period after landing within which an immigrant could be deported. In Canada it was two years, in the U.S., three.²¹ (This became the same later.)

The debt owed to the American legislation was acknowledged by Canadian officials. In the Commons, Oliver explained,

while we have taken advantage of a good deal of the work that has been done in the drafting of the United States Act we have not found it advantageous to follow it in all its particulars .

The most compelling reason for not following it more exactly would seem to have been related to a lack of clarity in certain sections of the U.S. Act. As Oliver explained in

reference to a question about terminology, "We borrowed this section from the United States Act and have followed the very wording of it".²²

Overall, the similarities between the two pieces of legislation were striking. U.S. officials were shown the Canadian Bill, and asked to comment. The U.S. Commissioner of Immigration at Ellis Island wrote to the Canadian Chief Medical Officer that he was gratified indeed "to note how closely together the two Governments are working on immigration lines".²³

A specific illustration of the influence of U.S. legislation upon the Canadian Immigration Acts is the insertion into the Canadian Act of 1910 of "immorality" as grounds for exclusion or expulsion. Before the 1910 legislation, immorality was not a legal issue from the immigration standpoint in Canada. Deportations for immorality had taken place before 1910, but they were not legal deportations. For example, in 1907, the Winnipeg Commissioner of Immigration wrote to Superintendent Scott, expressing concern over the case of a Swedish man who was "carrying on immoral practices to the detriment of public welfare". The man wanted to fight his deportation order, and had the deportation not been very swiftly carried out, and the man not gotten out of Winnipeg fast, the Commissioner feared there might have been problems. If the immigrant could

have been convicted of a crime involving moral turpitude (never clearly or satisfactorily defined), the problem would have been eliminated. Alternatively, the Commissioner suggested an amendment; that an immigrant who was "guilty of immoral practices" or who "seems unable to discriminate between right and wrong, or who is a moral pervert in the opinion of the Department, shall be declared an undesirable".²⁴ Unless there were some kind of an amendment to suit the case of an immigrant "who plainly was an undesirable, yet scarcely came within the exact wording of the Act", the Department was likely to encounter trouble when it deported these people.²⁵ There were no immorality clauses as such in the 1907 revision to the Act, which was concerned mostly with clarifying procedures and establishing a mechanism to get criminals handed over to the Department so they could be legally deported.²⁶ In early 1908, Ottawa wrote to a variety of officials, agents, medical officers, and the like, soliciting suggestions for amendments should they be attempted during the next session.²⁷ The amendments were needed because the Department had lost several court decisions which had criticized its deportation practices and had ordered the release of several "deports".²⁸ TRE McInnes was hired by the Department to draft what was to become the new Act. McInnes worked in consultation with the Minister, and responded to suggestions from within and

without the Department as to the amendments.²⁹ In McInnes' original draft, put together in December 1909, an immorality clause was not included. In the draft that became law, immorality had become a ground for exclusion and deportation.³⁰ McInnes was strongly opposed to such a provision. It seems likely that the clause was added at the insistence of Scott.

The chain of events that led to the inclusion of the immorality clause seems to have begun with the problem of "eloping couples". In March 1909, Superintendent Scott complained to McInnes of the difficulty in debarring eloping couples seeking entry as immigrants to Canada, under the provisions of the existing legislation. Scott wanted the power to debar them. The U.S. Act allowed exclusion of women or girls coming for immoral purposes, and for those seeking to bring them in for immoral purposes, as well as of those coming in to practise, or live off the revenue of prostitution. Canada debarred only the latter. Unless "elopers" were connected with prostitution, they could not be legally excluded or expelled.³¹

Scott wanted the Canadian law to use the same language as that of the U.S.³² McInnes strongly disagreed with this suggestion. He had deliberately left out the phrase referring to immorality from his draft of the Act, believing that nothing immoral save prostitution was "any business of an Immigration officer or of a Government".

The two were different; prostitution was a crime, and immorality was not. Adultery, for instance, was a crime in some of the States but not in British or Canadian law. Thus there was no legal basis for including the provision in the Canadian Act. As well, McInnes argued that it was not a good idea to follow the American approach in these matters, and "their tendencies to meddle in purely personal and private affairs". Immigration officers were "not intended to be general custodians of the morals of passengers to Canada, nor are they qualified to regulate the exercise of natural functions", he argued. Further, McInnes believed that it was a mistake to keep out "elopers". On the contrary, he thought "the more of them the better" because they usually settled in agrarian districts and "if they have spunk enough to elope, they must have the makings of citizens in them". Although McInnes argued strongly against the inclusion of immorality provisions in the Act he was charged with drafting, he agreed "as in duty bound" that he would "lay your suggestion before the Minister".³³ And there the matter apparently lay, until nine months later Scott sent to the Minister a compilation of all the suggestions he had received for amendments to the Act. In the memo, Scott identified the source of each of the suggestion. He did not identify the origin of the suggestion that immorality be added to the causes for exclusion and deportation. The only mention of

the issue that appears in the files is that letter from the the Winnipeg Commissioner of 1907. The Commissioner was not identified as the source for the suggested change, however. It seems likely that the impetus to add immorality to the Act came from Scott himself.³⁴ The new Canadian Act, which received assent 4 May 1910, followed American practice and language, in making immorality grounds for exclusion and expulsion.³⁵

Political grounds for exclusion and deportation added to the Canadian Act were in large measure modelled on American legislation. Until 1910, the Amendments to the Immigration Act generally were concerned with clarifying definitions, outlining duties of immigration officials, increasing and specifying the responsibilities of the transportation companies for delivering healthy acceptable immigrants, providing for more widespread and thorough civil and medical inspection, increasing the power of the Governor General or the Minister to prohibit or control certain aspects of immigration, as well as with prohibiting or expelling particular types of immigrants. Until 1910, immigrants were prohibited because of physical and mental defects, or because they would or had become a public charge, or because they were criminals. Prohibition was based on personal undesirability. As individuals, these immigrants might constitute a danger to the public health, the public safety,

or the public purse. Immoral immigrants, prohibited after 1910, were also individually undesirable, a danger to the public morality, in effect. But the politically undesirable were another category altogether. They were not necessarily undesirable on physical, mental or moral grounds, as individuals. Their undesirability as a class sprang from the view of the government that they were "directly a menace to the state".³⁶

This dangerous class was covered under Section 41 of the 1910 Act. According to the explanatory notes on the Bill to amend the Act, which was first introduced as Bill 17 in 1909, and passed as Bill 102, 22 March 1910, Section 41 was based on Section 2 of the American Act. The note explained the danger of this group and the measures taken by the U.S. government to deal with the problem. In Washington, there was a special bureau to deal with anarchists, who were seen to be an increasingly serious danger to society. This section of the Canadian Act, the note said, intended to prevent similar types from becoming a menace in Canada. The working of the two Acts was similar. The American 1903 Act prohibited "anarchists, or persons who believe in or advocate the overthrow by force and violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials" or anyone who "disbelieves in or who is opposed to all organized government,

or who is a member of or affiliated with any organization entertaining and teaching such disbelief".³⁷ The Canadian law of 1910 referred to those not Canadian citizens who advocated the overthrow by force or violence of the British, Canadian, or other Imperial colonial governments, or of constituted law and authority, or³ the assassination of any public officials of any government, or⁴ created riot or disorder in Canada by word or act.³⁸

Similarities are present between the U.S. legislation of 1917 and 1918 and the Canadian amendments of 1919. That this is not coincidence can be seen in the correspondence of the Department. The British Embassy in Washington sent the Department at Ottawa copies of the 1918 Act, and a memo to the Deputy Minister noted: "place in file relating to proposed legislation".³⁹ Another memo from Acting Deputy Minister Cory to Superintendent of Immigration Scott referred to this file, and pencilled on the margin of the memo was the notation, "See also file re: IWW, 917093 and 017717".⁴⁰ Subsequent correspondence between Scott and Cory referred to specific provisions of the U.S. Act, that Canada should adopt.⁴¹ Scott wanted to include two points in the new legislation: "certain prohibited classes"⁴², and a five year limit for deportations instead of three.⁴³ Keeping the Canadian limit for deportation in line with the American one had been a concern of the Department for some time. When the American limit changed, so should the Canadian,

at three years since the 1910 Act. "I am of the opinion", wrote Superintendent Scott to his Deputy Minister,

that the deportation period ... should ... be extended from three to five years...formerly the deportation period in the United States was three years but under the new (1917) U.S. Immigration law this period has also been extended to five .⁴⁴

The Canadian legislation of 1919 also owed a debt to the American Acts of 1903, 1917, and 1918. This similarity is most striking in the provisions to deport political offenders, particularly in the removal of the five year limit from Canadian law. The five year limit applied generally in the U.S. for deportations but for immigrants who were political offenders, there was no limit; they could be deported any time after entry no matter how many years had elapsed according to the provisions of the U.S. Act of 1917. This Act was originally passed by the Congress and vetoed by the President in 1913, and again in 1915. The President in 1915, Wilson, was concerned about the difficulty of distinguishing between political exiles and anarchistic property destroying radicals.⁴⁵ In February 1917 Congress overrode Wilson's second veto and the Act became law. Thus "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy" etcetera, could be deported at any time after legal entry.⁴⁶ This provision was unchanged in the 1918 U.S. Act upon which Certain clauses in the Canadian

legislation of 1919 were to be based. The American Act of 1903 had been the model for the provisions of Section 41 (political offences) of the Canadian Act of 1910; both the 1917 and 1918 U.S. Acts contained clauses similar to, although much stronger than, the U.S. 1903 legislation.⁴⁷

Canada continued to follow the American example. This was shown in the explanations printed in the Bill that went to the Commons to amend the Act in 1919. Several proposed changes in clauses of the Act were explained by reference to provisions in or wording of U.S. law. A U.S. Public Health Service definition of "constitutional psychopathic inferiority" was used, for instance.⁴⁸ Yet these similarities were less important than those of the last minute amendment rushed through both Houses on June 5, 1919, and assented to June 6, which made it possible for the government to deport almost any non - Canadian born or naturalised citizen on account of their political beliefs or actions, no matter how long they had been in Canada. This was accomplished by a measure that passed through the Commons in something like seven and a half minutes, with no debate, and through the Senate in perhaps ten minutes.⁴⁹ The 6 June amendment was only to Section 41 of the Act. As amended, the section read:

(1) Every person who by word or act in Canada seeks to overthrow by force or violence the government of or constituted law and authority in the United Kingdom of Great Britain and Ireland, or Canada, or any of the provinces of Canada, or the

government of any other of His Majesty's dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said government or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary, or other official of any municipality to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

(2) Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall for all the purposes of this Act, be deemed to establish prima facie ~~that he~~ still belongs to such prohibited or undesirable class or classes .50

The 6 June amendment was aimed at the British-born leaders of the Winnipeg General Strike⁵¹ as well as at radicals in general who were not deportable under the previous law.

Although the amendment was precipitated by the Winnipeg Strike, its roots lay in events in Canadian society as a whole, and in what was becoming a habit by the officials

of the Immigration Department of following American precedent in their shaping of Canadian immigration law. By early 1919, Canada was in a state of apparent political ferment. There was much discontent among ordinary working people due primarily to high inflation. There had been a series of cost-of-living strikes during 1918 and 1919, some of them quite serious, such as those among municipal and railway employees. Union membership exploded to reach a point not equalled again until 1943. Organizing drives were beginning to reach workers in the non-primary sectors as well as mining, logging, and harvesting, and railroad navvies.⁵² Arthur Meighen spoke for those who feared where this would lead when he said that this simply could not be permitted because it would line up all of the employed against their employers, and they would be "fighting it out for supremacy".⁵³

As well as economic factors, there were political considerations. Since the "conscription election" of 1917, there had been tremendous discontent over profiteering, which was ever more distasteful in view of the rate of inflation, and over conscription, which was seen as an "unequal sacrifice", that is, the well-off should be required to sacrifice money if the ordinary people were going to be required to sacrifice their lives. The government was understandably nervous about this situation and attempted to crack down on its critics

through a series of Orders-in-council in September 1918 aimed at suppressing radicals of all types. PC 2384 was aimed mostly at the IWW and the Russian Social Democratic Party, but proscribed organizations wanting to make any economic, political, governmental, industrial or social change in Canada by force or violence or injury to person or property. PC 2786 added more names to the list of proscribed organizations. PC 2381 banned publications in enemy alien languages; this was aimed at unions and radical organizations and literature in Finnish, Russian, Ukrainian, Hungarian, and German, for example.⁵⁴

The effect of this crackdown was to unite those involved in union organization and labour issues, with the political radicals, in large part because many of the people arrested for passing out proscribed literature, for example, were radicals working at organizing the unorganized workers. The government's response to this situation was to appoint the Mathers Commission (Royal Commission on Industrial Unrest). The Borden government hoped to stifle the radicals by passing a series of essentially meaningless reforms. The Commission travelled over the country for the first four months of 1919, and heard stories of discontent from even those who described themselves as conservative. Commission members John Bruce, the chief American Federation of Labour organizer in Canada, and Tom Moore, of the Trades

and Labour Council were labour representatives on the Commission.⁵⁵

By the week of June 6, 1919, a variety of events had reached a crisis, in the Winnipeg General Strike. At that time, Bruce and Moore were told by the government that they were to sit down and write their recommendations for the Royal Commission. They were assured that no panic action would be taken against the Strike; rather, based on their recommendations would be some measure of reform. "They double crossed us", said Bruce.⁵⁶

The double cross took the form of the Act to amend an Act of the present session entitled "An Act to amend the immigration Act", Bill 03, passed by the Senate 6 June 1919. The original 1919 amendments to the Act would have left Section 41 substantially unchanged, but the new amendment was draconian, at least by Canadian standards. The Amendment's significance lay in two provisions. The original 1919 Bill had modified Section 2 (d) of the Immigration Act, to provide that someone who belonged to the prohibited or undesirable classes within the meaning of Section 41 could not obtain domicile. Domicile already gained was lost "by any person belonging to the prohibited or undesirable classes within the meaning of Section 41 of this Act".⁵⁷ Thus, persons falling under the categories described in Section 41 could not avoid deportation by gaining domicile. The stated

intent of this amendment was to allow the Department to deport anarchists and other Section 41 undesirables after five years residence.⁵⁸ Before, only if an immigrant were an anarchist at entry, or became so before five years were up, he or she could be deported on political grounds. But with this amendment, a person who did not become an anarchist until after 5 years residence here could now be deported, something impossible under the old provisions.⁵⁹ The June 6 amendment provided that anyone who was not a Canadian-born British subject, or a Canadian citizen by naturalization could be deported for offences described in Section 41. This was the provision obviously aimed at the British born Winnipeg Strike leaders. Because British subjects born outside of Canada gained Canadian citizenship automatically after acquiring domicile, and could not become citizens by naturalization, they were not included in either of the two groups safe from deportation under this amendment. "If the amendment stands it means that any British subject other than one born in Canada or naturalized in Canada, may be deported if he gets into the anarchist class", explained Scott.⁶⁰ The other important provision made Section 41 retro-active, that is, proof that someone had fallen "within the description" of the prohibited and undesirable class within the meaning of Section 41 "at anytime" since 4 May 1910 was proof that they were still a member of these classes, which made them by definition deportable under these provi-

sions.⁶¹ In theory, the only people safe from deportation under Section 41 would then be those citizens by birth or by naturalization. But under the 1919 Amendment to the Naturalization Act, if someone were shown to be "disaffected" or "disloyal", their naturalization could be revoked; they would then fall under Section 41 and they could then be deported.⁶²

Much has been made of the 1919 amendments. It is undeniable that they were rushed through by the Meighenite hard liners, (left in charge while Borden was off in France signing the peace treaty) in order to deal by deportation with the Winnipeg Strike leaders, who could not be dealt with by the Criminal Code as it then stood.⁶³ Deportation, being an essentially arbitrary, closed, administrative proceeding, was particularly attractive in the circumstances. Although they did not in fact succeed in deporting the strike leaders, this legislation was used to deport "a substantial number of men in different parts of Canada"⁶⁴ although "most ... were not British subjects",⁶⁵ according to Gideon Robertson, then Minister of Labour and Senate sponsor of later legislation to repeal the 6 June 1919 Amendment.⁶⁶ The Department has claimed, and the claim has been accepted as true by historians of the left such as D. Bercuson, as well as politicians, that no British subjects were deported under this amendment, or, alternatively, that no deportations were made under the legis-

lation.⁶⁷ Gideon Robertson claimed that the retroactive subsection (2) had been so effective in cleaning out all the undesirables that it was no longer needed a year after it had been passed.⁶⁸ There is no indication in the files of the Department that anyone was upset by Robertson's statement, or felt compelled to correct or challenge it. At the very least, these claims made in the Senate debates, which extended over a period of two sessions, throw in to question the validity of the assertion of the Department that deportations were not made under the 6 June Amendment.

Although most of the discussion of the 1919 amendment had centred around the obvious elements of political repression for which the legislation was intended, there is another factor to be considered which is of some importance. That is the influence of the American law. The 1917 U.S. legislation had provided for deportation of alien radicals with no time limit, and in fact had stipulated that aliens running afoul of the anti-radical sections of the Act "at any time after entry"⁶⁹ were deportable on that account. Canada's amendment of 6 June 1919 was eminently comparable to the U.S. legislation. The files of the Department show that Canadian officials not only had been aware of the U.S. legislation, but also had been interested in incorporating some of its provisions into the Canadian equivalent. That is not to say that the mere existence of such provisions in the U.S. legis-

lation was sufficient to guarantee equivalent provisions appearing in the Canadian Act. Yet, widespread labour unrest, and strong government reaction to that unrest, were common to the two countries. The police and internal security forces of both countries were cooperating in surveillance of nearly all alien, left wing, radical or other groups critical of government, social, or economic conditions. The Winnipeg Strike was a particular local manifestation of this situation, and the 6 June amendment was a specific response to it, shaped by Canadian conditions and traditions. Yet, the provisions of the amendment were nearly identical to the provisions of the U.S. Act of 1917 and 1918. There were two divergences from the U.S. legislation: the provisions about the deportability of non-Canadian born British subjects, and the establishment of the year 1910 as the year before which these provisions would not apply. The former was obviously necessary because of the situation of Canada within the Empire, the latter was explainable by reference to the 1910 Immigration Act. It was in 1910 that Section 41 first found its way into Canadian law. When the 6 June amendment would be finally repealed in 1928, Section 41 would revert to its former shape. If it took less than an hour to add to Section 41 of Immigration Act tremendously broadened and arbitrary powers to deport immigrants for political offences, it was to take nine full

years to remove these added powers and return this Section to the form in which it entered the Act in 1910.⁷⁰ The delay was occasioned not by the wishes of the Department to retain these powers, (for in fact whatever their private feelings, Immigration officials drew up several Bills for repeal of these special powers), but rather by the intransigence of the Senate, which refused on eight separate occasions to pass liberalizing or revoking measures.

The 6 June amendments to Section 41 displeased the left, and to a certain extent, some of the right. What little protest there was from the latter, as from the mainstream, emphasised the discrimination against British born subjects under the amendment: 'aliens here for more than five years who had become naturalized were safe from deportation for political reasons (unless of course they had their certificates revoked), while British born immigrants here for the same length of time could be deported because their Canadian citizenship was not based on naturalization. In effect, the amendment legalised the deportation of a class of Canadian citizens.'⁷¹ The Quebec branch of the Great War Veterans Association protested not the deportation of undesirable immigrants no matter how long they had been in Canada - that was all to the good, as far as they were concerned - but rather that British born subjects who

had citizenship by domicile were subject to such deportation.⁷² Labour protested the 6 June amendment almost immediately after it was passed. Within a week, Tom Moore of the TLC, and other union representatives met with Premier Borden and the Minister of Immigration, to discuss labour's insistence that the amendment be removed. Moore wanted to return to Section 41 as it had been before the amendment, arguing that it was unfair and illogical to have different standards for deportation for political offences than for other offences under the Immigration Act.⁷³ Further, Moore argued that if a British subject got into political trouble, he or she should "be dealt with under the Criminal Code and be made to suffer the penalty of the law in Canada rather than to be deported therefrom".⁷⁴ Moore was not impressed with the Department's argument that the discrimination against political offenders was based on the fact that they were as a class "directly a menace to the state".⁷⁵

The strong showing of the Progressives in the 1921 election increased labour's efficacy as a pressure group. This was certainly an important factor in the attempts to repeal the 6 June amendment, and probably explains much about the ultimate achievement of this goal. Yet the first such attempt was made in April 1920, before the Progressive sweep. The government introduced a Bill to eliminate "right away" the provision in Section 41 for the "deportation of a British

subject for 'sedition, conspiracy etc.'. ⁷⁶ The phrase near the end of the first clause in Section 41 that applied it to everyone except for a Canadian born or Canadian naturalized British subject (but kept non-Canadian born British subjects liable), would be eliminated, and instead the phrase "every person other than a Canadian citizen" would be substituted. ⁷⁷ What constituted Canadian citizenship had been defined in Section 2 (f) of the 1910 Immigration Act. A Canadian citizen was (1) a person born in Canada who had not become an alien (for example by marrying an alien, in the case of Canadian-born women, or by taking another citizenship) (2) a British subject who had acquired Canadian domicile (3 years residence in 1910, 5 years in 1919) (3) or a person naturalized as a citizen under Canadian law (after the same residence requirements for domicile) who had not become an alien or lost Canadian domicile (by living out of the country for a certain period, one could lose domicile). An alien was a person not a British subject. These definitions set forth in the 1910 Immigration Act remained the same in 1919, as well as thereafter. ⁷⁸ According to the Department, the changes to Section 41 proposed in 1920 would place British subjects born outside of Canada on an equal footing with all other immigrants, and would repeal subsection 2, which had been very controversial. The Department's memo

to brief the Minister for his presentation in Parliament, argued that this subsection was "unfair" legislation because it was retroactive to 1910. The Department also reiterated its claim that it had not used the legislation, but wanted nonetheless to "save considerable hardfeeling" by getting rid of it.⁷⁹

In the Senate, Minister of Labour Gideon Robertson argued on several grounds in favour of removing the broad powers given by the 1919 amendment to Section 41. The first point was that the emergency that gave rise to the need for such special powers was over. Secondly Robertson said, labour argued strongly that it was "unfair and un-British ... to say that a British subject should be deported without a trial". This essentially unarguable point made the legislation a red flag in the face of which labour was even harder to control.⁸⁰ As for the claim that removing the special powers was an act of weakness on the part of the Government, he thought this almost absurd. One of the chief reasons that the amendment was necessary in the first place, claimed the Government, was that the Criminal Code was inadequate. Amendments to the Criminal Code passed shortly after had added appropriate provisions to the Criminal Code which was subsequently quite adequate to deal with subversives. Thus, the 1919 amendments were legally superfluous, believed Robertson.

They were practically superfluous, too, not because they had never been used to deport anyone, but rather because they had been so successfully and thoroughly used that all the subversives and other undesirables that the Government had wanted to get rid of, a "substantial number... most of whom were not British subjects", had been shipped out under the amendment.⁸¹ There was nobody left in Canada whom the Government wanted to deport who could not be dealt with under Section 41 as it had stood before the 6 June 1919 amendment, claimed Robertson.⁸²

Citizens of foreign countries who came to Canada and were guilty of seditious acts and utterances merited deportation, even though these utterances or acts were committed prior to the time the legislation was passed. [June 6, 1919]. We dealt with a substantial number. Now, that having been done, and more than a year having gone by during which that work has been carried out and concluded, there is no necessity for continuing on our statute books a law that will permit an officer of the Immigration Department to cause to be deported a British subject,⁸³ who has been in this country more than five years.

The Senators were not convinced. The main concern, expressed by Senator Bradbury, among others, seemed to be that the same need for the amendment that had prompted its passage the previous year still existed. To remove the amendment would be to announce to people like the Winnipeg Strikers that they were free to carry out their "nefarious" activities. The bill to remove the special powers from Section 41 was "well calculated to encourage agitators all over Canada... a

confession of weakness on the part of the Government", and would be seen as bowing to pressure from labour organizations.⁸⁴ The Bill was soundly defeated.

The second attempt to get rid of the 1919 amendment took place in 1921 when the Government introduced Bill 139 in the House of Commons. The provisions concerning Section 41 were much as they year before, that is, repealing subsection 2 and replacing the excepting phrase in the end of Section 1 with the clause "except for Canadian citizens". Yet another clause in the Bill revealed more clearly the importance of pressure from labour in the introduction of the Bill: representatives from international labour organizations were to be given easier temporary entry the same as commercial travellers or professionals.⁸⁵ This was a concession for which labour had long been pushing. That part of the amending Bill was no problem, but the provision to amend Section 41 remained controversial. The Bill passed in the Commons, but was amended in the Senate. The objection seemed to be that the Senate wanted to retain the power to deport any one not a citizen, rather than discriminate against the British born, yet when it came to a vote, the amendment to remove the special powers from Section 41 was defeated in the Senate.⁸⁶

The 1922 session saw no move to change the Act, other than Labour MP Woodsworth's private

Bill to that effect. The Woodsworth Bill was concerned with a guarantee of trial by jury for political offences committed in Canada, before deportation for those offences. Woodsworth also proposed repealing subsection (2), the retroactive clause in Section 41, and objected as well that the mere suspicion of belonging to any secret organization of a proscribed type was grounds for deportation. Woodsworth characterised the 1919 amendments as "absolutely vicious in character". Minister of Immigration Charles Stewart objected to the Woodsworth Bill, saying that it would "throw the gates very wide open". Meighen, architect of the 1919 repressive measures, claimed that the 1919 amendments "had never been used arbitrarily". The Bill was eventually defeated by a large margin. Nonetheless, a special committee appointed to study the Bill proposed, and the Commons agreed, that the sections permitting the deportation of non-Canadian born British subjects who had acquired domicile, be removed from the Act, in the next session.⁸⁷

Bill 136, the third attempt by the government to get rid of the 1919 amendments to Section 41, passed Commons 11 May 1923. It provided that "any alien in Canada" who came under the list of offences outlined in the sections should be deported.⁸⁸ The 1923 Bill clarified the language of Section 41, repealed the section concerned with assuming the powers of government, (the clause that had been

aimed at the Strike Committee), the phrase that included offences against government or legally constituted authority at the provincial level, membership in or affiliation with an organization teaching disbelief in organized government (e.g. the narrow anarchist clause) and also repealed subsection 2 and eliminated the clause permitting the deportation of domiciled British subjects.⁸⁹ The Bill did not pass in the Senate.

Essentially the same process took place in 1924, with Bill 195 given first reading in the House June 24. The Department still claimed that it had never deported anyone under the "extended authority" of the 6 June 1919 amendment.⁹⁰ The Bill got through the House, but the amendments to Section 41 were defeated for the fourth time by the Senate by a vote of about 25-7,⁹¹ and the Immigration Act in this respect stood as it had at 6 June 1919.⁹² The fifth, almost annual, attempt to remove the 1919 amendments began in early 1926 in more or less the same fashion as its predecessors. The Bill sent to the Commons in March was the 1924 version of the amendments to Section 41.

The labour members of the House, dissatisfied with the Bill, wanted more thoroughgoing amendments⁹³ and in 1926 were in a position to get them, as the King minority government needed Labour support to stay in power. Labour explained to the Department its objections to Section 41 as it stood

as two-fold: it allowed deportation for political offences after a hearing by the Board of Inquiry rather than a court conviction based on a trial by jury; it was a reflection upon the British born because they could be deported although domiciled, while an alien naturalized as a Canadian citizen could not be so deported.⁹⁴ Bill 91 as it had been introduced in March 1926 restored Section 41 to what it had been before the June 1919 amendment. This would satisfy Labour's second objection, but not the first.⁹⁵ Woodsworth demanded amendments providing there be no deportation under Section 41 except after conviction by court trial for a Section 41 offence committed in Canada, and no difference in the treatment of British subjects with domicile, to the treatment of naturalized citizen aliens.⁹⁶ For Woodsworth, the question was not domicile, that is he did not necessarily intend to put up a battle to prevent deportation after domicile, but rather to ensure that there be no deportations for Section 41 offences "unless there has been a conviction" in a court of law.⁹⁷

In response to Woodsworth's criticisms, the Department prepared two other versions of Bill 91.⁹⁸ The first alternative would altogether repeal Section 41 and make political deportations possible only following criminal convictions under the Criminal Code. This version was considered to be easier to pass, and had the advantage of avoiding claims that the Depart-

ment was trying to increase its power. At the same time it would satisfy the Labour members.⁹⁹ It was the second alternative that the Department preferred. This would repeal Section 41 and at the same time modify Section 40. Section 40 was the main provision for deportation in the Immigration Act. It set out various grounds for deportation, such as becoming a public charge, becoming an inmate of a hospital for the insane or other public or charitable institution, or becoming convicted of any criminal charge. These provisions did not as a rule apply to persons who had been in Canada for more than five years, who thus had domicile. (For some causes persons here for more than five years could be deported, mainly if they had not legally entered or had been at entry a member of the prohibited classes and thus were by definition incapable of acquiring domicile no matter how long they were here.) The Department proposed to change Section 40 so that any alien regardless of length of stay or acquisition of domicile, and any Briton who had not yet gotten domicile, could be deported under Section 40. This way the Department could get rid of domiciled aliens in institutions who had become inmates of institutions after they had lived in Canada more than five years.¹⁰⁰ "We might not get this through, but it would strengthen our hands if we could", wrote Acting Deputy Minister Blair.¹⁰¹ In order for this strategy to work, the Criminal Code would have

to be amended to "save as much of Section 41 as possible", that is so that offences under Section 41 would become offences under the Criminal Code.¹⁰² Under the proposed scheme, a political offence would result in arrest, court trial, and if conviction resulted, a Board of Inquiry would merely determine that such a conviction had taken place and deportation would be automatic.¹⁰³

The Secretary of Immigration believed that the provisions of Part II of the Criminal Code as it stood at this point were relatively adequate to replace Section 41. In a memo to the Deputy Minister, the Secretary explained that Part II of the Criminal Code contained Sections 73 - 141 which covered offences against public order and internal and external security. The offences listed in Part II appeared to Secretary Blair to be roughly equivalent to the offences covered in Section 41 of the Immigration Act.¹⁰⁴

Sections 97A and B were most directly equivalent to Section 41 of the Immigration Act. Section 97A dealt with any organization that aimed to "bring about any government, industrial, or economic change" in Canada by force, violence, or injury to person or property, or by threats of force, violence or injury, or to advocate any of these actions or threats, with the purpose of bringing about such changes, "or for any other purpose". Such a group was an "unlawful association". The property of such an association or its

officers could be seized under the authority of the Dominion Police or the RCMP, and forfeited to the Crown. Anyone representing such an association who was displaying anything (such as insignia or literature) showing any association with such an unlawful organization was by definition guilty and liable for up to twenty years imprisonment. In the absence of proof to the contrary, anyone going to meetings, speaking publicly or in any way acting on its behalf, was considered a member. Anyone permitting such a meeting to take place could be fined or jailed (up to \$5000, or 5 years, or both). Judges could issue warrants to search for and seize any documents or other evidence of membership in or affiliation or sympathy with such an unlawful association. Section 97B dealt with publications or literature or advertising connected with these organizations, providing for prison sentences of up to 20 years for anyone publishing, selling, circulating, or importing, any such materials. It also made it the duty of any Canadian official to seize such materials if found in any vehicle or vessel or on docks, in stations, post offices, or otherwise being shipped or distributed.

These sections, later known as Section 98, were added to the Criminal Code in June 1919 to widen categories of political offences or acts or thoughts or affiliations considered seditious.¹⁰⁵ Before the 1919 amendments, such offences were covered mainly by Sections 132 and 133 of the Criminal

Code. Section 133 was repealed and replaced with Sections 97A and B. Section 133 had said that certain activities were not seditious if they were done with the proper intent, that is under the idea that His Majesty was mistaken or misled in something, or if the offender were merely pointing out defects in governments or institutions so these could be lawfully changed and improved, etc, as opposed to intentions of illegal or violent overthrow or destruction, etc.¹⁰⁶ Because Sections 97A and B provided that association with unlawful or seditious organizations or persons was itself seditious, and did not provide for innocent intent, they were in every way more severe and less judicious than the Section 133 they replaced. At the same time Labour had been successfully exerting pressure to get the Liberal minority government to try to amend Section 41 of the Immigration Act, it was similarly pushing for amendments to the Criminal Code. What Blair had not known at the time he elaborated his scheme to extend the powers of the Department by amending Sections 40 and 41 was that a Bill to amend the Criminal Code by repealing Section 97A and B and reinstating Section 133 was about to be introduced.¹⁰⁷ The Department of Immigration was not particularly happy about this. If Section 41 were repealed and deportation made contingent upon criminal conviction under the Criminal Code minus Sections 97A and B,

it would be harder to get rid of immigrants for political reasons, so much so that Blair concluded that "there appears to be little left in the way of political offences for which an immigrant may be convicted".¹⁰⁸ The Department was not alarmed by the idea of political deportations following a court conviction rather than a Departmental hearing, if tough provisions for seditious or subversive offences were left in the Criminal Code. In fact, said Secretary Blair, "It would simplify matters for the Department, if deportation for a political offence were dependent upon a conviction in Canada".¹⁰⁹ Among other reasons, the Department had a variety of other legal categories within which it could deport "undesirables", which sometimes could be used to deport political undesirables. As well, persons in trouble for political offences were likely to suffer legal economic or social consequences: loss of job, arrest on technically correct but spurious charges (such as vagrancy, riot, unlawful assembly, incitement to riot, assault, resisting arrest, for example). These consequences were likely to bring such persons "within reach of the Department", as they often phrased it, that is, almost automatically deportable for some violation of the Immigration Act, such as having become a public charge or having been convicted of a crime. Further, the increase in deportation powers of the Department under a strengthened Section 40 would make up for the loss of power if Section

41 were repealed.¹¹⁰ The Department recognized that there might be some objection to strengthening its powers under Section 40 by removing the exemption against deportation for domiciled aliens, but it did not think these objections could be upheld.

I cannot see that there is any reason why we should recognize the right of an alien to exemption from deportation after living in the country for five years if he is an undesirable within the meaning of Section 40.¹¹¹

Becoming a public charge, inmate of a public charitable institution, hospital for the insane, and the like, or "conviction for any political or other criminal offence at any time while he resides in Canada would make him subject to deportation".¹¹² In fact, the only safety for aliens in Canada would be by becoming naturalized Canadian citizens. "If an alien wants to remain an alien and yet be protected against deportation, he can do so by behaving himself in Canada".¹¹³

The original Bill 91 of 1926 differed from the legislation of 1910. Under this Bill, Section 41 would read "whenever any alien"; that is, British subjects without or with domicile could not be deported under Section 41. The 1910 Section 41 had read "whenever any person other than a Canadian citizen". This would exempt British subjects with domicile, and naturalized aliens. The 1919 Section 41 read "Every person", then at the end of the clause exempted

only Canadian citizens by birth or naturalization.¹¹⁴

The Bill that emerged from the Department and was passed by the House provided that any person other than a Canadian citizen who was convicted of any criminal offence under Part II of the Criminal Code (eg. of a political offence) was deportable under Section 40. It also changed the provisions of Section 40 to allow the Department to deport aliens regardless of domicile.¹¹⁵

This was the Bill that was introduced to the Senate. Senator Dandurand, who introduced it, explained its merits almost word-for-word from a memo prepared for him for that purpose by Acting Deputy Minister of Immigration Blair. The arguments in favour were that the emergency situation necessitating special powers was long past, that the 1919 amendment put too much power in the hands of a Board of Inquiry which might end up consisting of just one Immigration officer with little if any legal training, that British justice and the public interest demanded allowing Courts of Justice to deal with political offences. The proposed amendment would leave the country ample protection against undesirables under Section 40 because Part II of the Criminal Code covered political offences equivalent to those covered in Section 41 of the Immigration Act. Organized labour all over the country had tried several times to eliminate Section 41, because it wanted courts to try offences, instead of officials acting arbitrarily,

and because the 1919 amendment discriminated against the British born immigrants. Finally, the 1919 amendment should be repealed because it had never been used, so it would be no loss to get rid of it.¹¹⁶

In the Debate that followed, no one challenged Dandurand's assertion that the 1919 powers had never been used. Senators Tanner and Griesbach asked if there had been no deportations, Dandurand replied there had not.¹¹⁷ No one referred to Gideon Robertson's emphatic and detailed claims in the 1920 debate that these special powers should be repealed for the opposite reason: they had indeed been used and so effectively that there were no more political undesirables left in the country who could not be deported under the old pre-6 June 1919 version of Section 41.¹¹⁸ Even more extraordinarily Dandurand claimed that Section 41 in the 1910 version had never been utilised.¹¹⁹

The Senators were unpersuaded. They were concerned that the "Red Menace" of the years immediately following the first world war still loomed large in the country. McMeans from Winnipeg reminded his fellows that "we know that today the country is honeycombed with people who are preaching these doctrines even in the Sunday Schools". He wanted to retain Section 41, even if some of its clauses had to be eliminated, so political undesirables could be got rid of without the trouble and expense of a court trial.¹²⁰ Other speakers were concerned that the Criminal Code was not close enough to

Section 41 to do the same job.¹²¹ Few questioned, save Liberal Senator Aylesworth, a constitutional lawyer said that as an MP in 1910 he had been concerned that it was too arbitrary and took away British liberty and the right of Habeas Corpus and violated the spirit of the Magna Carta.¹²² Calder, who had been Minister of Immigration at the time the Senate passed the 6 June 1919 amendment, suggested that a special committee be struck to consider the amending Bill, and that sufficient time be taken to compare the Canadian political deportation laws with those of other countries.¹²³ The motion for second reading was defeated approximately two to one.¹²⁴

The quality of debate in the Senate varied, but one thing that seemed clear was that most of the members had little idea of the provisions of the Immigration Act or of the workings of the Immigration Department. Even those who should have known better occasionally revealed astonishing ignorance. Calder, a former Minister of Immigration, exhibited either tremendous naivete or duplicity, in his comment that no Minister and no Government would allow an ordinary Immigration Board to determine whether an immigrant were undesirable under Section 41.¹²⁵ In a letter to the senior Canadian Immigration official in London, Acting Deputy Minister Blair commented on the debate. "No doubt Mr. Calder had reference to what was done in Winnipeg in 1919 when a

special Board of Inquiry was created and the Police Magistrate, if I remember correctly, was made a member."¹²⁶ This, one would presume, was seen as less arbitrary, albeit a good deal less legal, than a Board of Inquiry composed of Department officials only. Nevertheless, said Blair, even if Calder's statement had been true "as a matter of policy", it was "absolutely incorrect as a matter of law and the Section as it stands does just exactly what Mr. Calder said no Government would do, viz., put into the hands of any Board of Inquiry, even if one person, the power to order deportation".¹²⁷

It was in 1928, on the sixth try, that the special powers of political deportation given the Department by the 6 June 1919 amendment to Section 41 were finally removed. This time the government took a somewhat different approach, initiating the amendment process through an order-in-council, then moving to the Commons. The Commons Bill 187 was introduced by the Minister of Immigration Fowke, who explained that the approach through the order-in-council had been taken because the same measure had been passed the previous session by the House but turned down by the Senate. Because the same bill had been approved before, it moved through the House quickly, with little debate and few questions.¹²⁸ The government reiterated its argument that Section 41 was unnecessary, as political deportations could

be carried out through Section 40 of the Immigration Act and part II of the Criminal Code.¹²⁹ The bill passed easily. In the Senate, however, the bill hit another snag. The debate repeated the familiar arguments that removing the 1919 powers from Section 41 would be "bowing to the reds".¹³⁰ Finally the bill was referred to a special committee.¹³¹ The committee amended the Bill; their amended Bill eliminated all reference to deportation by trial by jury under offences listed in the Criminal Code, and instead returned Section 41 to more or less the same form as it had been before the 1919 amendments.¹³² The Section as it read after the 1928 amendment was passed was "whenever any person other than a Canadian citizen advocates in Canada..." etc.¹³³ Subsection 2 was gone, along with the clause allowing for the political deportation of domiciled British subjects; all of the 1919 amendments were done away with. By this 1928 Act, all of the labour objections to the provisions under which political deportation was carried out were met, except for that which was claimed to be the most important: trial by jury.¹³⁴ The position of the Immigration Department remained relatively unchanged. Deportation had as little to do with the courts as possible. The Department was not accountable to Parliament or to the courts as long as it stayed within the law. Despite the fact that they did indeed deport people quite routinely for political activities or reasons,

there were so many other labels that could be used to describe these deportations that overt political charges were usually unnecessary. Thus the Department was not unwilling to eliminate its unusual powers and normalise Section 41. The Department did not overstate the case when it said it did not need emergency powers; normal ones were quite sufficient. As long as deportation remained a purely administrative proceeding, and as long as the Department acted within the law that gave it such a broad scope, arbitrary decisions could continue to be the norm.

There were no other significant amendments relating to deportation in the period following the 1928 amendment up through 1935. There were a few unsuccessful attempts by Woodsworth and Labour members including one proposal to abolish the Department of Immigration and Colonisation.¹³⁵ In 1931, Woodsworth's Bill 44 attempted to provide that someone resident in Canada for ten continuous years could not be deported.¹³⁶ The Department argued that this would make it impossible to get rid of such undesirables as mental defectives, epileptics, and criminals.¹³⁷ Two years later Woodsworth attempted to amend the Act to redefine a public charge so that people getting unemployment relief would not be considered public charges under the Act.¹³⁸ Again, the Department pointed out the inconvenience and expense that would result if the amendment were passed. The amendment

was clumsily worded and did not state clearly what the explanatory note said it was intended to do.¹³⁹ In 1934, Heaps tried to amend Section 40 to provide that the municipalities did not have to notify the Department of immigrants who had become public charges. The Department argued that the municipalities had never considered this anything but optional.¹⁴⁰ Finally, Woodsworth again introduced his 1933 Bill to amend the definition of public charge to except the unemployed.¹⁴¹

Just as from the point of view of adding deportable categories to the law, the period after 1910 saw little fundamental change, from the point of view of modification of the deportation clauses of the Immigration Act, the period after 1928 was an anticlimax. The important considerations in the 1930's were not in the law governing deportation, but rather in the way the Department acted under the provisions of that law.

The Department could deport people under three broad headings: for something they had done or for some condition prior to entry; for something in their manner of entry; or for something done or some condition after entry. The provisions concerned with the first category could be found mostly in Section 3 of the Act which listed prohibited immigrants. Prohibitions were concerned with medical conditions, with political beliefs or activities, economic situation,

criminal record, morals- as well as a catch-all category of those entering or remaining in Canada contrary to the provisions of the Immigration Act. Prohibited immigrants were easy to deport. All that was necessary was to show that an immigrant belonged to a prohibited class, for then he or she could not, by definition, legally enter Canada, and could not then obtain domicile. Deportation of someone in the prohibited classes was very much like refusing to admit them at the port of entry, and in effect was just such a retroactive refusal to admit. Deportation for membership in the prohibited classes was not limited by time of residence. Theoretically, an immigrant could be deported after decades of Canadian residence.

Deportation for something connected with the manner of entry was also fairly simple. Section 33 of the Act set out the requirement to submit to inspection upon entry, and to answer questions put by the Immigration official as part of the examination for entry. If it could be shown that someone had entered without being inspected and legally admitted, or someone had obtained entry by misrepresentation or fraud, that is by lying about or concealing some information that might have placed them in the prohibited classes thus kept them from being admitted, then such a person was not in Canada legally and could be deported automatically once that fact were established. This too was in effect

retroactive refusal at the port-of-entry.

Deportation for causes arising subsequent to legal entry into Canada was relatively less simple. The Act set out in Section 40 and Section 41 most of the major causes under this third heading for deportations. Section 40 provided for the deportation of persons who had become public charges, or inmates of mental hospitals or other public charitable institutions or who had been convicted of crimes. Many of the reasons for deporting people set out under Section 40 were similar to those in Section 3 detailing the prohibited classes; the main difference was the element of time. Under Section 40, municipal officials were responsible for sending to the Department a written complaint that an immigrant had become a public charge, inmate, etcetera. The Department could, after ascertaining that this was indeed the case, effect deportation of an insane or feeble-minded inmate of a hospital either under Section 3, wherein such persons were listed as prohibited immigrants, or under Section 40, on account of their having become inmates of the institutions therein described. Deportations under Section 40 were as a rule limited to five years after legal entry (after the 1919 Act), so the Department might find it easier to deport someone here longer than the domiciling period, under Section 3, or even under Section 33. (However, time spent as an inmate, etcetera, as described by Section 40, did

not count towards getting domicile.)


Section 41 provided for deportation for political offences committed in Canada. From 1910 to 1919, Canadian citizens could not be deported for these offences, although aliens who had domicile (then 3 years) but were not naturalized citizens, could be so deported. British subjects automatically were Canadian citizens after acquiring domicile, so they were not affected if they had been here longer than the domiciling period. From 1919 to 1928, the only people who were safe from the provisions of Section 41 were those born in Canada who had not somehow lost their citizenship; or those who had become naturalized citizens, that is, who were formerly aliens, not formerly British subjects. Under the June 1919 version of Section 41, Britons could be deported for political offences no matter how long they had lived in Canada, despite the fact that after five years residence they had domicile and were therefore legally Canadian citizens. Aliens who were domiciled but not citizens by naturalization were also deportable no matter how long they had been here. Persons guilty of offences under Section 41 could not acquire domicile. Also important was the provision that these political offences for which these immigrants could be deported were those which had been committed at any time after May 1910. Thus, an immigrant entering Canada in 1902 could have become involved with a radical organization

of some kind, or made a statement advocating a certain type of forbidden action or thought, in 1911, then changed his or her ideas, and never again done such a thing, and still be deportable at any time until the Section was amended in 1928. After 1928, Section 41 reverted to what it was in 1910, that is, Canadian citizens could not be deported for political offences. Those included Canadian born, British subjects domiciled, and aliens naturalized.

Woodsworth's concern about deportations only after trial by jury was well founded. Trial by jury was not provided for in the Immigration Act (of whatever year). Deportation was an administrative, not a judicial matter, therefore prospective deportees did not have the rights vis-a-vis their deportation proceedings that they would have had in any other kind of a judicial process. The administrative proceeding was based on a hearing in front of a panel of officers of the Department who were appointed by the Minister, or in some cases one officer of the Department would constitute the hearing body. There was provision for warning the deportee of his or her rights, under the Act, however limited these rights in fact were. Theoretically they included the right to be represented by legal counsel, although very few immigrants could afford to take advantage of this, and the Department was not enthusiastic about interference by lawyers. The single operative right, so far as

most cases were concerned, was the right to appeal the decision of the hearing body (Board of Inquiry) to the Minister of Immigration. If the hearing had been carried out according to the regulations, that is, following the procedures outlined in the Act, the proper forms filled out, the proper phrasing used, and the evidence adduced in standardised ways according to directives issued by the Department, then there would usually be little basis for overturning the decision. In some instances cases went beyond the Department of Immigration, when for example the Deputy Minister would ask the Department of Justice for an opinion on a legal technicality, usually some question about the meaning of a phrase in the Act, or whether some evidence could be construed as supporting a particular conclusion or line of action. The deportation process was overturned by the courts only when the Department got caught being sloppy in its procedures, exceeded its legal authority under the Act (not easy to do, as its authority was so broad), or from time to time when some flaw in the Act was discovered. The Department tried to carry out its procedures so that they would stand up to a court examination if necessary and when a court decision went against it, the Department would try to arrange to amend the Act, or issue orders to follow procedures that would be more impervious to interference. As a matter of law, the Immigration Act put

into the hands of the officials of the Department, virtually free of interference by the courts or even Parliament, the power to determine and administer deportation.¹⁴²



REFERENCES

¹ P.A.C., Record Group 76, File 653, Chief Medical Officer Bryce to Medical Superintendent Hattie of the Nova Scotia Hospital in Halifax, 22 August 1905.

² At that time properly referred to as the Immigration Branch of the Department of the Interior, the Branch will be referred to as The Department or Department of Immigration for the sake of brevity, clarity, and consistency. Ibid., Superintendent Scott to Minister Oliver, 28 March 1906.

³ Ibid., Bryce to Hattie, 22 August 1905, Scott to Harkin, 2 February 1907 see also File 837 on deportations from 1893-1906.

⁴ File 653, Immigration Act of 1906.

⁵ And after 1906 a series of Orders-in-council increasingly did so, limiting entry on racial, financial, or occupational grounds. Because Orders-in-council generally restricted entry rather than dealt with deportation, they are not of much relevance to this discussion. See, for example Ibid., Privy Council Report of 25 February 1908, on continuous voyage restrictions. Machinery necessary to carry out the deportation of criminals was added by an amendment in 1907, Bill 143.

⁶ File 653, Immigration Act of 1906.

⁷ Ibid., 1910 Act, (Bill 102) 22 March 1910.

⁸ Ibid.

⁹ Ibid., Report of J.A. Côté for Acting Deputy, Minister, 11 February 1904.

¹⁰ Cited by William Van Vleck, The Administrative Control of Aliens. A Study in Administrative Law and Procedure. New York, The Commonwealth Fund, 1932, p. 9.

¹¹ William Preston, Aliens and dissenters. Federal suppression of radicals, 1903-1933, Harper, New York, 1963, p. 32. See also File 653.

12 Preston, Ibid., p. 33.

13 File 653, 1910 Immigration Act. The 1910 Canadian Act did not list anarchists among the classes prohibited to enter but confined itself to deporting them after entry. The rationale for this was the belief that forbidding entry would be too hard to enforce, as shown by the American example. This line was taken in the 1910 Commons debates. See the Debates, p. 5814, for Minister Oliver's explanation.

14 Preston, Ibid., pp. 33-39.

15 File 653, no date but probable August 1900.

16 Ibid., Superintendent Scott to Staff, 20 January 1904.

17 See for example, Ibid., Chief Medical Officer Bryce to Acting Deputy Minister of Justice, 23 July 1905.

18 Ibid., Scott to Minister Oliver, 28 March 1906.

19 Ibid.

20 Ibid. See also Scott to Deputy Minister of Justice, 18 May 1916.

21 Ibid., "Comparison between the American immigration law, old and new, and the proposed new Canadian Act", 11 June 1906. See also Van Vleck, Ibid., p. 9.

22 House of Commons, Debates, 1909-1910, pp. 5813-6.

23 File 653, Watchorn to Bryce, 13 June 1906.

24 Ibid., Obed Smith to Scott, 25 February 1906.

25 Ibid.

26 Ibid., 1907 Amendments were assented to 27 April 1907.

27 Ibid., Fortier to Bryce, 2 January 1907 (sic); Scott to all Agents and Medical Officers, 7 January 1908.

28 Ibid., Memo for the file, no date, January 1908.

- 29 Ibid., Memo for the file, 12 December 1908.
- 30 Ibid., 22 March 1910.
- 31 Ibid., Scott to McInnes, 8 March 1909.
- 32 Ibid.
- 33 Ibid., McInnes to Scott, 8 March 1909.
- 34 Ibid., Scott to Oliver, 23 November 1909.
- 35 Ibid., Immigration Act of 1910. Clauses cited above, p. 2.
- 36 Ibid., Secretary of Immigration Blair to Minister Calder, "Memo regarding discussion with labour leaders concerning Section 41", 18 June 1919.
- 37 Preston, Ibid., p. 32.
- 38 File 653, Immigration Act as amended by Bill 102, 22 March 1910. Clause cited above, pp. 2.
- 39 Ibid., 30 October 1918.
- 40 Ibid., 12 November 1918.
- 41 Ibid., Cory to Scott, 20 November 1918.
- 42 Ibid., Scott to Cory, 21 November 1918.
- 43 Ibid., Scott to Cory, 19 November 1918.
- 44 Ibid., Scott to Cory, 20 July 1917.
- 45 Preston, Ibid., p. 81.
- 46 Ibid., p. 83.

47 Entitled "An Act to exclude and expel from the United States Aliens belonging to the anarchist classes", 16 October 1918.

48 File 653, Memo to Deputy Minister, no date, March 1919.

49 Senate, Debates, 1920, p. 422.

50 An Act to Amend an Act of the present Session entitled An Act to Amend the Immigration Act. Statutes of Canada, 1919.

51 Senate, Debates, p. 413.

52 F.D. Millar, "The Winnipeg General Strike, 1919: A reinterpretation in the light of oral history and pictorial evidence", unpublished M.A. Thesis, Carleton University, 1970, Chapter 4.

53 House of Commons, Debates, 1919, p. 3041.

54 See D. Bercuson, Fools and Wise Men. The Rise and Fall of the One Big Union, Toronto, McGraw, Hill, Ryerson, 1978, p. 58; See also Ed Laine, "Finnish Canadian radicalism and Canadian politics: The first 40 years, 1900-1940", Paper presented to Canadian Ethnic Studies Conference, Vancouver, 1979, n.p.

55 D. Bercuson, Ibid. See also F.D. Millar, Ibid.

56 F.D. Millar, John Bruce Interview, Public Archives of Canada, Sound Division.

57 File 653, Scott, "Memo on Senate changes in Immigration Bill 52, passed by the Commons," 5 June 1919.

58 Ibid.

59 Ibid.

60 Ibid.

61 See Section 41, subsection 2, of the Act, assented to 6 June 1919.

62 Senate, Debates, 1920, p. 500. See also File 653, Acting Deputy Minister to Minister, on plans to amend the Naturalization Act, 9 June 1919.

63 Senate, Debates, 1920, p. 413.

64 Ibid., p. 388.

65 Ibid., p. 419.

66 Ibid., See also p. 389.

67 D. Bercuson, Ibid., p. 101. Senate, Debates, 1926 p. 276. "In Canada, the campaign against radicalism and Bolshevism was initiated, orchestrated, and executed by the federal government according to the laws on the books, or created especially for that purpose. The federal government never exceeded its legal authority, because it did not have to." Bercuson, Ibid., p. 99. This is incorrect: the arrests and detention at Stoney Mountain penitentiary of the strike leaders was admitted by Meighen himself to have been illegal. See Bercuson's citation on this in his Confrontation at Winnipeg: Labour, industrial relations, and the General Strike, McGill--Queen's, Montreal, 1974, p. 165. Even Bercuson's statement of no deportations under Section 41 is qualified; he says no British subjects were deported, although some of the aliens were secretly deported under Judge MacDonald's orders. (p. 101). The Department claimed at one time or another that (1) no British subjects were so deported (2) no persons were so deported (3) no one was ever deported under Section 41 either the 1910, 1919, or amended 1919 version.

68 Senate, Debates, p. 389.

69 Preston, Ibid., p. 83.

70 File 653, An Act to Amend the Immigration Act, assented to 11 June 1928.

71 Ibid., Commissioner Little to Featherstone, 20 June 1923.

- 72 Ibid., Blair to Minister, 19 April 1920.
- 73 Ibid., Tom Moore to Minister Calder, 12 June 1919.
- 74 Ibid., Blair to Minister, 18 June 1919.
- 75 Ibid.
- 76 Ibid., Acting Deputy Minister Cory to Secretary Blair, 19 April 1920.
- 77 Ibid., Bill X₂, first read in the Senate 27 April 1920.
- 78 Ibid., Blair to Minister Calder, 19 April 1920.
- 79 Ibid., Blair to Calder, 23 April 1920.
- 80 Senate, Debates, 1920, p. 388.
- 81 Ibid., p. 422. (My emphasis).
- 82 Ibid., p. 417.
- 83 Ibid., p. 389.
- 84 Ibid., p. 587.
- 85 File 653, Blair to Cory, 30 March 1921.
- 86 Senate, Debates, 1921, pp. 724-5; See also File 653, Blair's memo, for the file on "Efforts to Amend Section 41", 1 June 1926.
- 87 Montreal Gazette, 22 June 1922; See also Ottawa Evening Journal, 7 February 1922. This is a startling claim, coming from Meighen, not only because it is unbelievable, but because he was the one who used it arbitrarily. Early in the morning of June 17, eight strike leaders and 4 non-Anglo "New Canadians" were arrested and charged with seditious conspiracy and sent to Stoney Mountain Penitentiary, under 6 June amendments. The wire sent to the RCMP by Calder,

Minister of Immigration, to authorize the arrests, did not arrive under after the fact. This was blatantly illegal and contravened the Immigration Act. Meighen's response was to wire, "Notwithstanding any doubt as to the technical legality of the arrest and detention at Stoney Mountain, I feel that rapid deportation is the best course now that the arrests are made, and later we can consider ratification". Roger Graham believes that the government's "willingness" to "overlook a technical illegality" shows that all were "abnormally excited". Roger Graham, Arthur Meighen, Volume I, The Door of Opportunity, Toronto, Clarke Irwin 1960, p. 241. The Department calmly overlooked technical and other types of illegality quite consistently in its dealings with radicals and other deports. Graham might well have drawn a different conclusion had he been familiar with the inner workings of the Department.

88

File 653, Bill 136.

89

Ibid., no date, early 1924.

90

Ibid., Blair to Minister Robb, 20 June 1924.

91

Ibid., Blair, Memo for file, "Efforts to Amend Section 41", 1 June 1926.

92

Ibid., (Illegible) to Blair, 30 June 1924.

93

Ibid., Assistant Deputy Minister to Mr. Troop, House of Commons, 10 March 1926.

94

Ibid., Assistant Deputy Minister Blair to Deputy Minister, 31 March 1926.

95

Ibid., Blair to Deputy Minister, 29 April 1926.

96

Ibid.

97

Ibid., Blair, Memo for file regarding Blair's discussion with Woodsworth, 29 March 1926.

98

Ibid., Memo to Deputy Minister, 29 April 1926.

99. Ibid., Memo to Deputy Minister, 23 April 1926.
- 100 Ibid.
- 101 Ibid., Blair to Deputy Minister, 30 March 1926.
- 102 Ibid., Blair to Deputy Minister, "Discussions with the Deputy Minister of Justice concerning Amendments to the Criminal Code", 23 March 1926.
- 103 Ibid.
- 104 Ibid., Blair to Deputy Minister, 1 June 1926.
- 105 Ibid., Blair to Deputy Minister, 31 March 1926; Criminal Code Amendments 97A and 97B, Post Office Department Circular, To Post-Masters, No. H-85, no date.
- 106 Senate, Debates, 1926, p. 275; See also Bill 153 to Amend the Criminal Code, 1926.
- 107 Ibid., Blair to Egan, 7 June 1926.
- 108 Ibid., Blair to Deputy Minister, 31 March 1926.
- 109 Ibid.
- 110 Ibid.
- 111 Ibid.
- 112 Ibid., (My emphasis).
- 113 Ibid., See also Memo to Deputy Minister, 21
1926.
- 114 Ibid., Blair to Minister, "Memo prepared for the Minister to use in the House", 29 April 1926.

115 Ibid., An Act to Amend the Immigration Act, 1926.

116 Ibid., Blair to Dandurand, 14 June 1926.

117 Senate, Debates, 1920, pp. 276-7.

118 See Senate, Debates, 1920, Ibid.

119 Senate, Debates, 1926, p. 277, (my emphasis).

120 Ibid., p. 278.

121 Ibid., pp. 279-80.

122 Ibid., pp. 281-2.

123 Ibid., pp. 280-1.

124 Ibid., 15 June 1926.

125 Ibid., p. 281. Calder's comment is consistent with some of his other statements about Section 41. In 1909 and 1910 when the Section was being debated, Calder had said that it was not right to declare people members of the anarchist classes etcetera until you had proof they really were in those groups. For that reason, he opposed exclusion of anarchists. "When we undertake to interfere with the right of expression of opinion, the right of personal liberty, to question the right of men (SIC.) to say what they please, we should only take action where we have it within our power to establish the facts". See House of Commons Debates, 1909-1910, p. 5870. Calder's role in the anti-radical activities of the Department needs further examination. Was he misinformed by his staff about what the Department was doing? Why did he not know of the procedures used in deportation cases? What did Meighen tell him about Winnipeg? How did Calder assess the events of June 1919, in retrospect? Calder is at present somewhat of an enigma, in terms of his ideas about the Department and deportation.

- 126 File 653, Blair to Bruce Walker, 17 June 1926.
- 127 Ibid.
- 128 House of Commons, Debates, 1928, p. 1868.
- 129 Ibid., p. 2484.
- 130 Senate, Debates, 1928, p. 421.
- 131 Ibid., p. 522.
- 132 Ibid., p. 612.
- 133 File 653, Act to Amend the Immigration Act, 1928.
- 134 Ibid., Blair to Tom Moore of the TLC., 31 August
1928.
- 135 Ibid., no date, March 1930.
- 136 Ibid., Bill 44, first reading 11 May 1931.
- 137 Ibid., Commissioner of Immigration to Minister,
13 May 1931.
- 138 Ibid., March 1933.
- 139 Ibid., Commission to Minister, 9 March 1933.
- 140 Ibid., Commissioner to Minister Gordon, 19 February
1934.
- 141 Ibid., First reading February 1934; See also Com-
missioner to Minister, 26 February 1934.
- 142 References are to the Act as published in 1929
in pamphlet form by the Department, found in Ibid.

CHAPTER TWO

"THE INCIDENCE AND CAUSES OF DEPORTATION:
LYING WITH STATISTICS"

According to the Department of Immigration and Colonization, in the thirty-three years between 1901-1902 and 1933-1934, deportation occurred at a rate of 1% of total immigration for that period.¹ What the Department was not so eager to point out was that the rate of deportation was not constant, but rather showed a fairly steady increase, from .052% of immigration in 1902-1903, to 36.047% in 1933-1934. Individual years showed a great deal of variation. (See Table I).

TABLE I²

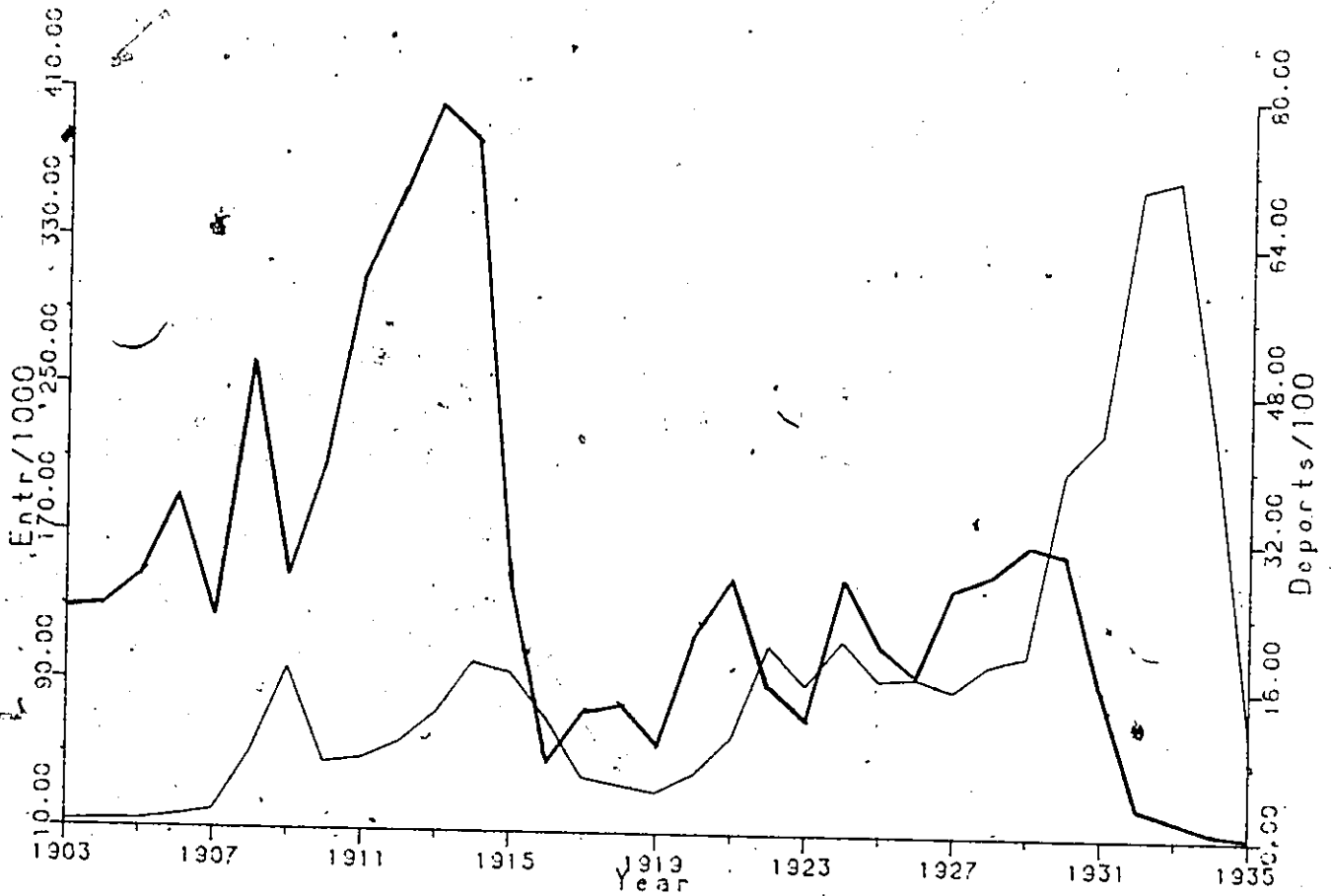
FISCAL YEAR ENDING	NUMBER OF IMMIGRANTS	NUMBER OF DEPORTS	DEPORTS AS % IMMIGRANTS:
1903	128,364	67	0.05
1904	130,331	85	0.06
1905	146,266	86	0.05
1906	189,064	137	0.07
1907	124,667	201	0.16
1908	262,469	825	0.31
1909	146,908	1,748	1.18
1910	208,794	734	0.35
1911	311,084	784	0.25
1912	354,237	959	0.27
1913	402,432	1,281	0.31
1914	384,878	1,834	0.47
1915	144,789	1,734	1.19
1916	48,537	1,243	2.56
1917	75,374	605	0.80
1918	79,074	527	0.66
1919	57,702	454	0.78
1920	117,336	655	0.55
1921	148,477	1,044	0.70
1922	89,999	2,046	2.27
1923	72,887	1,632	2.23
1924	148,560	2,106	1.41
1925	111,362	1,686	1.51
1926	96,064	1,716	1.78
1927	143,991	1,585	1.10
1928	151,597	1,866	1.23
1929	167,722	1,964	1.17
1930	163,288	3,963	2.42
1931	88,223	4,376	4.96
1932	25,752	7,025	27.27
1933	19,782	7,131	36.04
1934	13,903	4,474	32.18
1935	12,136	1,128	9.29

The first significant peak in the rate of deportation was in fiscal year 1908-1909, when deportation reached 1.18% of immigration. The rate fell the next year to below 1% and did not exceed 1% again until 1914-1915, rose higher to 2.1% the next year, and then fell again until fiscal year 1921-1922, when it rose to more than 2%. In the mid-Twenties, deportation remained above 1% of immigration, and in 1929-1930 rose again to above 2%. The next few years saw an unprecedented boom in deportation relative to immigration. The rate of deportation fell to a still-high 9% in 1934-1935, the last year discussed here.

The increase in the rate of deportation relative to immigration was matched fairly consistently by an increase in the absolute numbers deported, beginning with 67 in 1902-1903, and peaking at 7,131 in 1932-1933. Generally speaking, deportation was higher in years when large numbers of immigrants entered. There were, however, certain important exceptions to this trend. In 1907-1908, for instance, there were 262,469 entrants, and 825 deports. In 1908-1909, there were slightly more than half the number of entrants; 146,908, but more than twice the number of deports: 1748. In 1913-1914, there were 384,878 immigrants admitted, and 1834 deported. The following year, entrants dropped to 144,789, while deports were still 1734. In 1918-1919, immigration remained low at 57,702, with deportation correspondingly

GRAPH I³

IMMIGRATION AND DEPORTATION BY FISCAL YEAR*



* Immigrants reduced by 1000,
Deports by 100, for clarity.

low at 454. But in 1919-1920, immigration more than doubled to 117,336, while deportation increased by not quite a third: 655. In 1920-1921, immigration was 148,477, and deportation 1044, while the next year immigration decreased to 89,999 while deportation almost doubled to reach 2046. Similarly, a striking disjuncture between the number of immigrants and deports appeared between 1928-1929 and 1929-1930, with 167,722 and 163,288 immigrants respectively, compared to 1964 and 3963 deports in those years. The following year, 1930-1931, immigrants dwindled to 88,224 while deports rose to 4376. The sharpest contrast was between the 19,782 immigrants and the 7131 deports of 1933-1934. This year was at the same time the high and low point of the deportation-immigration work of the Department.

Given that immigration sometimes fell or deportation sometimes rose sharply, it is useful to recalculate the numbers entering over longer periods than the fiscal year in question. Table II shows the percentage of deports relative to a moving average of those admitted. The calculation for 1909, for instance, represents the numbers actually entering in 1908-1909, 1907-1908, and 1906-1907, divided by three. The figure used for years after fiscal year 1919-1920 was based on the average of, for example, 1927-1928, 1926-1927, 1925-1926, 1924-1925, and 1923-1924. ⁴

TABLE II

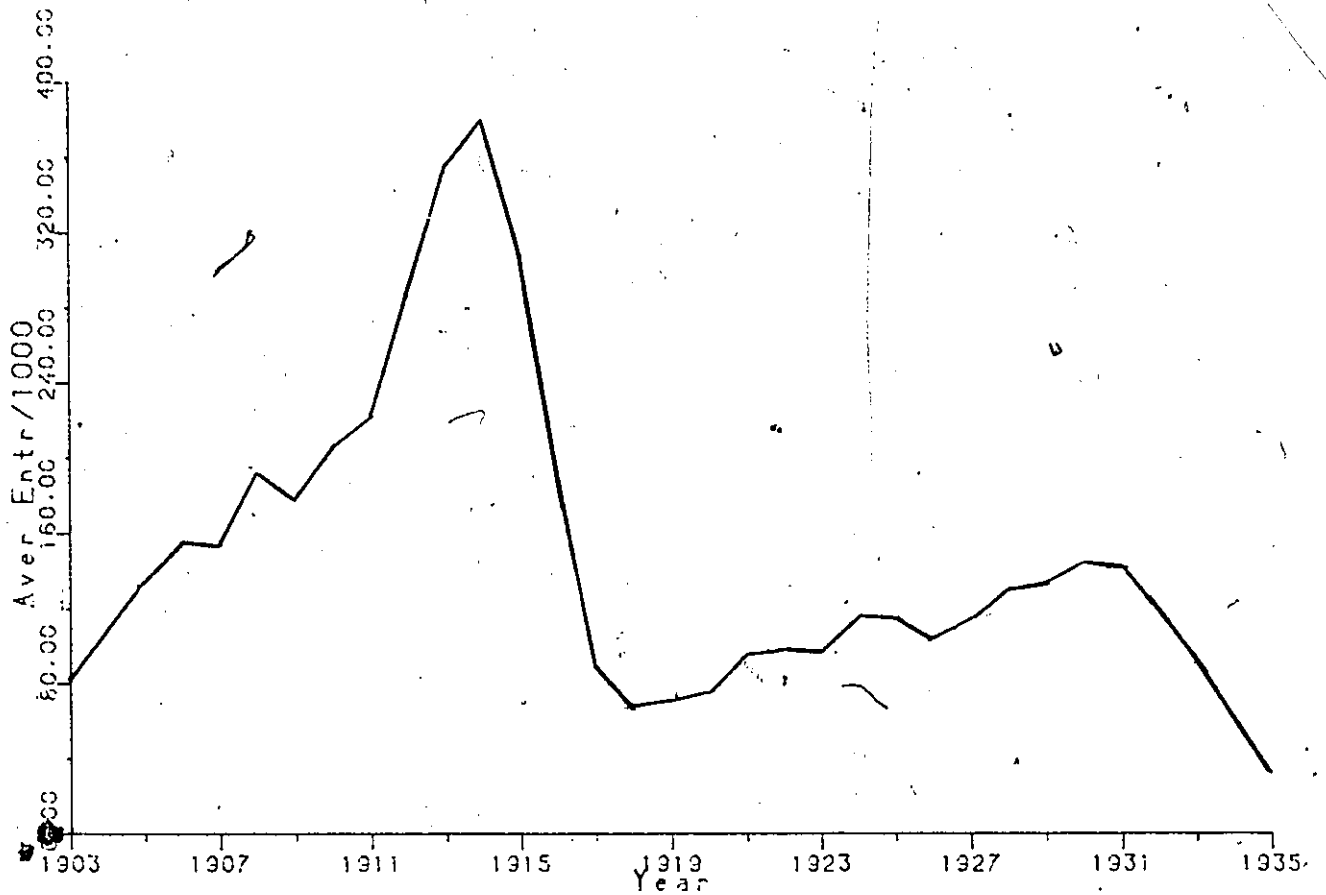
FISCAL YEAR ENDING	DEPARTS & BY IMMIGRANTS (MOVING AVERAGES)
1903	0.08
1904	0.07
1905	0.06
1906	0.08
1907	0.13
1908	0.42
1909	0.98
1910	0.35
1911	0.35
1912	0.32
1913	0.35
1914	0.48
1915	0.55
1916	0.64
1917	0.67
1918	0.77
1919	0.64
1920	0.86
1921	1.09
1922	2.07
1923	1.67
1924	1.82
1925	1.47
1926	1.65
1927	1.38
1928	1.43
1929	1.46
1930	2.74
1931	3.06
1932	5.88
1933	7.67
1934	7.19
1935	3.52

This smoothing out of extremes and irregularities is clearer in graphic form.

IMMIGRATION MOVING AVERAGES

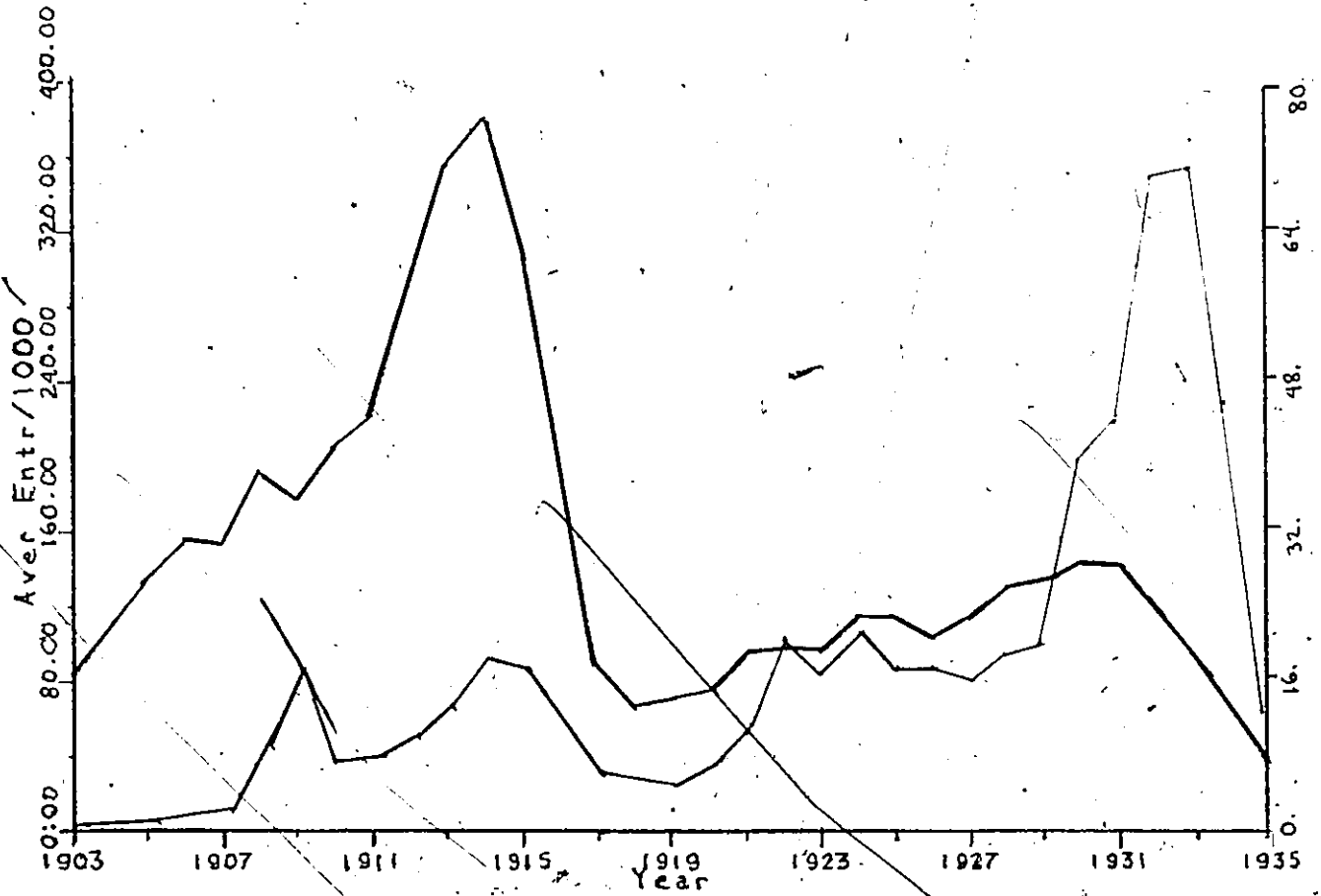
(3 years: 1903-1919)

(5 years: 1920-1935)*



* Numbers of immigrants have been divided by 1000 for the sake of clarity.

GRAPH III
IMMIGRATION (MOVING AVERAGE)
AND DEPORTATION



* Immigrants reduced by 1000,
Deports by 100, for clarity.

The rates shown for deportation measured against moving averages of immigration are somewhat different than the rate produced by comparison with crude immigration figures. Table II shows that the rate of deportation does not exceed 1% until fiscal year 1920-1921, although rises near 1% in 1908-1909. The rates shown in Table II for the 1920s remain as high as, and are sometimes higher than, the crude rates shown in Table I. The Table II rates for the 1930s are as much as five times lower than the crude rates.

The Tables give the rates of deportation, while the Graph shows the numbers deported compared to the moving average of immigration. This permits other comparisons. For instance, the increase in deportation in 1907-1908 is far sharper than the increase in immigration. Deportation falls after 1908-1909, hits a low in 1909-1910, and then climbs again to about the same level as 1908-1909; but during that period, moving-averaged immigration is increasing. Here again, there seems to be anomalies in the relation between the numbers coming in and numbers being deported. There is a tremendous decline in entrants during World War I, together with a decline in numbers deported, but the fall in the numbers of the former, is sharper than the fall in the latter. After fiscal year 1917-1918, the numbers of entrants climbed gradually for two years, and then rose to the normal postwar immigration flow; on the

other hand, in this period deportation fell gradually for a year, and then climbed far more sharply than entrants, reaching a peak in 1921-1922. Moving-averaged immigration increased steadily all through the 1920s, while deportation shows peaks and valleys. In 1928-1929 the two streams diverge sharply: deportation soars while moving-averaged immigration plummets after 1930-1931.

It might be assumed that normally deportation would increase when immigration increased, and would fall when immigration decreased. This direct correlation does not in fact hold in a number of significant instances, as discussed above. It is necessary to go beyond rates and numbers to try to interpret these statistics.

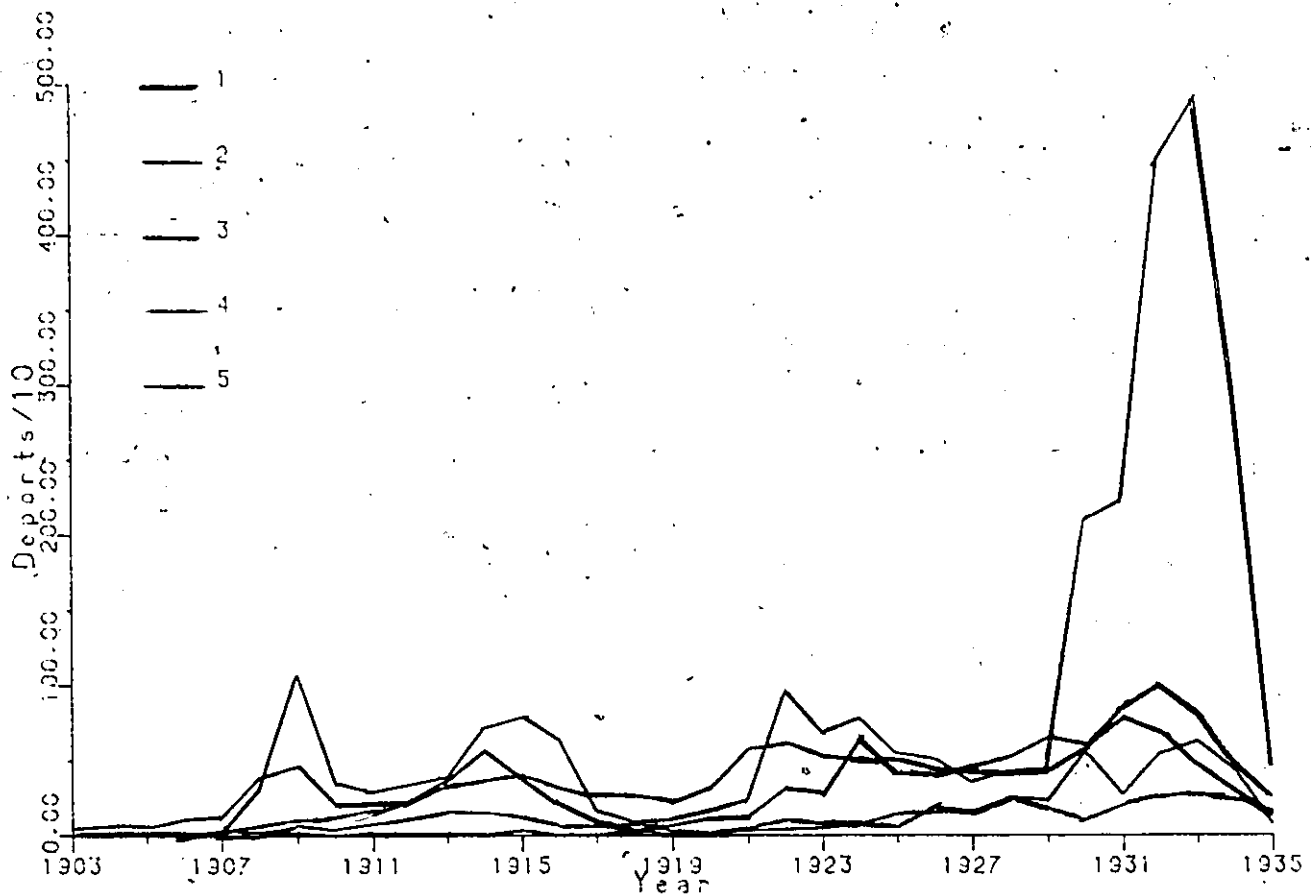
TABLE III

NUMBERS DEPORTED, BY CAUSE

FISCAL YEAR ENDING	MEDICAL CAUSES	PUBLIC CHARGE	CRIMINALITY	OTHER CIVIL CAUSES	CRIMINALITY
1903	49	14	0	0	4
1904	61	19	1	1	3
1905	58	19	8	0	1
1906	110	18	1	4	4
1907	126	28	12	0	35
1908	392	309	68	30	26
1909	467	1,074	115	71	21
1910	212	348	130	44	0
1911	222	289	172	83	18
1912	229	343	242	128	17
1913	370	392	334	169	16
1914	570	715	376	163	10
1915	379	789	404	128	34
1916	206	635	329	68	5
1917	98	161	277	60	9
1918	39	91	274	84	39
1919	70	103	236	35	10
1920	123	158	334	22	18
1921	133	236	586	52	37
1922	313	950	630	105	48
1923	282	679	543	76	52
1924	649	775	511	93	78
1925	420	543	520	58	145
1926	410	506	453	189	158
1927	470	354	447	149	165
1928	519	430	426	257	254
1929	650	444	441	194	235
1930	600	2,106	591	107	559
1931	789	2,245	868	200	274
1932	697	4,507	1,006	270	545
1933	476	4,916	836	277	626
1934	301	2,991	493	250	439
1935	144	464	267	172	81

Graph IV depicts the numbers deported, by cause. The numbers listed on the upper left of the graph correspond to the five categories as listed above.

GRAPH IV
 NUMBERS DEPORTED, BY CAUSE



The Department also published figures on the causes of deportation. There were five categories under which deportations were enumerated: "medical causes", "public charge", "criminality", "other civil causes", and "accompanying". Table IVI shows the numbers deported in each category, by fiscal year-ending.

The same causes have been calculated as a percentage of all deportations within a given year. This is shown in Table IV. For instance, in 1923-1924, the Department listed 36% of all deportations as due to becoming a public charge.

CAUSES AS A PERCENTAGE OF TOTAL DEPORTATION BY
FISCAL YEAR (rounded nearest percent)

FISCAL YEAR ENDING	MEDICAL CAUSES	PUBLIC CHARGE	CRIMINALITY	OTHER CIVIL CAUSES	ACCOMPANYING CAUSES
1903	73	21	00	00	06
1904	72	22	01	01	03
1905	67	22	09	00	01
1906	80	13	00	03	03
1907	63	13	06	00	17
1908	47	37	08	03	03
1909	27	61	06	04	01
1910	29	47	17	05	00
1911	28	37	22	10	01
1912	24	36	25	13	01
1913	29	31	26	13	01
1914	31	39	20	09	00
1915	22	45	23	07	02
1916	16	51	26	05	00
1917	16	26	46	10	01
1918	07	17	52	16	07
1919	15	23	52	08	02
1920	19	24	51	03	03
1921	13	23	56	05	04
1922	15	46	31	05	02
1923	17	42	33	05	03
1924	31	36	34	04	04
1925	25	32	30	03	09
1926	24	29	26	03	09
1927	30	22	28	09	10
1928	27	23	22	14	13
1929	33	23	22	10	12
1930	15	53	15	03	14
1931	18	51	20	04	06
1932	10	64	14	04	08
1933	07	69	12	04	09
1934	06	67	11	05	10
1935	13	41	24	15	07
TOTAL					
1903-1935	18	50	21	06	07

According to the statistics published by the Department, "public charge" was the most important cause overall for the whole period. From the figures there was a peak in 1908-1909, a plateau in the period 1913-1914 to 1915-1916, and in 1921-1922 another peak almost as high as that resulting from the 1908 depression. From 1928-1929 to 1929-1930, public charge increased five-fold (more than twice the total in the 1908 depression), and doubled in the following year. It reached its peak in 1932-1933, and fell to pre-Depression levels two years later. Public charge represented more than half of all deportation over the entire thirty-three year period.

By contrast, over the entire period, criminality accounted for 21% of total deportation, medical causes for 18%, accompanying for 7%, and other civil causes for 6%. Almost all of the earliest reported deportations were for medical causes, until 1907-1908 when public charge was invoked to deport more than a third of the cases of that year. Medical causes did not exceed public charge again until 1926-1927, then for the next three years a continuing pattern of intensified medical deportation continued.

Criminality did not emerge as an important cause for deportation until 1908-1909, when it almost doubled, then increased sharply for the next seven years. In 1920-1921 it was the most significant single cause for deportation, and in the four previous years ending in 1920-1921, it had accounted for more than half of all deportations.

Thereafter it was superseded by other categories, although it continued to account for substantial numbers. Less important, but waxing and waning in small percentages that reflect the general intensity of deportation, were other civil causes, and accompanying (non-deportable members of deports' families, such as Canadian-born children).

The Department's statistics raise a number of troublesome questions. For instance, the Department's claim that only 1% of total immigrants to Canada in thirty three years had been deported was strangely timed. The statistic was published at a period when the Department was expelling immigrants (by no means all of them recent) at an embarrassing rate. The 1% figure was a weak attempt to distract attention from the unprecedented high rate of deportation during the Great Depression. Further, it concealed behind an innocuous average previous sharp peaks, each one of which was followed by a plateau higher than the previous norm, even in the prosperous Twenties. In this sense, the Department's use of the average was a classic example of lying with statistics.

Another question is raised by figures published by the Department. There are four periods of tremendous increase in deportation: 1908-1909, 1913-1915, 1921-1924, and 1929-1934. These peaks in deportation do not correlate to peaks in immigration; for instance from 1907-1908 to 1908-1909 immigration almost halved, while deportation more than doubled. The discrepancy between these rates widens

in the later periods. Decreases in deportation, therefore, cannot be explained as proportional to increases in immigration. The common-sense assumption that deportation is simply due to a constant proportion of problem immigrants, is simply not tenable. It is necessary to look beyond sheer numbers of entrants (and the "bad apples in the barrel") for explanation of these fluctuations in deportation. What is striking about these four peaks is that they coincide with periods of severe economic depression in Canada. Moreover the Department's own statistics show that the high numbers deported in these periods were composed of those who had become public charges. In other words, the immigrants who were deported in those peak periods were those who had become pauperized in Canada as a result of general economic depression. This conjuncture calls into question another common-sense assumption: that deportation was the result of individual failures for which the immigrants themselves were responsible.

These statistics indicate that causes as well as total incidence of deportation must be studied. The Department reported deportation under five headings, yet their stated causes, instead of answering the questions raised by incidence statistics, reveal still further anomalies. All of the five causes show gradual increases in intensity over the period, and in a number of cases rise even while the total of immigration is falling.

It seems possible that deportation was an official alternative to unemployment relief for immigrants. In times of low demand, Canada was able to export (by deportation) some of its surplus labour force.

Economic factors alone seem to explain the majority of deportation as reported by the Department. Ostensibly non-economic causes are more difficult to explain. Medical causes, for example, also show fluctuations different from those of the immigrant stream itself. How do we explain the high numbers deported for medical reasons in the 1920s, up to three times the rate of prewar medical deportations? To assume that the state of health or physical conditions of immigrants coming into Canada showed such marked variations is not convincing, particularly given the increasing stringency of medical restriction and inspection. This too would suggest that deportation cannot be ascribed solely or chiefly to the qualities of the immigrants themselves.

Perhaps the most perplexing and provocative questions are raised by the criminality category. On the surface, this category seems clearcut: conviction of crime as grounds for deportation. Yet in the nine year period after 1916, criminality accounted for one half to one third of all Deportation. Again as with medical causes there are marked variations in a rate that should by common sense standards remain fairly constant. The statistics, on their face, suggest recurring crime waves among immigrants. Or is the

apparent crime wave a creation of the reporting procedure? Instead of an increasing propensity to criminal acts, there may well be an increasing propensity to convict immigrants of such crimes as vagrancy, watching and besetting (picketing), nuisance or obstruction of police, as well as a number of "enemy alien" infractions invented in War, and political repression continued in other forms in subsequent years. In other words, crime may be not merely a legal, but a socio-economic and political category. Criminality deportations rise sharply in periods of political repression, for instance during the official crackdown on the Industrial Workers of the World and other radical industrial unionists around World War I, and against political protestors of the early thirties. Rarely is the type of criminal activity specified in the published statistics.

The Department's statistics can be manipulated to reveal as well as to conceal. Measuring deportation by cause against three and five year moving averages of immigration produced an index with which to measure the intensity to which the various causes were used to effect and explain deportation.

TABLE V

INDEX OF INTENSITY : % OF DEPORTATION BY CAUSE
AGAINST AVERAGED IMMIGRATION

FISCAL YEAR ENDING	MEDICAL CAUSES	PUBLIC CHARGE	CRIMI NALITY	OTHER CIVIL CAUSES	ACCOMPANYING
1903	0.06	0.01	0.00	0.00	0.00
1904	0.05	0.01	0.00	0.00	0.00
1905	0.04	0.01	0.00	0.00	0.00
1906	0.07	0.01	0.00	0.00	0.00
1907	0.08	0.01	0.00	0.00	0.02
1908	0.20	0.16	0.03	0.01	0.01
1909	0.26	0.60	0.06	0.03	0.01
1910	0.10	0.16	0.06	0.02	0.00
1911	0.09	0.13	0.07	0.03	0.00
1912	0.07	0.11	0.08	0.04	0.00
1913	0.10	0.11	0.09	0.04	0.00
1914	0.14	0.18	0.09	0.04	0.00
1915	0.12	0.25	0.13	0.04	0.01
1916	0.10	0.32	0.17	0.03	0.00
1917	0.10	0.17	0.30	0.06	0.01
1918	0.05	0.13	0.40	0.12	0.05
1919	0.09	0.14	0.33	0.04	0.01
1920	0.16	0.20	0.44	0.02	0.02
1921	0.13	0.24	0.61	0.05	0.03
1922	0.31	0.96	0.63	0.10	0.04
1923	0.28	0.69	0.55	0.07	0.05
1924	0.56	0.67	0.44	0.08	0.06
1925	0.36	0.47	0.45	0.05	0.12
1926	0.39	0.48	0.43	0.18	0.15
1927	0.41	0.30	0.39	0.13	0.14
1928	0.39	0.32	0.32	0.19	0.19
1929	0.48	0.33	0.32	0.14	0.17
1930	0.41	1.45	0.40	0.07	0.38
1931	0.55	1.57	0.60	0.13	0.19
1932	0.58	3.77	0.84	0.22	0.45
1933	0.51	5.28	0.89	0.29	0.67
1934	0.48	4.80	0.79	0.40	0.70
1935	0.45	1.45	0.83	0.53	0.25

These index numbers do not add horizontally to 100%. They are, however, strictly comparable to each other in a given year, or over the entire period, a comparability which is lacking in the year-to-year percentage by causes Table. (Table IV). For instance, compare public charge for the years ending 1912 and 1924. The percentage for both years is the same, 9%, but the intensity has increased sixfold from .11 to .67.

Several striking tendencies appear on this index. Public charge remains the leading factor through most of the period, but its intensity varies from three to almost ten times normal up to the 1920s. In this decade it never falls below its prewar peak, and in the 1930s it increases eighteenfold, dwarfing all other causes. Nevertheless, during World War I, criminality rises to unprecedented heights, for a time far exceeding the public charge category as the favoured device for deportation. In four years, from fiscal year 1906-1907 to fiscal year 1910-1911, deportation changed from a one-cause system to a multiple-category system, in which several lesser-used causes reinforce and occasionally supplant the favoured devices. The use of a multiple-cause system raised the incidence of deportation as a whole to progressively higher levels, whichever-cause predominated.

This change in complexity reflected not only economic crises and legislative actions, but also increasing bureaucratic sophistication. The result of this was that an

increasing proportion of immigrants were expelled before they completed residency requirements, despite the fact that entrance standards themselves were raised. The intensity of deportation for all causes increased from previous normal levels in the prosperous years, such as 1909-1910 to 1913-1914, and to a still higher level between 1922-1923 and 1928-1929. Each prosperous, or rather, normal period marks an increased intensity in deportation.

The conclusion to be drawn is that while deportation was most certainly a means of getting rid of the unemployed and discarding the used up, it was something else as well. As the country filled up, the flow of immigration (even in the good years) could be filtered more carefully, to insure that the classes Canada kept were the classes Canada wanted. The increasing intensity of deportation suggests that this is not merely a myth: an immigrant of the 1920s was three or four times as likely to be deported for any cause than was his or her predecessor of the 1910s. This meaningful comparison from period to period is only possible with this intensity index.

Two other anomalies emerge strongly from this index. Criminality almost quadruples in intensity in the last three years of World War I, and becomes more intensely used than medical reasons, for most of the ensuing period. Not only does this reflect a change in deportation devices but it had important repercussions within the immigration

bureaucracy itself. Finally, the increase in the intensity of all causes in the early Thirties marks the epitome of the more sophisticated shell game in which a variety of ostensible stated causes concealed the functions of deportation. By the Twenties, the process had been well established that could be described as "throwing the book" at potential deports: any cause that would stick, would do. For instance, "other civil causes", that catch-all category, increased two and a half time above any previous peak of intensity, in the Thirties.

The published reports of the Department do not suggest the practices revealed by internal documents. Other reasons for deportation were concealed by the legal causes published by the Department. In order to understand why immigrants were deported, it is necessary to go beyond what the Department told the public, and examine what the officials said to each other when they were not under scrutiny.

REFERENCES

1 Department of Immigration and Colonization, Annual Report, 1933-1934, p. 85. All calculations in this chapter are based on this source.

2 Computations by B. Roberts and D. Millar. All calculations are by Roberts and Millar, unless otherwise noted.

3 These computer graphs were produced with the assistance of Roland Serrat.

THE DEVELOPMENT AND REFINEMENT OF DEPORTATION PRACTICES:

THE FIRST THIRTY YEARS

The Department did not have the legal power to deport immigrants before 1906. Nonetheless, statistics published by the Department showed deportations taking place from 1902 on. Moreover, by the early 1890's the federal government had a firmly established policy of deportation.

Correspondence of the Department of the Interior shows that there was a "long standing rule" that immigrants who had become "unable to earn a living because of illness or bodily infirmity" or accident or, in effect, for any reason, would be deported. The Department reported, "it is the practice to send them back, as the simplest and cheapest mode of dealing with them".¹

Sometimes this procedure of "sending them back" was referred to as the return of "failed" immigrants. Often these people had been here for less than a year, but the files show instances when immigrants had been here four years, or more, even up to ten years.² The government often asked the transportation companies to reduce fares or issue passes, and the government might pay all or part of the fare, depending on the financial resources of the immigrant.³ The government admitted some measure of res-

responsibility for new arrivals; especially in their first year, in accord with the principle established in 1878⁴ although this sense of responsibility seemed most pronounced when the government was considering discharging it by ridding itself of the immigrant.

The government did not automatically ship out people who had fallen upon hard times. The immigration buildings were sometimes used to shelter temporarily penniless immigrants. Government immigration agents tried to help such immigrants find employment, often with success. Rarely they even exceeded their authority and acted contrary to policy by advancing funds to a particularly deserving family.⁵

Other cases did not admit of such happy endings. Sometimes immigrants were disabled at work. As a rule they received no compensation from their employers, and were sent home by the government at the public expense. For example, Johan Altmeir came out from Austro-Hungary in 1893 and worked near Winnipeg for the CPR. He was wounded through the heart by a piece of metal and although he recovered and wanted to work, he was thereafter unable to do heavy work. The Department decided he should be sent home to Europe to his wife and child. The CPR sent him free from Winnipeg to Quebec, the Intercolonial from Quebec to Halifax, and, as he was unable to pay the reduced passage

so kindly granted by the Allan Line, the Department tried to arrange for him to work his passage home.⁶ This could not be done and the government paid in the end.

In a somewhat similar instance, a young Dane could no longer work after he lost a hand in an accident at a planing mill near Limbank, Ontario. He had been working there for 6 months to learn English and save some money to go out farming in the Northwest. Because his wages were low he had not been able to save much in such a short period, thus could not pay the costs of his own deportation after his release from hospital. The Department paid the costs of his maintenance and deportation, the Intercolonial gave him a pass between Saint John and Halifax. The CPR did not want to become involved in such cases and feared that "its acts of charity" in giving such passes would set a precedent. The CPR agent explained:

Many towns in Canada have their poor that they want to send to other places, and we have in the past been repeatedly asked to assist, but we have declined, feeling that municipalities should take care of their own poor. There is no reason that I can see why private corporations should participate in a matter of this kind anymore than any other tax payer.⁷

After the 1902 Act gave government the power to set up a system (in effect after 1903) to exclude or send back "undesirables", the same informal methods of deportation continued for the few years immediately following the new Act.

A system for shipping the deports had been developed, so that ill, helpless feeble-minded or insane immigrants were often taken care of by immigration agents, railroad conductors, and other official and semiofficial persons during their journeys of deportation.⁸

Some "mental" cases touched upon grounds that were moral, in that they offended contemporary sensibilities and mores, such as that of a 25 year old British immigrant who was deported from Winnipeg via Montreal because he was "addicted to masturbation" which officials believed surely "will end in insanity."⁹ Morality sometimes more blatantly played a part in determining who would be permitted to remain in Canada. The case of a 24 year old Swedish woman who had come here as a domestic servant illuminated the thinking of the Department (as well as contemporary standards) in this somewhat delicate area. She had come out with a party of domestics imported by Mrs. Haglin of Montreal, a specialist in bringing over servants. Mrs. Haglin complained to Montreal Agent Hoolahan that the young woman had a bad reputation and loose morals. Hoolahan spoke (with the aid of an interpreter) to some of the woman's fellow domestics and was told by three young women that the woman in question had "conducted herself

like a prostitute", as Hoolahan described it, in her home town in Sweden. The young woman set a bad example for the others, Mrs. Haglin complained, because she kept late hours, and got fired from her "situation". For this reason, Mrs. Haglin requested that the Department deport the woman; Hoolahan agreed. No substantive evidence was brought forth. The woman was deported on the basis of these interviews, with no further hearing, accused of possessing a bad reputation and of setting a bad example.¹⁰

As well as morality, there was sometimes something that seems perilously close to snobbery. A Mrs. Austin and her two young children had been deserted in Canada by her husband soon after they had emigrated from England. He returned home, leaving her penniless. She went to the St. George society in Montreal, which ran a centre for British immigrants where she stayed while the Department debated her case. The medical inspector at Montreal had ordered her deported. Ottawa queried the order as it did not seem to be based on medical grounds, and Ottawa did not understand why she was to be deported. The deportation had been requested by the Montreal Charity Organization Society, so that the woman might not become a charity case in the city.¹¹ Ottawa did not agree, suggesting the children could be boarded and the woman who seemed healthy and willing, could work.¹² Montreal explained that the inspector had ordered the depor-

tation of this woman because he did not think that she was the "type" to do domestic work, and since other work was hard for women to find and she probably could not earn enough at it to support one person, let alone children, she would probably become a public charge. Therefore, she and her children should be -and were- deported.¹³

Two trends established in this early period were to remain evident in deportation practices for the next several decades. The most significant was the practice of shipping out those unable to work, whether their inability stemmed from mental or physical illness or condition, or an injury received at work or otherwise in Canada. In the case of a work injury, immigrants could expect no compensation from the employer. Immigrants who were inconveniently rendered helpless were shipped back "Home".

The Department also shipped back those who did not fit in well in other ways, such as the British masturbator and the allegedly immoral Swedish domestic servant. The case of the servant illustrated the particular vulnerability of female immigrants to the consequences of sexual or social deviance. This was in part connected to economic factors, such as the job market for female workers. Domestic service was the largest single paid occupation in Canada for female workers, and an occupation for which the government and a variety of interest groups consistently and vigorously sought

immigrants. The moral character of a domestic servant was a job qualification to which she was at times required to testify in writing by producing a certificate of character from a previous employer or responsible person.¹⁴ This practice (as did deportation) originated in the poor law system in the British Isles in the sixteenth and later centuries.¹⁵

The female immigrant, especially the domestic (and nearly all single women coming to Canada were domestics) could be rendered incapable of earning a living at her normal occupation by an injury to her moral reputation, as well as by the physical disabilities to which a male counterpart might also find himself subject. Moreover, if there were any substance behind allegations against a domestic of moral lapses, that is, if she had indeed engaged in sexual relations outside of marriage, by choice or by force, and were unfortunate enough to become pregnant, she would be subject to deportation on these grounds. The birth of an illegitimate child was proof of immorality. As well, it often forced women to become public charges, because they could not support themselves before and after the birth, or because they could not pay the costs of confinement and thus were listed by a hospital or other institution as "public" patients. Domestics usually earned little, and their workplace was also their home. It was hard for them

to save enough to pay for another home between the times they might be fired from one job for obvious pregnancy, and the time they might hope to find another - a hope that was usually without foundation. Most jobs for women did not pay enough to support an adult.¹⁶ Understanding the relationship between morality and work for female domestics is necessary for putting into context many of the deportations of single women from Canada in the early decades of the twentieth century.

To summarise, the early period of deportations between the 1890's and 1906 had been characterized by a particular type, techniques and targets. It was under-reported, informal and ad hoc; the role of the government was essentially passive; and it was aimed at individuals who had come to the attention of the government as undesirable. The nominal reasons for deportation were concerned with the individual unfitness of the injured, incapable, and immoral.

After 1906, this all changed. The period from 1906-1914 could be characterized as modern: the work was rationalised, systematised, the Department became selective, aggressive, and began to establish its own areas of responsibility and efficiency. Technically, the period was characterized by statistically accurate reporting of cases deported for specific causes, cases actively sought out by the Depart-

ment. These cases were part of not an individual but a social problem, and deportation was focussed on undesirable social groups. The unemployed were added to the unfit as candidates for deportation. Although the reporting of the work was modernised, the information was not open to the public. The Department's correspondence showed some anxiety, a primitive moralism, or perhaps a moralistic liberalism, sometimes to an extreme point. There was a widening gap between individual cases and collective discrimination, in the reactions of the Department.

In this period a myth appeared that was to have significant publicity in the ensuing decades: the immigrant in a sense chose his/her own deportability by being lazy or unwilling to work. This convenient claim first appeared in the 1908 period, reappeared in 1913-14, and persisted like a deeply rooted weed in the 1930's. The function of the myth was revealed by the cost argument, that is, the Department had to argue they were getting flawed immigrants from the transportation companies in order to get the companies to pay deportation costs.

Deportations became more numerous and more systematic after the 1906 Act went into effect. In fact, records of the Department suggest that the increased systematisation of deportation was an important factor in the absolute and propor-

tional increase in the numbers deported. Deportations continued to be attributed to more or less the same causes as before 1906. Now, however, the Department began to seek out prospective deports instead of waiting to have problem immigrants thrust into its notice. In October 1906, the Chief Medical Officer took the first step in this campaign of seeking out deports, by notifying virtually all insane asylums and like institutions in Canada to send names of alien inmates going back five years, so they could be considered for deportation.¹⁷ The original impetus for this request had come from a decision by the United States to empty its asylums of Canadian inmates. By gathering names of U.S. citizens in Canadian asylums and other institutions, Canadian officials hoped to show the U.S. authorities that "they will suffer more than we" in any precipitous exchange.¹⁸

Chief Medical Officer Bryce extended the search to prisons shortly thereafter.¹⁹ At the same time, the Department hired Alfred Blanchet to work in the Province of Quebec to implement the Department's wish to "clear the country of undesirables who have come in...or who may ...hereafter... succeed in gaining admission".²⁰ Blanchet, formerly of the Grand Trunk Railway,²¹ was recommended by a cabinet minister and hired by Laurier, then acting as his own Minister of the

Interior.²² Wardens of prisons and directors of institutions were told to give Blanchet assistance in his search for the unfit.²³ In Provinces other than Quebec, the "searching out" was done by mail. This did not pose much of a problem: in Ontario, for instance, directors of asylums were eager to expel immigrant inmates.²⁴ Given the fact that deportation was under the direction of the Medical Officers of the Department, and seen as a medical problem, and given as well the almost obsessive concern of the Medical Officers with insanity and other forms of mental or physical degeneracy (taking Chief Medical Officer Bryce's statement as representative) it was not likely that eligible cases would escape notice.²⁵ It is not clear why Blanchet was appointed to scour Quebec, but perhaps patronage was part of the reason. There would seem to have been no particular necessity for the personal contacts by an officer of the Department.

This new thoroughness in the methods of the Department was due in large measure to the newly granted ability of the Department to deport legally. Anything done in this line before the 1906 Act "really was not sanctioned by any special law", as Superintendent Scott explained to an Ontario provincial official. The Department continued to prefer deportations especially of insane persons to take place quietly even now they were quite legal, "since experience in New York has

shown that the speculative lawyer may by Habeas Corpus proceedings give a good deal of trouble before the case has been gotten out of the country."²⁶ With prison as with insane asylum deportations, the emphasis was on increased searching out and secrecy; the Department desired to make the arrangements "without exciting... suspicion", in order to avoid upset of one sort or another.²⁷ Deportation of immigrants who were inmates of penal institutions could be arranged no matter how trivial or serious the crime.²⁸

A third area in which the work of the Department was put on a more systematic basis was the deportation of immigrants who had become public charges. Mayors or clerks of municipalities could get rid of such immigrants by sending a written report to Ottawa.²⁹ In short, the Immigration Department enlisted the cooperation of a variety of public officials to help in the campaign "to weed out undesirables"³⁰ and "to assist the Department as much as possible in keeping the stream of immigration coming in as pure as may be."³¹

It became increasingly important to the Department that this assistance come from the public rather than the private sector. By 1908 the Department was beginning to insist that referrals of public charge cases come from municipal officials, as provided for in the Act, rather than from charitable organizations or private individuals. The Department

explained this shift in policy by claiming that private referrals might have been acceptable earlier because there had been little doubt about the deportability of the immigrants in question. But it had begun to get requests for deportation of the impoverished "from so many different sources, some of them at the moment from some of the undesirables themselves, that it is felt to be only reasonable deportation papers being at least signed by the proper municipal authorities."³²

It was because of these "innumerable" requests from these other sources that the Department decided to "follow the law more closely."³³

The timing of this decision to funnel deportation requests through municipal officials was due not to the flood of requests for deportation, as suggested by Scott, but rather to criticisms of the Department by the Home Authorities in Britain, for sending back immigrants who had never "previously shown any such obnoxious characteristics as were attributed to them" by those requesting their deportation in Canada. It was in large part to avoid such criticisms that the Department wanted a more official sanction for deportations, and insisted that responsible municipal officials "at least endorse" the various requests for deportation "originating in their various municipalities."³⁴

But it was not solely in order to sidestep criticism from Britain that Ottawa was anxious to have requests for deportation originate from public and official sources. The Department wanted to be sure that there could be no question about the legality of the deportations. The aim of the process was to show that the deportees were unfit, and had been bad quality to begin with.

By the fall of 1908 the Department was apparently instituting a policy of increased care in deportation. At least the Department attempted to get the municipalities to send complete details and to use the proper format and terminology in their complaints. Not just anybody could get deported, it seemed to claim.

No encouragement should be given to strong able bodied immigrants, well able to work, that they will be returned home free of expense simply because they are too lazy to apply themselves or happen to be suffering from temporary homesickness. It is intended that only the criminally inclined, mentally or physically incapable, and moral degenerates should be deported. 35

To deport indiscriminately people who had become public charges would encourage "those of idle and indolent habits". Instead, local municipal authorities should make "every effort...to induce strong and able bodied immigrants to work for their living if such is obtainable".³⁶ The Department wanted specific and detailed information to be sent on the circumstances of each immigrant, in order to consider

or to effect deportation. "Lack of work and liability to become a public charge are not satisfactory reasons for deportation" under the Immigration Act, explained the Department. An immigrant must actually have become a public charge to be deported as such. "Reasons for inability to secure work" should be explained in the complaint, "as well as what if any efforts have been made either on their behalf or by the immigrants themselves" to secure work. The Department suggested it might be able to find jobs for needy immigrants. If the reasons for unemployment were sickness or incapability, then a medical certificate to that effect should be included in the request for deportation.³⁷ The Department did not want it thought that unemployment and deportation were automatically linked. "You will easily understand the necessity for discouraging the impression that deportation may be resorted to solely" because immigrants were destitute and unable to find work, Scott wrote. In order to deport in these circumstance, testimony from responsible authorities was needed about the capacity or willingness of the immigrant to work, and about the availability of work.³⁸

By November 1908 Scott's tone had become exceedingly moralistic and sometimes verged on the hysterical. "Lazy immigrants should not be encouraged in this idea" that they can give up and go home, can escape without paying any penalty

for their failures in Canada, Scott urged. "If they will not work, and are physically fit for employment, they should be properly punished before resorting to deportation".³⁹ Scott reiterated this punitive policy to numerous municipal officials:

All physically capable immigrants who refuse to work when work is available should be made to understand that they will be severely punished for their neglect before being sent away.⁴⁰

This sort of attitude, often expressed by 19th and 20th century poor relief and welfare workers, would reappear in the next few decades when circumstances were similar to those of 1908. According to this view, deportation of the unemployed was not a straight forward matter. It was important to identify the lazy failed immigrants and assure they did not get away with anything. There was really no problem with inmates of asylums or prisons, as they were clearly deportable (and perhaps sufficiently punished) by their very presence in these institutions. But the public charge cases were more ambiguous, and had to be differently treated.

The deportation of misfits and indigents generally should be closely supervised by the local authorities and care should be exercised in order that none may be deported who are not thoroughly undesirable and incapable of reform; lazy or homesick immigrants should be made to understand distinctly that they are expected to accept whatever employment may be available, failing which they will be dealt with the same as any other citizen of Canada before any attempt is made to secure their deportation.⁴¹

Evident in this correspondence were the assumptions that immigrants were out of work because they were lazy and irresponsible, that they could get work if they so chose, and since continued unemployment showed such immigrants to be wrong-headed and wicked, they should be punished for their misdeeds, rather than rewarded with "a free trip home". These widely held Victorian ideas about poverty and unemployment are probably part of the explanation for the position taken by the Department in this period. However there are two other factors to consider. Firstly, this particular idea that immigrants really want to be deported, and chose to be unemployed so that they might be "sent home", appeared in the records in times of economic depression, hardship, and very high unemployment: 1908, 1913, the 1930's for example. These three periods were times of major depression.⁴² Secondly, and more directly pertinent in the case of the 1908 depression, was the question of who was going to pay the costs of deportation.

Under the provision of the 1906 Act (and indeed under earlier legislation and custom dating back to at least the 1880's⁴³), transportation companies who brought in immigrants who were defective or in some other way contravened immigration laws, were responsible for taking these immigrants back again. The companies had never been particularly eager to do this, but usually could do little but comply.

One recourse was to examine each individual case for a loop-hole, and this they did. With the increase in deportations because of the 1908 depression, the costs of deportation rose. Not surprisingly, so too did the scrutinising by the transportation companies of the deportation cases for which they were expected to pay. That this was a problem for the Department can be seen in its internal documents and correspondence. In March 1908, after the impact of the depression had been felt strongly⁴⁴ Scott cautioned that because the transportation companies were examining each case carefully, it was necessary to make sure that all cases did "come clearly within the provisions of the Immigration Act." In order to make sure the companies paid the costs, it would be important to distinguish between those immigrants who were "public charges more the result of some temporary hardship readily overcome in the course of time", for which the transportation companies would probably refuse to pay, and "those of a hopeless or irreclaimable nature" for which the companies must pay.⁴⁵ The same caution was reiterated in numerous warnings later in that same year: the transportation companies could not be expected willingly to accept responsibility for deportations necessitated by the laziness and selfishness and irresponsibility of wilfully unemployed immigrants, therefore municipalities must not automatically send forward such cases.⁴⁶

This immediate dilemma was resolved by the Minister of Immigration, who ordered: "If the Mayor recommends deportation and it is within the law, deport."⁴⁷ Yet the emphasis on the importance of adhering strictly to proper procedure in these cases continued as long as did the serious economic problems that created large numbers of unemployed for the Department to deport.

Proper documentation of the legal case for deportation was necessary. For instance, as Scott explained to the head of a relief organization in Montreal, "while pauperism may result in an immigrant becoming a public charge", simply pauperism itself "is not considered a proper cause for deportation under the Act." It was necessary to show that a person had actually become a public charge, or otherwise become legally liable to deportation. "It is very desirable that in every case the evidence should be complete and in proper form before being finally submitted to the transportation companies concerned."⁴⁸ Even after the Minister ordered that deportation should be automatically carried out at the request of the Mayors of municipalities, if within the law, Scott continued to urge caution in deportation solely for unemployment because the transportation companies would refuse to pay the costs if they could argue that the immigrants were not defective when they arrived.⁴⁹

The Department's suggestion that deportation might be an easy way out for the irresponsible immigrant had been couched in moralistic terms, although the Department claimed it was a question of law and justice. However, it seems likely that none of these was the real issue. This accusation arose and was reiterated most strongly when there was a good deal of unemployment. The Department claimed repeatedly that it did not deport solely because of unemployment. Its files show that this was not true; it routinely deported the unemployed who had become public charges due solely to unemployment. But the Department wanted to make sure that the transportation companies paid the costs of these deportations. The transportation companies could claim that there was nothing wrong with such immigrants themselves, therefore there was no legal obligation for the companies who had brought over these immigrants to pay deportation costs to ship them back from whence they had come. On the other hand, the Department was pressured by the municipalities (and sometimes by private organisms like the Charity Organization Society of Montreal which acted as a Protestant relief Department for the City of Montreal) to remove unemployed immigrants who became a charge on the municipalities. The Department tried to perform a precarious balancing act. It attempted to discourage the municipalities from using deportation to ship out their immigrant poor, and at the

same time insisted that the deportation complaints that were made by the municipalities be in proper legal form. In theory the former would cut down the flood of public charge deportations for which the transportation companies were asked to pay and as well the latter would make it more difficult for the companies to evade payment. At the same time the Department tried to reduce and perfect the municipalities' public charge deportations, it tried to reassure the transportation companies that the deports with whom they were being presented were not the wicked, lazy or unlucky, but rather the unfit. The undeserving poor were supposed to be winnowed out. The transportation companies were meant to think that they were not being asked to pay for what amounted to a national system of immigrant poor relief: deportation. It seems likely that these foregoing factors go far towards explaining why in times of depression the Department falsely claimed that it did not deport immigrants solely for unemployment.

For whatever reasons the Department did deport, there were limits to the time within which and the methods by which deportation could take place. Before the 1906 Act, the government had referred to a one year period in which it assumed a small measure of responsibility for the immigrant, a responsibility sometimes discharged by arranging his or her deportation as a last resort. After the 1906 Act, the Depart-

ment legally could deport within two years of arrival.⁵⁰ This period was in effect lengthened by a Department of Justice ruling that if a deportable offence were committed by an immigrant within two years of arrival, "there is no limit to the time in which he may be deported."⁵¹ Still, the Department advised its agents to get written consent to their deportation from immigrants who had arrived prior to 13 July 1906 (when the new Act was effective), as both the immigrants' consent and a "reasonable prospect" of reception in the home country were necessary to assure that the deportation would go smoothly.⁵² The period within which deportation could take place was extended to 3 years and further defined by the 1910 Amendment to the Immigration Act. (Another amendment passed 4 April 1911 specified that the first two years of this residence must take place immediately following landing.)⁵³ Time spent as an inmate of a mental hospital, charitable, penal or other public institution did not count towards the three year period. Anyone so becoming a public charge within three years of landing was deportable. Earlier, there had been some question about the legality of a deportation when a long time had elapsed since the commission of the deportable offence, but the Department of Justice had ruled that the Department of Immigration was "empowered to act after the expiration of sentence or after

the immediate cause for deportation has ceased to exist."⁵⁴ This meant too that if an immigrant became at any time within three years of landing a public charge, even for just a brief period (for instance due to illness or unemployment), technically that immigrant was deportable, however reluctant the Department claimed to be to exercise its legal right in the matter.⁵⁵ Insane immigrants were deportable not only as above, that is, within three years or even longer but also at anytime, if they had been previously insane, provided they had been insane within a five year period before entering Canada.⁵⁶

As a rule, the Department adhered to the statute of limitation rules on deportation. However it did not always follow the rules on what were deportable offences. For instance, immoral immigrants, by which was usually meant a woman who lived with a man to whom she was not married, were an ambiguous group: "Immorality" was not clearly defined in the law. The Deputy Minister of Immigration ruled in 1913 that a woman who had come to Canada "to live with a man in adultery" was not to be confused with a woman who had come to practise prostitution. The former was not supposed to be deported for that reason alone.⁵⁷ However, the correspondence of the Department suggests that these distinctions were not often made in practice.⁵⁸ Nor did the Department always adhere to the law concerning procedures

to be followed in carrying out deportations. For instance, in 1911 the Vancouver Agent J.H. MacGill expressed his concern that deportations of persons convicted of crimes were being carried out by a letter from Superintendent Scott, rather than by an Order for Deportation issued by a Board of Inquiry, as provided in the Act. Although the transportation companies might accept this procedure, a letter was not a legal substitute for a Deportation Order.⁵⁹ Scott replied that no one had objected to this before, and that while MacGill might follow the law if he chose and get Deportation Orders from Boards of Inquiry, Scott thought that "the Department may safely continue the present practice."⁶⁰ The Department in fact could not safely continue. In March 1912, four Armenians prosecuted for entering without proper inspection were convicted, fined, and sentenced to jail in lieu of paying the fines, and ordered deported by the presiding magistrate. The four were then ordered released on a writ of Habeas Corpus. The writ argued that deportation could be ordered only by a Board of Inquiry, and that inasmuch as there had been no Board of Inquiry, these deportations were not legal. The new Vancouver Agent suggested that other such deportation cases might be stopped by the courts on the same grounds.⁶¹ Ottawa had ordered Vancouver to follow legal procedures by holding Boards of Inquiry only when it was felt necessary or judicious to do so. Scott still thought that the Department could follow its informal (albeit extra-

legal) practice as before, since no transportation company or deportee had protested. Despite court cases unfavourable to the Department, it was to be left a matter for local discretion.⁶²

There is much evidence that the Department did not always follow the law on deportation matters. (When it began to follow certain parts of the law more closely, it seems likely that this may as well have been due to economic or political, as to legal or moral factors. Although the period from 1906 to the First World War showed a good deal of increased systematisation and formalisation of deportation procedures, the old ad hoc and sometimes illegal practices of the earlier period still were in evidence from time to time. Of course, as the provisions of the laws concerning deportation became more comprehensive there would be a lessened need to act outside the law. Each new law or regulation increased the powers allowed the Department.

Deportation in the war period, from 1914 to the early 1920's, was sharply curtailed because of the War. Yet at the same time that the numbers deported by the Department fell, the powers of the Department increased considerably. The techniques of the Department showed considerable refinement in two ways. Firstly, there was

a good deal of procedural tightening up, in the sense of assuring that the case that was built up to justify each deportation became more thoroughly done, more tightly knit, more satisfactory in a legal sense. This was, of course, occasioned by necessity, including the familiar necessity to write good cases so the steamship companies could not wriggle out of paying the costs of certain deportations. The second area of interest was the increase in the ability of the Department to conceal (knowingly or not does not matter here) illegal or unfair practices behind the nominal legal categories of deportation as presented in their Annual Reports. The expanded powers of the Department to deport enemy aliens interned under the War Measures Act was used to ship out residents who were not otherwise deportable because they had been here long enough to get domicile. As immigrants originating from enemy countries, they could be shipped out along with the internees. In fact, since one sure way to make someone deportable was to make that person an internee, some people reputed to have the wrong attitudes or otherwise be political problems were made internees for the express purpose of deportation after the War.⁶³ The target groups remained the unfit, and the unemployed, although numbers deported from these groups were among those curtailed by the war, unless they were Americans. Also added to these were two new categories: enemy aliens, and agitators. Late in the

war and just after, the deportation of agitators and radicals would become systematised, as the Department moved deliberately into the field of political deportations, based on wartime authority and experiences, but functioning in favour of interest groups such as large employers and other beneficiaries of the Red Scare.

Because of the expected curtailment and eventual cessation of shipping, shortly after the commencement of hostilities the Minister decided not to deport immigrants to the British Isles, unless there were friends there to receive and care of them.⁶⁴ This was in part to avoid "adverse criticisms or comment in the Old Country."⁶⁵ Because of these changes, the Department decided to explain to the municipalities that requests for deportation would be acknowledged but not necessarily carried out until conditions changed.⁶⁶ This policy was developed in more detail in the next few weeks. The Department asked its agents to notify those requesting deportations that the Department "cannot consider the case while war conditions exist." This would avoid unnecessary work, and also would enable the Department to avoid assuming any responsibility for these deports. The Detention Hospital in Montreal was at present stuffed and overflowing with prisoners of war and deports, and the Department was not eager to have this


become the norm. Ottawa intended to send away individual cases, as long as they could be cared for by friends. In these cases, it would be necessary for the local office to forward to Ottawa a copy of the evidence, because, as Scott explained,

I expect that sooner or later some objection will be raised against our sending forward some of these individual cases and I would like to be in a position to defend our action from correspondence on file before the deportation is ordered.⁶⁷

The deportation of "criminal immigrants (not enemies)" was still proceeding more or less as usual except that it took much longer to carry out investigations⁶⁸ for the first few months of the war. Despite the general difficulties of carrying out deportations other than to the U.S., there was a bright spot. A ruling by the Americans permitted Canada to deport to the United States aliens who had resided in Canada less than three years, who had formerly long resided in the U.S. but were not U.S. citizens. If Canada could show that prior to their last entry into Canada, they had been rejected by a Canadian Immigration officer, these aliens could simply be deported to the U.S. instead of their native countries. This would be much cheaper and much simpler. Therefore, the Department asked heads of all penal institutions, various city Relief and Department of Health officers, and other public officials in most provinces to include questions about previous rejections by Canadian

officials in their interrogations of these immigrants.⁶⁹

Some deportation problems had little to do with the War, such as public charge questions. The refrain that the Department did not consider becoming a public charge due solely to unemployment as grounds for deportation continued to be heard. Scott explained to one annoyed city official that, it was not fair to ask the steamship companies to deport these people, that the companies were correct to say that the "Immigration Act was not drawn up to get rid of persons out of employment, but persons who are undesirable through sickness, feeble-mindedness, inmates of gaols etc." Scott did offer a ray of hope. If there were any sickness that contributed to an unemployment problem, or any contributing disease or perhaps feeble-mindedness in the particular group of families about whom the complaint had been made, Scott would see that they were deported.⁷⁰ Another alternative for public charge cases was to arrest them for vagrancy. One particular potential deport was considered unsuitable as he had not actually become a public charge, just seemed sure to. This was grounds for rejection but not for deportation, for according to Section 40 of the Immigration Act, the person "must be a public charge before their deportation can be legally effected." If unemployment were the sole reason



an immigrant were likely to become a public charge, (that is there was no disease or any other condition) then this was not sufficient. There was considerable unemployment all over, and the steamship companies were balking at shipping out people who were public charges solely through unemployment, Scott explained. But there was often another alternative. An immigrant could be arrested and convicted for vagrancy, and then easily deported.⁷¹ Sometimes the length of a vagrancy sentence was directly influenced by the wishes of the Immigration Department. The sentence should be long enough to permit the Department to arrange the deportation, and short enough so the municipality would pay as little as possible to maintain the deport while he or she was in jail. This sort of covert bargaining occurred with the blessing of the Department of Justice.⁷² But the path from unemployment to deportation via vagrancy charges was not always smooth, and the files contained correspondence from local agents who found themselves puzzled as to how to proceed, and turned to Ottawa for advice.

In one case, Scott took the agent over the ground step by step. The case concerned a woman in Windsor. This woman could not be deported as liable to become a public charge, she must actually have become one to be deportable as such.

As she had been admitted into Canada, "we must find some ground for her deportation connected with 1) the manner of her entry, 2) her character before the entry showing she was a prohibited immigrant 3) something she may have done in Canada since her entry," explained Scott. It was not sufficient that she be in jail on remand, she must actually have been sentenced to be deportable as a convicted criminal. The agent would thus examine her to find out if she was a prohibited immigrant under the Act. If there was something wrong with her entry, the applicable Sections were 33, 7: if she were to become eligible under Section 40, (convicted of a crime), she should be questioned as provided in Section 42 (which set out procedures for deportation examinations). Whether she could appeal depended on whether she was free from disease as under Section 18.

"Our action can be taken altogether separate and apart from that of the court, although if she is convicted then her deportation would naturally follow by the application of Sections 40 and 42."⁷³ Fortunately she was convicted of vagrancy and thus was easily deportable.⁷⁴ The point here was not that the agent at Windsor was incompetent, but rather that once the decision that the Department wanted to deport someone was reached, they worked methodically through each possibility until one was found. It was not that the decision to deport followed always upon the com-

mission of some specific offence but often that someone in the Department would decide that an immigrant was better gotten rid of, and the action followed the decision. The flexibility of the law allowed much room for seeking the appropriate legal cause.


Although the Department remained concerned with many of the same problems during as before the war, there were some major differences. This was true even in types of deportations long standardised by the Department. Public charge deportations for instance were retarded somewhat not just because of the concern that the transportation companies might refuse to pay for them if due just to unemployment, but also to reasons connected to the war. One was the idea that by forcing the municipalities to support the unemployed, rather than shipping them back to the British Isles, the Department was helping with the war effort. The Canadian municipalities were not suffering as badly as was Britain on account of the war, and keeping indigent immigrants was "one way by which we can help Great Britain and to my mind appears to be a patriotic duty", explained Scott.⁷⁵

Because the War affected available shipping, even the reduced numbers of deports were more difficult to ship across the Atlantic. By the winter of 1915, there had been few sailings by Canadian lines, and those that sailed were

full of troops. Before, in deport cases paid for by the government rather than the transportation companies, the cost at a so-called "charity rate" had been \$15. During the War when it was necessary to ship via New York, the costs rose steeply to \$50-70. As conditions in Britain became more "acute", deportation became even more a last resort.⁷⁶

The slowdown on overseas deportations endured until after the end of the War. By 1918, the Department was frequently going through the deportation procedure, ordering the deportation, then simply holding the case (although not always holding the person) until deportation could be carried out.⁷⁷ In the summer of 1919, an interoffice memo noted that "most of our deports at the present time go to the U.S.", the only type of deportation remaining unaffected by war time conditions.⁷⁸

Another effect of the War on deportation was the creation of a whole new category of deports: enemy aliens. These did not include prisoners of war, strictly speaking, although the lines between the two groups tended to blur. The government admitted to 8579 internees in prison camps in Canada during the war, and about 3179 of them were real POW's; the rest were just civilians snatched up under the War Measures Act.⁷⁹ The locking up of civilians of enemy alien origins was part of a massive campaign of surveillance,



of enemy aliens in general and ultimately of harrassment, of some aliens in particular, the radicals. Internees, like deports, were prisoners in fact, but not in law. Under the Order-in-council of 28 October 1914 internees were declared prisoners of war, thus had "no remedy in law."⁸⁰ The management of interment camps during the war had its scandals and abuses, as well as its bungling and stupidities, although they were probably not much worse than some Department of Immigration detention facilities. By the end of 1915 there were 19 internment sites in Canada, 5 of which were reception centres only. Originally the inmates were supposed to clear bush land for use after the war by returned veterans⁸¹ but by the spring of 1916 some of them were released to do farm labour and other work.⁸² By the end of the war, there were still large numbers interned, and it was not until 27 February 1920 that the last batch of 90 men, 19 women, and children, left the camp at Kapuskasing to be deported, or "repatriated", as these deportations under the auspices of the Ministry of Justice were often called.⁸³ In theory, the enemy aliens deported from the camps were POW's being repatriated. In practice, however, the Department of Immigration used the anti-alien feeling and the wartime situation to get rid of an unknown number of enemy alien "undesirables" not otherwise deportable. It was the "policy of the Government...to deport all interned enemy aliens who

are considered undesirable" whether they were otherwise legally deportable or not.⁸⁴

During the war, the Department did not want to deport healthy enemy aliens, because even if there were sailings to Germany, for example, sending them home would enable them to help Germany and "be a menace to our allies." However, responding to one particular complaint from a Canadian patriot, Scott suggested that there were other ways to deal with enemy aliens: "If the party in question or her son-in-law are manifesting a pro-German attitude, and you will advise me, I will have the case looked into with a view to having them interned."⁸⁵ The Department was not interested in real prisoners of war, save for asking to have their names should they ever try to return to Canada again: prisoner of war deportations were sometimes done more or less as rejections, that is, some POW's were examined as if they had applied to enter as immigrants and were rejected, then they could be sent back.⁸⁶ But this was not necessary in all cases. The other way in which the Department was involved in POW work was that it requested permission to send deportable enemy aliens back to Europe along with POW's. The original request came from the Department in 1918,⁸⁷ after the armistice, but it took several months for shipments to be arranged.⁸⁸ Sending the POW's back did not begin on a large

scale until February 1919,⁸⁹ and this was handled under the legal direction of the Minister of Justice, who had authority under the War Measures Act to remove, expel or deport enemy alien internees.⁹⁰ The files of the Department show that whenever possible, ordinary deports were sent along with these "repatriatees". For instance, George Dowhy, Austrian, here since 1909, was arrested in Winnipeg 4 March 1915, held at the internment camp at Kapuskasing, Ontario, until November 1917, when he was released to do railroad work. In 1919, he was in Kingston Prison serving a 5 year sentence and the Department considered him undesirable. Because he had been here since 1909 he was not legally deportable, but because he was of enemy alien origin, the Department was able to ship him out with the interned enemy aliens.⁹¹ An attempt to get rid of Clara Dubin, age 17, (an imbecile orphan of German origin, imprisoned in an asylum since she had been found on her own in March 1914), failed, not because she could not legally be deported, although that was true, but because there were no other insane female prisoners of war so the Internment office refused to send her back along with the interned aliens.⁹² In another instance, Tom Taschuk, an Austrian reservist arrested in 1919 at Vegreville and interned at Vernon, B.C., was the candidate in question. At this point Scott was able to write that he "presumed" that arrangements could be made to send along Taschuk, "particularly if further inquiry

shows that he is not subject to deportation under the provisions of the Immigration Act."⁹³ Scott was pleased to be able to make these arrangements in this instance because Taschuk was a member of the IWW, a "socialist, with Bolshevik tendencies, who has been actively engaged in endeavouring to create discontent and rebellion in the foreign element in Canada."⁹⁴ In some instances the Department used the POW repatriation shipments as a convenience to carry out legal deportations.⁹⁵ In September 1919 the internment camps at Vernon and Kapuskasing were designated immigrant stations to make their use as detention centres for deportees legal.⁹⁶ By the fall of 1919, there were dozens of enemy aliens being sent along with repatriates, some legally deportable, others not.⁹⁷ An attempt by the Province of Quebec to clean out its asylums failed for logistical reasons; the Department was willing but could not get space for the deportees on the military-controlled sailings, and it is unclear from the records whether these people were later sent over on other sailings.⁹⁸ Despite the fact that the war prevented the Department from getting rid of numbers of the unemployed, it still gave the Department an unprecedented opportunity to lock up agitators and activists of enemy alien background, and to deport a raft of people whom they could never otherwise have gotten rid of because the deportations were illegal under the terms of the Immigration Act.⁹⁹

Deportation practices of the Department between the early 1890's and the early 1920's can be readily seen to fall into three fairly distinct categories. The first was the period between the 1890's and 1906, when the Department was deporting so informally and unofficially (and extra-legally) that almost no statistics or solid information can be found to shed light on more than the bare outlines of the practices of the period. Some trends can be seen reasonable clearly, nonetheless. These underreported deportations were made on an ad hoc basis. Deportation took place when individual immigrants came to the notice of the Department, usually when they became (or were seen as having become) incapable of supporting themselves, or of making their way in Canada. Most of these instances of inability to earn a living were due to some kind of physical incapacity, because of illness or injury or some kind of defect or condition. Often these people were casualties of industrial accidents. Sometimes the inability to earn a living was related to moral rather than physical disability; this was a real and serious liability for women domestic servants at this time, as they were judged fit to work in their employers' homes not only on the basis of their physical but also their moral condition. These early deports were judged unfit on an individual basis and treated as individual cases.

The second period, from 1906 to the beginning of the First World War, marked the introduction of modern deportation practices. The Department's work became specified in law and regulation, became systematised, and rationalised. The Department adopted a more aggressive approach and rather than act when an individual fell into its hands, it energetically constructed and operated a whole series of systems to search out, take into custody, and deport a number not just of individuals but of members of undesirable social groups: for instance, the insane, infected, diseased, mentally defective, and the unemployed. The tone evident in this period had become moral and at times punitive, in response to economic and social conditions producing large numbers of clients for the deportation services of the Department. Part of this moralism was aimed at blaming the deport for his or her dilemma: these people were public charges due to their laziness and bad character, therefore they should be punished for their misdeeds, not just given the reward of deportation home. This curiously old-fashioned tone contrasted strangely with the distinct modernism of the way the Department was beginning to organize and carry out much of its work. It seems likely that part of the explanation for the overt intrusion of moralism into the work of the Department was due to the cost argument: the Department needed to prove that 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 of deportation as possible. The public purse was a notably important consideration here, as well as the public health, and the public morals. The Department appeared to have considered itself responsible for the protection of all three. In order to safeguard the country, the Department stretched, ignored, and sometimes violated its own rules. As the laws and regulations had become increasingly complicated, the procedures laid out for the Department to follow had become more minutely defined. The Department did not follow what might be called legal niceties in numerous cases, and its gradual and piecemeal reforms in these particular areas were often due to painful, if infrequent, experiences in the courts: losing deports on Habeas Corpus writs and the like. The common response of the Department in these cases was to tighten up the procedures when it had to, and try to get the law amended to legalise what it had already been doing.

The war period, from 1914 to the very early 1920's was characterised first of all by a sharp curtailment in the numbers of deportations carried out, and secondly by a sharp increase in the intensity of the deportation work that was carried out. Between these years the head office in Ottawa devoted a good deal of attention to instructing the local offices in how to build a tight case for each deportation,

a case that could stand up to challenges from the courts, from the transportation companies, from foreign governments, or from interest groups in Canada. 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. The interned enemy alien category, for instance, 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 not legally deportable. This was especially true for radicals and agitators. This emphasis on the politically unfit was strengthened during the War but was based on the social and economic consequences of the industrial revolution in Canada. This experience with the potential of deportation as a method of social and political control would be the basis for overt and systematic political deportations, both in the late teens and early to mid-1920's, and in the 1930's, when they would reach another peak with the court prosecution of communists by the Department of Immigration.

REFERENCES

- 1 PAC, Record Group 76, File 837, revealingly titled "Pauper, insane and otherwise undesirable immigrants to be returned"; Department to Canadian Pacific Railway Agent McNicholl, 9 March 1895.
- 2 Ibid., passim.
- 3 Ibid., see correspondence Autumn, 1894.
- 4 Ibid., Memo, no date, February 1894.
- 5 Ibid., See correspondence from Montreal Immigration Hoolahan, concerning the Lea Family. Mr. Lea finally got a job as a printer at the Montreal Gazette at a wage of \$10. per week. Hoolahan had sheltered them in the Agency and advanced the family \$5., before Mr. Lea became employed; passim, Autumn, 1894.
- 6 Ibid., See correspondence passim, Summer 1895.
- 7 Ibid., CPR Agent McNicholl to Department, 9 March 1895. The unfortunate Dane was eventually sent home at CPR expense, after the government brought persuasion to bear. See Ibid., 12 March 1895.
- 8 Ibid., See 10 March 1896, Cloutier to Dominion Lands Secretary, concerning arrangements for the care of Louis Rauserot.
- 9 Ibid., Montreal Agent to Ottawa, 10 August 1903.
- 10 Ibid., See correspondence, Hoolahan to Ottawa, passim, October 1903.
- 11 Ibid., Hoolahan, 7 November 1903.
- 12 Ibid., Ottawa to Hoolahan, 22 November 1903.
- 13 Ibid., Hoolahan to Ottawa, 3 December 1903.

¹⁴ See B.A. Roberts, "A work of Empire: Canadian reformers and British female immigration" in L. Kealey, ed., A not unreasonable claim: women and reform in Canada, 1880's-1920's, Toronto, Women's Press, 1979; "A limited partnership: Canadian immigrationist reformers, big business and the State, 1880-1920", Women's Studies International Quarterly, forthcoming, (1980), "Sex, politics and religion: controversies in female immigration work in Montreal, 1880-1920", Atlantis, A journal of Women's Studies, forthcoming, 1980.

¹⁵ See G. Nicholls, A history of the Irish Poor Law, New York, Augustus Kelley, 1967 (London, J. Murray 1856): As part of provisions added in 1715 to assist servants to collect wages owed them, servants were required upon leaving a position to obtain a certificate attesting to their good character. Such a certificate was supposed to be necessary to get another job. It came to be called simply a "character". Deportation; provided for in the 1662 Act of Settlement was called "removal", and usually consisted of physically removing a person from the parish in which he or she happened to be, in order to avoid giving relief. This was based on a right of "settlement", more or less akin to domicile or citizenship, that entitled an individual to relief. "Removing" indigent pregnant women when birth was imminent was common, because children had "settlement" by birth. On this see Dorothy Marshall, The English Poor in the Eighteenth Century, London, Routledge and Kegan Paul, 1969 (1926), pp. 212-3.

¹⁶ See B.A. Roberts, "A limited partnership", Ibid., on female wages. See also Women at Work, Ontario, 1850-1930, Toronto, Women's Press, 1974.

¹⁷ File 563236, Bryce to Medical Superintendents of Asylums, 4 October 1906.

¹⁸ Ibid., Bryce to Southworth, Director of Colonisation for Ontario, 4 October 1906.

¹⁹ Ibid., 25 October 1906.

²⁰ File 567097, Scott to Blanchet, 11 October 1906.

²¹ Ibid., Blanchet to Scott, 15 October 1906.

- 22 Ibid., Memo, 16 October 1906.
- 23 Ibid., Scott to all Wardens etc., 16 October 1906.
- 24 File 563236, passim - See for example Ontario Inspector of Asylums and Prisons, Armstrong to Bryce, advocating rounding up inmates and shipping them back in a group. The problem was to assure their reception on the other side. This sort of thing was commonly done by New York State, according to Armstrong, 23 November 1906. See also Armstrong's letters of 1 May 1907, and Dr. Clarke's letters of 11 May 1907 and 23 March 1908. Dr. Clarke was head of the Toronto Asylum.
- 25 Ibid., Clarke to Scott, 23 March 1908. Dr. Clarke wanted to deport British inmates who had gained Canadian citizenship by many years of residence in Canada. This was not legal in 1908, although it soon would be. See also Bryce's lengthy discussions in his Annual Reports, in the Annual Reports of the Department.
- 26 File 563236, Scott to Southworth, 7 November 1906.
- 27 Ibid., Scott to Warden of Dorchester Penitentiary, 7 November 1906.
- 28 Ibid., Scott to Provincial Governments, 17 November 1906.
- 29 Ibid., Scott to Premier of Saskatchewan, 20 November 1906.
- 30 Ibid., Scott to Provincial Secretary of Quebec, 14 September 1908.
- 31 Ibid., Blanchet to Scott, 19 September 1908.
- 32 Ibid., Scott to Southworth, Ontario Director of Colonization, 7 October 1908.
- 33 Ibid., Scott to R.H. Lane, Secretary of Charity Organization Society, Montreal, 1 October 1908.

- 34 Ibid., Scott to R.H. Lane, 12 October 1908.
- 35 Ibid., Scott to Mayor of Englehart, Ontario, Dr. R.C. Lowney, 13 October 1908.
- 36 Ibid.
- 37 Ibid., Scott to City Clerk of Toronto, 30 October 1908.
- 38 Ibid., Scott to Montreal Agent Hoolahan, 30 October 1908.
- 39 Ibid., Scott to Lane, Charity Organization Society, Montreal, 6 November 1908.
- 40 Ibid., Scott to Town Clerk of Deseronto, Ontario, 16 November 1908.
- 41 Ibid., Scott to Alfred Coyell, Relief Officer of the City of Toronto, 19 June 1913.
- 42 Michael Piva, The Condition of the Working Class in Toronto, 1900-1921. University of Ottawa Press, Ottawa, 1979. See pp. 66-7, on the 1908 and 1913 depressions.
- 43 File 837, Ottawa to CPR Agent McNicholl, 9 March 1895.
- 44 Piva, Ibid., p. 67.
- 45 File 563236, Scott to Winnipeg Commissioner of Immigration, 17 March 1908.
- 46 Ibid., Scott to various municipalities, for example, 16 November 1908.
- 47 Ibid., Memo, "Minister's ruling concerning undesirables in the different towns and cities", 30 December 1908.
- 48 Ibid., Scott to Lane, Charity Organization Society, 22 January 1909.

- 49 Ibid., Numerous memos, passim, February 1909.
- 50 Ibid., Scott to Agents, 12 June 1908.
- 51 Ibid., Deputy Minister of Justice to Scott, 3 June 1908.
- 52 Ibid., Ottawa to Winnipeg, 7 May 1908. "Smoothly" meant no official or public outcry would be raised, on either side of the Atlantic.
- 53 Ibid., Assistant Superintendent of Immigration to Deputy Minister of Justice, 26 November 1913.
- 54 Ibid., Scott to Edmonton Agent Clegg, 15 April 1914.
- 55 Ibid.
- 56 Ibid., Scott to Medical Superintendent of Battleford Asylum, 27 April 1914.
- 57 Ibid., Memo, 7 March 1913.
- 58 Ibid., See for instance the "Report of the Interview with Robert Rogers" (then Minister), Inspector of Prisons and Public Charities for Ontario to Scott, 8 October 1913.
- 59 Ibid., MacGill to Scott, 6 October 1911. MacGill shortly thereafter left the Department.
- 60 Ibid., 25 October 1911.
- 61 Ibid., Vancouver Agent Malcolm Reid to Scott, 9 June 1912.
- 62 Ibid., Scott to Reid, 22 June 1912.
- 63 See for example, File 961162, Secretary Blair to Agent, 18 December 1919, concerning suspect Nicholas Babyn. Blair noted that Babyn was registered as an Austrian. If he had been interned he would have been very easy to deport,

"as a matter of course and without any further examination or difficulty". Babyn was an OBU sympathiser. Blair suggested attempting to deport him under Section 41, but was afraid that Babyn might be "prepared to fight for his supposed principles." The Department was not eager to be "in the position of having to put a man on the witness stand without first being able to establish that we have a case against him" under Section 41. Because he was domiciled, deportation for other causes (such as criminal conviction) was not possible. Concluded Blair, "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." Or see Ibid., memo regarding "Minister's comments on examinations of aliens under Section 41," 27 April 1920. Else Saborecki was a German national, who arrived here 1 June 1914. She was "associating with enemy subjects", was a Communist Party member, a "revolutionist of a pronounced type". Her deportation was ordered under Section 41 but not carried out since she could't be sent to Germany during the War. She was interned and "repatriated" as a "prisoner of War" on 27 February 1920. See also Donald Avery, "Continental European immigrant workers in Canada, 1896-1919: from "stalwart peasants" to radical proletariat", Canadian Review of Sociology and Anthropology, Vol. 12, 1975, pp. 60-4.

64 File 803230, Winnipeg Commissioner of Immigration to Scott, 18 September 1914.

65 Ibid., Scott to Winnipeg, 15 September 1914.

66 File 563236, Assistant Superintendent of Immigration Robertson to Department Officers, 11 September 1914.

67 Ibid., Scott to Winnipeg Office, 6 October 1914.

68 Ibid., Scott to Deputy Minister of Justice, 28 October 1914.

69 Ibid., Scott to heads of institutions, etc. May 1, 1915

70 Ibid., Scott to Belleville Ontario City Clerk, 24 March 1915.

71 Ibid., Scott to Mssrs. Smoke and Sanders, Paris, Ontario, 26 May 1915.

- 72 Ibid., Winnipeg Office to Scott, 8 January 1917.
- 73 Ibid., Scott to Windsor Ontario, Inspector, 13 July 1917.
- 74 Ibid., Windsor to Scott, 18 July 1917.
- 75 Ibid., Scott to Inspector of Prisons and Public Charities for Ontario, 5 November 1915; copies to other municipalities and institutions.
- 77 Ibid., Scott to Inspector of Prisons and Public Charities for Ontario, 20 February 1918.
- 78 Ibid., 5 July 1919.
- 79 Desmond Morton, "Sir William Otter and internment operations in Canada during the First World War", Canadian Historical Review, March 1974, p. 34.
- 80 Ibid.
- 81 Ibid., p. 47.
- 82 Ibid., p. 48.
- 83 Ibid., p. 58.
- 84 File 563236, Deputy Minister of Justice to Scott, 21 July 1919. See also footnote 63 above.
- 85 Ibid., Scott to Fred Wilson, New Liskeard, Ontario, 7 March 1916.
- 86 File 912971, Scott to Lt. Colonel MacPherson, Internment Operations Office, Ottawa, 21 November 1916.
- 87 Ibid., Scott to Director of Internment Operations, 26 November 1918. See also Desmond Morton, "Sir William Otter...", Ibid.

88 File 912971, Director of Internment Operations to Scott, 26 November 1918.

89 Ibid., Director of Internment Operations to Scott, 6 February 1918.

90 Ibid., Privy Council of Canada Report, 23 January 1919.

91 Ibid., Scott to Director of Internment Operations, 25 April 1919.

92 Ibid., Scott to Director of Internment Operations, 7 May 1919; Director to Scott, 16 May 1919.

93 Ibid., Scott to Director of Internment Operations, 15 May 1919.

94 Ibid., Scott to Director of Internment Operations, 17 May 1919.

95 Ibid., Scott to Director of Internment Operations, 16 May 1919.

96 File 563236, Deputy Minister of Justice to Blair, 12 October 1919.

97 File 912971. See for example Scott to Director of Internment Operations, 26 August 1919.

98 Ibid., Superintendent of Verdun Asylum to Secretary of Immigration, 17 November 1919.

99 On using wartime conditions to get rid of agitators, see Secretary Blair to Commandant of the Vernon Internment Camp, 11 October 1919, Ibid.

CANADA'S "RED" PURGE:

POLITICAL DEPORTATIONS DURING AND AFTER WORLD WAR I

The Department moved into a new phase of deportation work in the latter stage of the War, with the deliberate and systematic deportation of agitators, activists and radicals. In some instances, these were people who had not done anything illegal, but were considered undesirable on the basis of their political beliefs and activities. The threat they posed was not to the people of Canada, but to the vested interests such as big business, exploitative employers, and a government acting on behalf of interest groups. These represented a new target group for deportation; before, they had been got rid of on an individual basis when possible, but by this period they were dealt with as a group. Looking at the practices of the Department in this period gives insight into the question of what the Department did when there was no legal basis for the alleged undesirability of a group such as this. It is important to emphasise that these people (who shall be referred to interchangeably as agitators or members of the Industrial Workers of the World although the group included radicals and activists in general) were designated as undesirable not by legislation (as were for example, immigrants with tuberculosis or venereal disease), but by employer blacklists and complaints, by the surveillance networks of the industrial and Dominion police, the RNWMP and

U.S. intelligence, as well as by a certain anti-labour "agitator" tradition in immigration policy. Before the Wobs (as they were called) were proscribed by an Order-in-council passed under the War Measures Act, they were not an illegal organization in Canada. From 1918 to 1922, they (as well as over twenty other radical groups) were illegal; after the end of 1922 they were legal again, when the Justice Department ruled there was nothing in the constitution of the IWW that was contrary to the provisions of the Immigration Act. In other words, before and after 1918-1922, the Wobblies could not legally have been excluded or deported because they were Wobblies. In fact, they were. In some cases, there were clear illegalities involved, but in other cases, while the real reason for exclusion or deportation was being an I W W member, the nominal legal cause was criminality, for instance, or becoming a public charge, or illegal entry. Thus in some cases the Department satisfied the letter of the law, while it was violating the spirit of the law. In these circumstances, very careful attention to the thorough preparation of cases was of course necessary. Thus, in order to justify what were shady, unfair, if not illegal practices, the Department's documentation of its work became ever more complete and precise, and at the same time, in a sense more misleading. Legal reasons were sought that approximated the facts of the case, and the case was carefully made to fit the

nominal legal causes for deportation. This was active deportation work carried out to a level of thoroughness that would not be exceeded until the police raids on communists in the early 1930's.

Although the Department did try to deport prominent radicals such as Emma Goldman in 1908,¹ and it seems likely that some of the deportations of East Indians from B.C. in this period were connected with alleged radical or seditious activity, the rise of Departmental concern over agitators paralleled nicely the rise of organizing drives and strikes in Canada by IWW members or other labour radicals. References in the files to the problems of getting rid of "agitators" appeared regularly by 1912. The Vancouver Agent for example complained that some of the immigrants the Department had arrested (after the local police had failed to get convictions for vagrancy) were getting lawyers and fighting deportation.² It was in 1912 that the IWW led a major strike in British Columbia railway construction. The strike was multi-ethnic, well organized, and successful enough to upset employers and politicians more than usual. They demanded that Wobblies and their ilk be deported on account of these activities.³

In theory this was not so difficult, as many of these Wobblies were from the United States. Labour organizers and strikers were notoriously liable to arrest or charges of vagrancy or rioting or assault, because no matter what the law said, striking was regarded by employers and local interests

and often by local police as an activity that should be treated as if it were illegal, as well as reprehensible and immoral. Yet the actual illegality of the IWW, and of labour organizing, was not so much a fact as it was wishful thinking. For example, the Department of Justice ruled in 1913 that there was not "anything in the Immigration Act which would justify refusing them admission to the country on the grounds of their being labour agitators".⁴

These legal niceties crumbled under the wave of anti-radical hostility that became conveniently and inextricably mingled with anti-alien feeling by 1918. There were in effect three currents of repression that came together: attempts to suppress enemy aliens, who might threaten the war effort; to suppress labour agitators who were blamed for growing labour unrest and militancy as workers got fed up with their increased exploitation during the war under the guise of the war effort; and finally, attempts to suppress foreign radicals, bolsheviks, or whatever the current bogey was called.⁵ This is not to say that there were not real threats in the existence and activities of each group; there probably were. But the point is that it was very convenient for employers and the government to see labour unrest, the growth of political and social radicalism, and the increase in militancy in general as an expression of the influence of dangerous aliens rather than as a response by Canadians to Canadian conditions. From this, "it was a simple step" for those who believed that labour

unrest was due to foreign agitation, "to proclaim that all strikes were treasonous".⁶ Harsh actions however repressive, taken against the treasonous in wartime can be justified by referring to the exigencies of national survival. Actions taken against the potentially treasonous were in the same category, justifiable in the hope of nipping treason in the bud before it flowered in a permissive atmosphere. As Laine has pointed out in connection with the Finns, "the repressive measures and oppressive tactics of the Government...were designed to keep the Finnish radicals and their comrades in their place".⁷ Laine has commented that the government used tactics against socialists and other dissidents that would not have been tolerated if used against the general public.⁸ Yet the government had traditionally used similar tactics against one segment of that general public: the immigrants. What the government did to certain groups of immigrants during the War - to enemy aliens and dissenters, to paraphrase the title of American historian William Preston's study of similar repression in the United States in this period⁹ - was different in degree rather than in kind, to what it had done to certain individual immigrants, before the War.

The question of what the general public would tolerate is a difficult one, in connection with deportation. Because public charge deportations, statistically the most numerous legal cause, originated in complaints by municipal officials,

it is clear that there was little resistance from municipal officials to the deportation of public charges, most of the time, as long as the procedures were carried out properly. Because deportation hearings were closed administrative affairs, the general public knew little of them anyway. Anyone asking would get government propoganda from all save left groups. Even supposing that the general public might react negatively to deportation, especially deportation of dissenters, if it knew the whole story, is not credible, because what made it possible for the government to carry out its programme of repression was the "Red Scare" climate based on anti-Red hysteria stirred up by employers and the government and the press, but shared by everyday people. If by the general public is meant everybody except trade union activists, leftists and reformers, and most recent immigrants, the general public seemed not to have cared very much what the government did to the excluded. Perhaps another factor in this question was the nature of the anti-Red repression in Canada. Unlike in the U.S.A. where there was a good deal of individual, private anti-radical action (by organizations like the Klan), in Canada,

the campaign against radicalism and Bolshevism was initiated, orchestrated, and executed by the federal government according to the laws on the books, or created especially for that purpose. 10

Despite the fact that "very few of the groups kept under government surveillance were actually illegal", even under Section 98 of the Criminal Code,¹¹ the claim has been made that the government "never exceeded its legal authority" in repressing the radicals, "because it did not have to."¹² Even the Immigration Department did not exceed its legal limits, it has been claimed, although certain parts of the Immigration Act and certain procedures of the Department were in "violation of the spirit of common justice."¹³

This impression, based on claims made by the Department, is false. The Department did indeed exceed its strictly legal authority, despite the sweeping powers it had to act against aliens and radicals during the war.

The campaign against the Wobblies was in full swing by 1917. In response to pleas from various sources to keep the IWW out of Canada, the Department had stepped up its inspections, patrolled usually isolated and unguarded border areas, and toughened up inspections of incoming immigrants to try to find IWW members among them.¹⁴ The Department responded with reassurance to outsiders' requests for IWW alerts. Technically, it explained, the Immigration Act did not give it the legal authority to deal with IWW entry attempts, because the "fact that a man belongs to the IWW is not in itself sufficient" to exclude or deport him.

However there are usually other features connected with the majority of these cases which enable us to deal with them and you may rest assured that the Department is alive to the importance of the situation. 15

The Department was firmly on the side of those who opposed the Wobblies: "I have no sympathy with the IWW movement" explained Superintendent Scott to an American anti-radical group.¹⁶

Requests for action against the IWW came from the private sector, and from within the government when officials acted in response to appeals from employers and employers' groups. For instance, the Minister of Labour forwarded letters from Canadian corporations requesting suppression of the IWW, and asked Immigration to cooperate. Moreover, he forwarded such requests to the Prime Minister and asked him to get the RCMP to help out.¹⁷ The reply to this particular request revealed something about the duration of the anti-radical work of the Department, as well as something about its methods:

For some time past -in fact for years- our officers have been alive to the danger of the IWW movement... Although it may not always be possible to reject one of these men solely on the ground that he is a member of that organization, yet, there are usually other circumstances...and our inspectors are, as a rule, very careful to do this. 18

In another instance, Scott assured the Minister of Labour, "I do not think that any of our men would knowingly permit a member of the IWW to enter, if there is any way by which he can be rejected."¹⁹

From the U.S. authorities warnings came also. In one instance, the FBI told the U.S. Immigration Inspector at an Idaho port to warn his Canadian counterpart of the entry into Canada of a German IWW leader, for the purpose of labour agitation and perhaps for other reasons. The man was supposed to be German-born and a naturalized U.S. citizen. "Although either of these statements may be wrong", said the FBI, "he is certainly of German extraction and is a good man to watch."²⁰ The Department replied,

I do not know whether it will be possible to reach Lintz under the Immigration Act but I would suggest a real effort in that direction. His name is in itself sufficient cause to pick him up for examination as a suspected enemy subject.

Scott told the Canadian inspector to detain the man if he could not prove U.S. citizenship. The U.S. at that time regarded any male aged 14 years and older who was not a naturalized U.S. citizen, as an enemy subject, regardless of his other citizenship. "A similar interpretation on our part might be useful in a case like this," if it were possible. "However, there may be something connected with the manner of his entry, possibly under Subsection 10 of Section 33, which will enable you to deal with him," advised Superintendent Scott.²¹ The warning against Lintz set off a manhunt by the police, and the Commissioner of Immigration at Winnipeg echoed the determination of his superiors at Ottawa in promising to deal with Lintz.

"As soon as he has been located I shall doubtless find some means of sending him back to whence he came."²²

Unhappily for the forces of law and order, despite an intensive investigation that included the use of an undercover agent who tailed Lintz for weeks, illegally opened Lintz' mail,²³ nothing could be found against him before he left legally after several months. Lintz had been carefully shadowed, reported the Mounties, and although he was a "noisy and extreme socialist," there was no evidence he was a member of the IWW, nor had he organized for the Wobblies in Canada.²⁴

This failure to "get" anything on a man considered undesirable for political reasons was irksome to the Department. There were other such cases, often frustrating. The Immigration Commissioner at Winnipeg appealed for more power in August 1917. He wanted to be able to take some other course of action than to go through the legal channels of deportation. He had already carried out several arrests, prosecutions and deportations of Wobblies, and felt that while normally deportation would be adequate, it was not enough to deal with such "considerable numbers". He feared that several of these deports had written to invite all their friends to come to Canada and make trouble. "When they are known, it is easy of course to reject them" but that was possible only when they were spotted. Winnipeg wanted simply to hand over Wobblies caught in Canada to the U.S., without

going through the legal procedures of deportation.²⁵

Scott refused to countenance such an overt informal arrangement, because there was no legal machinery to "order these deportations in a peremptory manner." Instead, he suggested that Winnipeg continue to use the "strongest endeavours" to keep out the Wobblies, and

to arrange for the arrest by our own officers or by the police of any admitted who in anyway lay themselves open to arrest, even though their breaches of the law be technical rather than serious.²⁶

This was more or less what Winnipeg had been doing. Some cases were easier to arrange than others. For instance, Winnipeg described to Ottawa the arrest of one John Keeting, who had "created an agitation and a disturbance by openly advocating the views of the IWW" while riding on a train. "I had this man arrested" and tried for deportation under Section 41 of the Immigration Act, "relying particularly on these words: 'or shall by word or act create or attempt to create riot or public disorder in Canada...'" The tactic was successful; Keeting was found guilty, fined, and imprisoned, and thus was deported.²⁷ This action was at least based on some case in law, however farfetched the interpretation of that law. Others were even less substantial, although equally successful. RCMP and Department of Immigration officers arrested those members of the IWW who got in to Canada, and the Department brought charges against them.

While our legal action in these cases has not rested upon a very solid foundation, yet we have prevented any serious numbers of the members of this organization from entering...and so have been able to control the action of those who have succeeded in getting through. 28

Other actions of the Department were also questionable to say the least. In one instance, the Vancouver Inspector found two men and a woman, all Canadians, selling left literature and newspapers, including the IWW newspaper. The Agent explained that since at the present time such literature was "coming in through the mails...and is being sold on the newstands" all quite legally, and since he could do nothing under the Immigration Act, because they were Canadians, he had let them go. But what he did after that was to inform local officials that these three were agitators, so that as they approached company towns by boat, they would not be permitted to land.²⁹

There was not always anything that the Department could do about particular cases, as for instance in the cases of Ernest Lindberg. He had been arrested for vagrancy in Vancouver; the Agent wanted to deport him but Lindberg claimed to have been legally landed and domiciled.³⁰ When this claim was confirmed and because of his eight years residence he could not be deported, the Vancouver office wired profound regret that they could take no action. "On account of this man's IWW activities, his deportation if it

could have been affected would be very satisfactory to authorities here."³¹ By the fall of 1918 Scott was trying to get some kind of regulation in effect that would "give us a ready means of dealing with these people."³² Scott had written to the Department of Justice to explain his problem. He had referred to reports received from the Department of Defence and other sources, outlining the extent of IWW and other labour activities, and referred to the evidence including "correspondence (intercepted, no doubt) between agents of the IWW in Chicago, and persons in Vancouver" that indicated the IWW was a national problem. "Judging by the names on the list, most of the members in British Columbia are of foreign birth or origin." He also compared the "stringent measures being taken in the United States for the suppression of the IWW", in contrast to his own relative helplessness. There was an "urgent need" now for some regulation to deal with the IWW under the Immigration Act, Scott argued. There was at present no legal power to exclude the IWW, except to reject them as liable to become public charges, "which in many instances is rather far fetched." However, under Section 38 of the current Immigration Act, the Governor General had the power to prohibit the landing of immigrants of any class. Scott wanted a ruling from Justice on whether the IWW could properly be "designated as a class."³³ In fact, Justice was at this

time considering repressive legislation to take care of the IWW and "people of this sort."³⁴ PC 2381 banning enemy alien languages was passed 25 September 1918: this was aimed at the suppression of union and radical literature.³⁵ PC 2384 passed 28 September 1918 outlawed fourteen radical groups³⁶ including the IWW, various "revolutionary" and "social democratic" groups, most of whom were not English or French speaking.³⁷ Subsequent Orders-in-council went further: PC 2525, in effect 11 October 1918 until 19 November 1918, banned strikes and lockouts, and established fines and imprisonment for a variety of activities connected with industrial disputes.³⁸ Copies of these Orders-in-council were sent by the Chief Commissioner of Dominion Police Sherwood to Scott, for distribution to all Immigration officials. These orders were for the purpose of "stamping out unlawful associations and putting a stop to the seditious ravings of members of these Organizations" and excluding their "vile seditious literature."³⁹ PC 2384 was rescinded by an Order-in-council, 2 April 1919, and after the latter date the RCMP could no longer prosecute anyone for the possession of IWW literature.⁴⁰ Prosecution would be possible under amendments to the Criminal Code⁴¹ passed 6 June 1919, permitting not only prosecution, imprisonment and deportation for possession of such literature, but repealing the right of free speech and making membership

in a "subversive" group a crime; the penalty for which could be deportation or up to 20 years imprisonment for "sedition."⁴²

In this increasing persecution of radicals and "subversive" elements, Canada was following a path well tread by the United States. This was not the result of coincidence, or even simply of the two countries choosing similar responses to similar problems, but rather a coordinated effort. Canadian officials were in touch with their American counterparts and each warned the other of radical incursions, real or imagined. The legislation of each country had similar provisions: a Section of the U.S. 1917 Immigration Act plus a special Immigration Act of 16 October 1918, were "very much along the line of Section 41 of our own Act." The U.S. and Canadian Acts had much the same "flaws", from the point of view of deporting subversives, and so in the U.S. "a considerable number of alleged anarchists were arrested and deported during the year on grounds other than the charge of anarchy", just as radicals were deported for grounds other than radicalism for Canada.⁴³ Gradually more formal lines of communication emerged, and by the end of 1919, the U.S. officially notified Canada of impending agitator entry attempts, and vice versa: the initiative in this formal arrangement was Canadian.⁴⁴ On the whole, Canadian officials seem to have been satisfied

with their own efforts in comparison with those of the U.S., one commenting

I think we have been more successful than the United States in handling the Bolshevik element so far: at least we have not yet had such an exhibition as is now going on at Ellis Island where a considerable number of the anarchist class are under arrest for examination and they refuse to be examined or to give any information about themselves. 45

The fiasco at Ellis Island was the result of the policy of mass raids and lockups of radicals by the U.S. Immigration authorities. The radicals, after coaching by competent lawyers, had begun to fight back by refusing to give any information or respond to any questions and thus the authorities could not deport them for lack of evidence. The American authorities were a laughingstock at the time. They responded by changing the regulations to remove the right to counsel before questioning. The credibility and integrity of the U.S. Immigration Department had already been damaged.⁴⁶ However, the occasional American farce did not prevent Canadian officials from following with interest American tactics and attempting to winnow useful techniques from U.S. successes. One such attempt concerned the sailing of 248 deports from New York in December 1919. Secretary Blair wrote to the American Commissioner of Immigration, referring to press reports of these deportations of "anarchists, communists, extremists...on account of their

opposition to law and order", wanting to know how the U.S. had carried it off, particularly how they had got rid of the Russians.

We have not so far been able to get rid of our undesirables of this class, particularly those of Russian nationality, while we have not anything like the number...we would like to get rid of those we have. 47

In fact, under the conditions of war, there were several alternative methods of procedure open to the Department. If the prospective deport were of enemy alien origin an easy solution was to have the person interned, in which case the deportation could be carried out "as a matter of course and without any further examination or difficulty."⁴⁸ If an alien were caught with any type of arms, he or she could be convicted of breaking regulations about the behaviour of aliens, and thus deported automatically under Section 40, if domicile had not already been established. Pulling someone in to be examined under Section 41 for political "crimes" was risky because if they were not members of a proscribed organization but rather a borderline one, or if they attempted to defend themselves, the Department might find itself in an embarrassing position "of having to put a man on the witness stand without first being able to establish that we have a case against him." Still, in the case of someone of enemy alien origin, "if

it is desired to get rid of him", there was one guaranteed method: "the best plan is to have him interned, and then his deportation is very simple."⁴⁹ After June 1919, there was another possibility offered by the infamous amendment to Section 41, which defined anyone interested in overthrowing organized governments, either in the Empire (at the provincial level in Canada, too) or in general, or in destroying property or promoting riot or public disorder, or belonging to a secret organization trying to control people by threat or blackmail, as a prohibited immigrant and thus could not be legally landed in Canada. If someone fell under this Section at any time after 4 May 1910, "this constitutes evidence that he is still a member of the prohibited classes", even if this person were not at present doing anything prohibited.⁵⁰ The only exception to this was someone who was a Canadian citizen by birth in Canada or by naturalization in Canada; of course, British immigrants could not be naturalized so they were subject to this amendment, which caused much outrage.

The Department had a curious blind spot about British born radicals. Its officials made statements such as "so far as my experience goes, British born subjects do not generally side with the classes opposed to constituted authority",⁵¹ yet the June 1919 change was aimed at getting rid of British agitators, particularly those leading

the Winnipeg General Strike, although it was not successfully used in the Winnipeg cases,⁵² nor, if the Department were to be believed (and on this it should not), in other instances.⁵³ Moreover, provisions added at about the same time provided for "denaturalization" so that naturalized citizens could similarly be deported.⁵⁴ Although denaturalization was possible, it was not as simple as avoiding giving citizenship to radicals in the first place. The Department urged caution, "with the number of Reds floating about this country, many of whom should be picked up and deported..."⁵⁵

Into 1920, the Department continued to respond to the alarms of the police, the RCMP, employers, and American officials about expected incursions of "Reds" into Canada, continued to reinforce inspections and border patrols, and to send investigators from the Department into reputed trouble spots to see if there were any deportables there. In short, it was repression as usual. Yet by this time there was a difference: the beginnings of protest against continuing wartime measures to suppress dissent had appeared in the press and elsewhere. The response of the Department to this protest was not sympathetic. The Winnipeg Free Press on 6 January 1920 ran an editorial opposing these measures as arbitrary violations of the right to read and think as one pleased, and so on. The Commissioner of Immigration at

Winnipeg sent the clipping to Ottawa with the comment that "It contains rather some very hot stuff."⁵⁶ Secretary Blair commented rather resignedly, "I am afraid there is a somewhat widespread disposition on the part of the public to discount the need of any further steps to control the element which has revolutionary tendencies."⁵⁷ It was not just the press who were becoming skeptical. A wide spread campaign by organized labour bore fruit at this time as well. The Department received dozens of cards urging repeal of the 1919 Amendments which were a "menace to the freedom of workers" in Canada. The cards gave the numbers of Union Locals, and were signed by members of the executive, usually the President and Secretary.⁵⁸


The ideas of the public had little influence on the activities of the Department. The "Red" purge was at its height in the U.S., Canadian officials still believed there was a menace, and the Department of Immigration continued to behave as if its duty lay in ridding the country of foreign agitators. That the U.S. situation continued to influence the Canadian was clear. For instance, Canadian Travelling Immigration Inspectors were given copies of a list of questions used by the U.S. Department of Justice to interrogate their "Red Raid" prisoners, and were told to use this list as a guide to interrogate suspected "Reds" in Canada. The list included questions not only about place of birth,

name, employment, citizenship, date and mode of arrival, but questions concerning the affiliation with the Communist Party*, names of others so affiliated, knowledge of the by-laws; affiliation with other so called communist organizations (and names of others also involved), and knowledge of the by-laws of these organizations, as well as a series of questions to establish deportability on other political grounds: belief in the overthrow "of any government" by force or violence? in killing public officials? in revolution? anarchy? and so on.⁵⁹

A glance at six cases chosen at random from the "agitators" file of the Department, gives an idea of the kind of actions being taken at this time. There was, for instance, Anna Kanasto, who entered by misrepresentation (translation: probably lied about her political ideas and intended activities in Canada, and possibly about her intended length of stay or reason for entry), did not report for inspection when became an immigrant (translation: probably did not go back to the Department when her legal status changed, but since this was a status assigned by the Department and the particulars would have been technical violations of Department procedures, she may not have known her status had changed) and spoke as an organizer for the Finnish Social Democratic Party, and thus came under Section 41 (translation: this was the real charge: her political acti-

* hereafter CP

vities made her deportable as a radical). Romeo Albo died in hospital during the investigation. Else Saborceki was a German national who had arrived 1 June 1914, and during the War had been associated with enemy subjects (this could mean as friends or acquaintances or even as family, or it could mean publicly or politically: any of these would do); she was a Communist Party member, a "revolutionist of a pronounced type" (this was the real charge). Her deportation had been ordered but could not be done during the War, so she had been interned and "repatriated" as a "prisoner of war" 27 February 1920. David Hirschfield, a Russian, had been a "tool of others", and after two months in jail he had been brought to his senses, according to the Department. He had been ordered deported, but this was not done because of problems getting his passport. He had been released on \$1000 bond until the paperwork for deportation could be done. LB Thorp was from Detroit, was alleged to be a member of the IWW and the CP Secretary in Detroit. His case was in progress at the time of the memo. Finally, there was Sava Elua, a Russian, arrested under Section 41 and sentenced to two months in jail for possession of forbidden literature. He had been examined for deportation while in prison by an immigration officer acting as a Board of Inquiry; this case too was in progress at the time of the memo.⁶⁰



There is a wealth of evidence that systematic persecution of aliens for their political beliefs and activities was part of the work of the Department during the period. Yet this was denied in response to a question in 1920, from the British Secretary of State for the Colonies, sent to the Governor General, concerning the alleged "persecution of Russians, in ... British Dominions, on account of their political views." The Department denied such persecution existed in Canada.

So far as I am aware there has been no persecution of Russian citizens in Canada. A number of Russians have been prosecuted for offences under the Immigration Act. Deportation has been ordered in a number of cases. We have 14 of these men detained at New Westminster, BC, pending arrangement being completed for their deportation to Russia . 61

Although the Department admitted to holding some Russians, at other times it had denied such detentions. In September 1919, the Port Arthur, Ontario, Trades and Labour Council had protested the deportation of Russian radicals and asked that these people be allowed to choose the Russian city to which they would be sent.⁶² The Director of Interment Operations responded to this request by writing to the Department of Justice that since there were no more Russians interned in Canada, no response was needed.⁶³ Yet other correspondence revealed that the Department of Immigration had a number of "undesirables and agitators", the majority of whom were des-

cribed as Russians, held under Section 41, awaiting deportation. Because the paperwork for Russia was hard to complete, some had been released on bail, others were kept in hospitals or asylums, and still others were imprisoned at Immigration Department Detention Hospitals at Vancouver, Winnipeg, and especially at Montreal. The Department did not want these "agitators" to mix with ordinary deports, and care of these political prisoners strained Department resources. The Department had requested the use of an internment camp and had been told by the Internment Operations Office that a camp was available. The strategy of the Department was to designate an internment camp as an "immigration station" within the meaning of the Immigration Act, thus making legal the use of an internment camp as a deportation detention centre in which "agitator" deports could be segregated from other prisoners.⁶⁴ After the Department of Justice verified the legality of this scheme, the designation was made,⁶⁵ and the Russian and other "agitators" became statistically and legally merely detainees for deportation for offences under the Immigration Act, rather than internees or prisoners.

The Department could then deny any political persecution of Russians, or whoever. Technically, this was true: radicals were prosecuted for violations of the Immigration

Act. The fact that certain political beliefs or activities were in contravention of the Act was not specified in the answer given in 1920 to the British Secretary of State. Although the answer was true, it was misleading. As long as the Immigration Act proscribed certain ideas then political deportations could be carried out perfectly openly, yet be covered up by their very legality.

And so they were, on into 1921.⁶⁶ Indeed there were indications that there may have been a movement within the Department to intensify the work of political deportation by increasing its effectiveness. The Winnipeg Agent suggested that the RCMP, who were currently used to help the Department trace and arrest violators, actually be made Immigration Agents so they could prosecute as well as arrest their victims.⁶⁷ The legal position of the Department became more difficult after the War Measures Act lapsed, because political deportations had been much easier under emergency wartime legislation. Moreover, in December 1922 the Department of Justice ruled that the IWW was not an illegal organization, because its constitution did not contravene the relevant section of the Immigration Act.⁶⁸ Yet undercover surveillance continued.⁶⁹ Despite the fact that Wobblies were neither legally excludable nor deportable as members of the IWW,⁷⁰ the Department continued to reject Wobblies at the border.⁷¹ That this was deliberate

is clear from the files of the Department. As the Agent at Winnipeg explained in 1923 to a subordinate:

Of course, if a man is known as an IWW agitator or organizer, our officers at the boundary would hesitate to admit him, and if such a man is found in Canada and comes before your notice, he could be treated under 33-7. 72

And even though the Department could no longer legally deal with the IWW as an organization⁷³

with individual cases we can deal, however, under the Immigration Act, and in the present circumstances... persons... should be held on reasonable suspicion of entering Canada by misrepresentation. No Boundary Inspector in my district would ever dream of admitting any IWW agitators or IWW organizer. 74

There was also a suggestion that the Department would have liked to go even further; in one instance, a Travelling Investigating Officer hesitated to take action against two IWW men, both Canadians (one by birth, one by long residence, although the latter who was British born, could have been deported under Section 41) apparently mainly because he feared the reaction of local supporters. "If I had attempted to take any high handed action", he reported, he was "afraid" that a situation "uncomfortable" for the Department would have resulted. He cautioned Winnipeg that these cases must be handled in a "very politic way" and the Department must be sure to have "very secure grounds before proceeding." This was disappointing, because the RCMP had been very eager

to get rid of these men, and could not prosecute them because they had not broken any laws. The Mounties relied on Immigration to take care of the matter, but the Department could not act against them on the basis of their IWW membership since the Justice ruling, according to the officer's report.⁷⁵ However, this situation was too difficult for legalistic manoeuvres: Ottawa ordered no further action taken.⁷⁶

Continued IWW activity in the West resulted in continued requests from employers for the government to do something to get rid of the radicals. In January 1924, for example, the Annual Meeting of the Mountain Lumber Manufacturers Association called on the government to "rid the country of agitators."⁷⁷ The Minister of Labour subsequently notified Immigration to keep out all agitators, and Immigration requested from the Association further information about aliens "advocating or participating in strike agitation among the lumber camps."⁷⁸ The Vancouver Board of Trade asked the Prime Minister to declare the IWW an illegal organization and wanted all IWW organizers deported and in future excluded.⁷⁹

Eventually there began to be some protest within the Department against the illegalities of the methods used by the Department to deal with the IWW. Officer Reid, a stickler for detail, discussed the problem with B.C. Immi-

gration Commissioner Joliffe:

As you are aware, we cannot exclude from Canada a member of the IWW solely because he is a member of that organization, and unless he is an idiot, insane person, criminal or diseased, we can only exclude him if, in the opinion of our officer, he is a person liable to become a public charge.... This has been done, I believe, in the past, but it is putting somewhat of a strain on the conscience of our officers.

One problem was that "in no case is there any danger of an IWW of any standing admitted to Canada for propoganda purposes liable to become a public charge" because such a person would have money from the organization and "he usually has brains enough to keep him from breaking any laws" while in Canada. This left officers on the line in an awkward situation. "Judging from the telegrams" and letters from Ottawa asking BC inspectors to keep out agitators, Reid believed "the situation is not clearly understood" in Ottawa. If it was intended to exclude members of the IWW from coming into Canada, then the law should be amended to exclude them for that reason. This was not a refusal on Reid's part to exclude Wobblies. On the contrary, he explained, "we are always willing to try to stop them from coming", yet he feared that present practices connected with deportations could not continue. "To pick them up and arrest and examine them" after they had been legally admitted would "only result in unfavourable criticism...and unless you instruct to the contrary, we will

not do so."80

This may have slowed down activity against the IWW but it did not stop it. Ottawa was conciliatory but did not back down. Explaining that

there has been...a considerable amount of industrial unrest...either started by or kept alive by agitators allegedly operating as IWW officers or delegates.... It is the desire of the Department that men of this type be carefully examined and the Act strictly applied.

What clearly was meant by "strictly applied" was using any technicality in the Act to keep them out. This was shown by the detailed instructions issued, including the admonition to use the "liable to become a public charge" category even if it were not necessarily because of unemployment, but perhaps "as a result of agitating and fomenting trouble in disturbed industrial areas", in other words if these men were fired or jailed as a result of their organizing activities. It was not necessary to violate conscience, because

it is not intended that our officers should be instructed to exclude members of the IWW (as such)... but it is of course intended that our officers shall intelligently apply the Act. 81

Reid continued to seek proper ways to deal with the IWW, writing weeks later that several IWW's had entered as tourists, and that if they took even a temporary job, then he would "have some ground on which to take proceedings against them", and asking Ottawa if their investigations had found cases

like this. Failing this, Reid said, "Under the regulations as they exist at present, I have no means by which I can effect the return of these men to the U.S."⁸²

The high point -or perhaps low point is more a propos-of the Department's persecution of Wobblies was the badly fumbled attempt to deport Sam Scarlett in 1924. The Department must share the credit for this bumbling with the Department of Justice, for the case rested on a tiny technical point of law, and Justice had badly advised Immigration. Vancouver had been concerned with Scarlett but hesitant to act without good grounds, and hence Ottawa wrote to Justice to ask if Scarlett were deportable under various sections of the Act.⁸³ Justice said yes, and a warrant was sent to Vancouver for Scarlett's arrest and examination.⁸⁴ Sam Scarlett was a 43 year old Scot who had first come to Canada in 1903, and entered the U.S. in 1904. In 1911 he became a member of the IWW. He was convicted of seditious conspiracy in a trial of dubious legality, at Chicago in August 1918, and sentenced to twenty years.⁸⁵ The sentence was commuted on the condition that he be deported, in January 1923. Deportation was carried out from New York in April of that year, and in August 1923 Scarlett legally entered Canada. He had come as a harvester, but took work as a machinist, claiming that he hit the Prairies between harvests and the shop

job came along while he was waiting for the next harvest to begin. Later he worked as an organizer in Vancouver where he was arrested.⁸⁶ After a hearing in which the Department tried unsuccessfully to show that Scarlett advocated violence and the destruction of property and did not believe in organized government (which would have brought him under Section 41), he was ordered deported under subsections (o), (r) and (s), Section 3, of the Immigration Act.⁸⁷ The case rested on the Department of Justice ruling that the latter two applied to Scarlett because he had been found guilty of conspiring against an allied government during the War, and had been deported from an allied country for this conspiracy. Therefore he was a prohibited immigrant and could not have legally landed when he entered in 1923.⁸⁸ It is unclear why subsection (o) was included in the deportation order, since Justice had ruled nearly two years earlier that the IWW did not come under this subsection.⁸⁹ However, the key points in his conviction were subsections (r) and (s), as otherwise he was not deportable.⁹⁰ Scarlett appealed his conviction, and his attorneys filed a brief arguing that neither the IWW nor Scarlett had advocated things illegal under the Act. The brief did not touch upon what was to be revealed as the real flaw in the case.⁹¹ The

problem was, as the Department discovered when it asked advice from Justice about the appeal,⁹² that the U.S. had not been an ally of Canada during the War, but rather an "associated power."⁹³ The case of the Department collapsed, and Secretary Blair noted, "In view of this we must sustain the appeal."⁹⁴

Blair may have been relieved. He had expressed qualms about the case: "I think it would have been better if we had not started this at all", he said, "because these upheavals usually do more to spread fire than to quench it."⁹⁵ The upheavals to which Blair referred were a series of protests and demonstrations, well observed by RCMP. They reported that the IWW did not expect to be able to halt the deportation, but were determined to try to use it to promote the movement.⁹⁶ The Department had received telegrams from the executives of a wide variety of BC unions, and other labour organizations, as well as from a BC MLA.⁹⁷ As well, in September it received dozens of letter from concerned individuals and organizations.⁹⁸ The long (and sometimes successful) campaign by the Department to suppress agitators in response to the demands of employers, had received what was to be a serious blow. The campaign did not stop, but fizzled. The Department did not lose its interest in getting rid of agitators, but rather became very cautious.

Sam Scarlett remained active. A letter from the Immigration Commissioner at Winnipeg in the summer of 1925 indicated that he remained a thorn in the side of the Department. It was thorn with which the Department had learned to live, however. In response, Ottawa wrote:

While the Department fully appreciates the undesirable activities of Sam Scarlett, yet it is quite evident that no action at the present time can be taken under the provisions of the Immigration Act, the Justice Department having ruled that the case does not come within the provisions of subsections (o), (r), (s) of Section 3 of the Act...If the activities of Sam Scarlett are not such that he can be arrested and convicted on any charge...it is hardly probable that the Department could successfully take any action against him in the matter of deportation, particularly when there are no grounds other than those upon which he has already been examined. Therefore the Department is not prepared to sanction any action to arrest and examine Sam Scarlett unless he has been convicted of some offence and been sentenced to a term of imprisonment in Canada. 99

The return to the pre-war status quo took some time. There were numerous attempts to take Section 41 back to its original form as it had been before the June 1919 amendment. In each case, the Senate rejected the attempt, leading Blair to speculate to the Deputy Minister that it would probably take until the government had a majority in the Senate to accomplish this.¹⁰⁰ In fact it took until 1928. Section 98 of the Criminal Code was not repealed until 1937.¹⁰¹

The Department liked to claim that "no person... so far as I am aware has been ever been deported from Canada

under the extended authority" of Section 41.¹⁰²

However, if it were true that the Department had not in fact deported anyone under Section 41, it would not have been from lack of trying. Scott had written to Justice about legal technicalities of a series of Section 41 deportations he wished to undertake, just before the Section was amended in June 1919.¹⁰³ Scott had reported large numbers of cases coming within Section 41, including

those who have been convicted for being in possession of revolutionary or other prohibited literature of an undesirable character, and of similarly illegal and disloyal acts, and who are shown to or are known to profess disloyal or revolutionary tendencies.

Scott asked if these could be deported even though they had domicile, and though under the Act at the time they were not classed as prohibited immigrants. Scott also wanted Justice to confirm that such persons could be deported under Section 41.¹⁰⁴ On 21 July 1919, Scott wrote to Justice that no reply was necessary, as "the amendments to the Immigration Act have provided the answer to our letter."¹⁰⁵ The answer was "yes".

Examples of the use of Section 41 abound in the files. Successful deportations under this Section included those of Charles David Rose, Bernard Reed Thompson, and David G. Miller, David Porter Moon, and Fred Schultz, all of whom had entered from the U.S. in the fall of 1917. They were

prosecuted under Section 41 for "attempting by word or act to create riot or public disorder", were all card-carrying IWW members, and had "stirred up trouble" by trying to get their fellow workers to strike for higher wages.¹⁰⁶ They were also charged under Section 33, entry without proper inspection. A somewhat later example of deportations under Section 41 (as amended June 1919), included two women who were a Finnish Social Democratic Party member and organizer, and a German Communist Party member.¹⁰⁷

A particularly blatant example of attempted Section 41 deportations was the case of the "Winnipeg five", who had been rounded up in the Winnipeg Strike raids. It was in order to legalise such raids that Section 41 had been amended in June 1919. One of the men tried under Section 41 was Michael Charitonoff. He had been charged with attempting to create riot and disorder, etc. The evidence against him was based on his presence at a public meeting in Winnipeg. He had sat on the platform but had not spoken. He had voted in favour of several resolutions that were not in themselves seditious but had been supported by rather "hot" speeches. On this flimsy evidence, his deportation case had been based.¹⁰⁸ Charitonoff had appealed the decision of the Board of Inquiry to deport him. The appeal had been sustained. The Department

of Justice had ruled that although Charitonoff was "well within the meaning of undesirable", simply voting for these resolutions was not sufficient evidence for Section 41 charges. He would have been acquitted in a court of law.¹⁰⁹

Although the Charitonoff case had turned on legal points of evidence, another factor was the huge public uproar following the Winnipeg Strike raids. The government had been too alarmed at this uproar to make the use it had hoped to of the amended Section 41.¹¹⁰ The government was forced to resort to other tactics, including the use of other sections of the Immigration Act, to get rid of "troublemakers." The other four of the "Winnipeg five" fared well under Section 41; only one, Schoppelrei, was deported, and that was for illegal entry.¹¹¹ Their Board of Inquiry hearings were important in determining the failure of Section 41 as an instrument for automatically deporting political dissidents, as Donald Avery has pointed out. A group arrested four days later did not have hearings before Boards of Inquiry as provided by the Immigration Act. Rather, they were sent to an internment camp on the order of Judge MacDonald, and "secretly deported" at a later date.¹¹² This was, of course, an instance of exceeding the letter as well as the spirit of the law.

What the government was trying to do in the War period was "to arrest a movement: it was trying to deport a social philosophy."¹¹³ Extra-legal methods were appropriate to problems that did not admit of legal solutions. These methods, like so much that had taken place under the auspices of the Department before this time, were indeed, as D. Bercuson has pointed out, in "violation of the spirit of common justice."¹¹⁴

It was in the political deportations of the War period that first can be seen the results of the development of sophisticated and systematic bureaucratic techniques by the Department. During this period, the Department managed to get rid of a whole category of people by applying effectively to them purely administrative proceedings. Deportation's function as an extension of exclusion was made clear, and so were some lessons on how to get round legal limits on the work: finding other nominal reasons to exclude or deport; the double bind tactic of excluding those who admitted their affiliations, and deporting for entry by misrepresentation those who concealed them. There was also the post facto technique: once the political undesirable had been identified, finding legal grounds that fit the case, albeit sometimes very badly. In the past, this had been done on an individual, intermittent, and ad hoc basis. Now it was systematic.

and deliberate.

Four conclusions may be drawn from the political deportations of the War period. First, that systematic political deportation existed, overtly within the Department, but to a certain extent concealed from liberals and critics and the public in general. The main technique for concealment was that there was no category called "Political Deportation" in the statistics on the causes of deportation that appeared in the annual reports. Thus, there was no way for the public to know that people were deported for their political beliefs or actions, nor the numbers to whom this was done. Second, from the evidence, it is clear that the published statistics concealed the real reasons for deportation, concealed the real actions of people behind the screen of bureaucratic categories. Nominal categories may be seen as having come to have this function or this effect, at least potentially, if not in every case. That is, if someone were deported for having tuberculosis, say, we may be sure that he or she had TB, but we may not be sure that was the only reason for deportation. Moreover, in many instances, we might discover that the nominal cause of deportation had been simply a useful and viable method for getting rid of someone undesirable on other grounds. In other words, the question for the Department

was not so much "why is this person undesirable", but rather "for what legal cause can we deport this undesirable person." That is not to say that the Department always did this deliberately, although the evidence indicated that this was commonly the case in political deportations. Third, the Department deliberately and systematically extended its active policy, its role of searching out deportees, by fitting political deportations into existing categories. Sometimes the fit was crude and obvious, other times easy and unquestioned because of wartime hysteria and new "undesirability" criteria. But once the deportation of political misfits had begun on a large scale, it went on after the wartime grounds for it had disappeared, after the legal supports for it had disappeared, and indeed until the target group itself faded away. Bureaucratic categories, practices, and excuses had become self sustaining. Finally, whether the Department threw out a group depended not on the legal status of the group but on its political status. If legal deportability confirmed the political deportability, as it did for interned enemy aliens, so much the better, but the a priori reason for deporting enemy aliens was political. In the case of the IWW, the Department carried on whether the IWW was at a given moment a legal or an illegal organization: the activities of the Department against the IWW did not

change, merely the techniques used. The law was not a problem for much of this period, as the law was changed to suit the political needs of the government, and, not coincidentally, suited very well the administrative needs of the Department, in attacking its target groups.

REFERENCES

¹ P.A.C., R.G. 76, File 800111, See Mayor of Winnipeg to Minister Oliver, 9 April 1908; Superintendent Scott to Department of Justice, 15 April 1908; Justice to Scott, 4 May 1908. In a memo to the Minister of Immigration, Scott suggested "we might perhaps debar her on the grounds of insanity if she attempts to come across the boundary." Oliver decided against this plan. 15 December 1908.

² File 817610, Vancouver Agent to Scott, 15 February 1912.

³ A.R. McCormack, Reformers, Rebels, and Revolutionaries. The Western Canadian Radical Movements, 1899-1919, University of Toronto Press, Toronto, 1979, pp. 106-9. See also I. Abella and D. Millar, eds., The Canadian Worker in the Twentieth Century, Oxford University Press, Toronto, 1978, pp. 59-72.

⁴ File 563236, Deputy Minister of Justice to Acting Minister of Justice, 6 November 1913.

⁵ On the former, see McCormack, Ibid., p. 130; see also D. Bercuson, Fools and Wise Men. The Rise and Fall of the One Big Union, McGraw-Hill Ryerson, Toronto, 1978, p. 58. On the last, see McCormack, Ibid., Bercuson, Ibid., and Edward Laine, "Finnish Canadian Radicalism and Canadian Politics: the First Forty Years, 1900-1940", paper read to the Canadian Ethnic Studies Association, Vancouver, 1979.

⁶ Bercuson, Ibid., p. 88.

⁷ Laine, Ibid., p. 3.

⁸ Ibid.

⁹ William Preston, Aliens and Dissenters. Federal Suppression of Radicals, 1903-1933, Harper, New York, 1963.

¹⁰ Bercuson, Ibid., p. 99.

¹¹ Ibid., p. 103.

- 12 Ibid.
- 13 Ibid., p. 101.
- 14 File 917093, Scott to Harvey, McCarter, MacDonald and Nesbitt, Cranbrook, B.C., 1 May 1917.
- 15 Ibid.
- 16 Ibid. Scott to Minnesota Commissioner of Public Safety, Minneapolis, 16 July 1917.
- 17 Ibid., Minister of Labour to Scott, 16 July 1917.
- 18 Ibid., Scott to Minister of Labour, 17 July 1917.
- 19 Ibid., Scott to Minister of Labour, 28 July 1918.
- 20 Ibid., 24 July 1917.
- 21 Ibid., Scott to Travelling Inspector for Alberta and British Columbia, 25 July 1917.
- 22 Ibid., 2 August 1917.
- 23 Ibid., R.C.M.P. Report on P. Lintz, MacLeod, Alberta, 31 July 1917. See also R.C.M.P. Special Agent's Report of 3 August 1917, for an explicit reference to illegal interception of correspondence.
- 24 Ibid., Winnipeg Commissioner of Immigration to Scott, 27 October 1917.
- 25 Ibid., 11 August 1917.
- 26 Ibid., Scott to Winnipeg Commissioner of Immigration, 17 August 1917, My emphasis.
- 27 Ibid., Winnipeg to Ottawa, 16 August 1917.
- 28 Ibid., Commissioner of Immigration at Winnipeg to Scott, 18 September 1917.

- 29 Ibid., Vancouver Agent to Scott, 10 April 1918.
- 30 Ibid., Inspector Joliffe, Vancouver to Scott,
3 September 1918.
- 31 Ibid., Joliffe to Scott, 5 September 1918.
- 32 Ibid., Scott to Deputy Minister of the Department of Militia and Defence, 6 September 1918.
- 33 Ibid., 6 September 1918.
- 34 Ibid., Deputy Minister of Justice to Scott,
9 September 1918.
- 35 F.D. Millar, "Labour and Welfare Law in Ontario, 1867-1977", not published, not dated.
- 36 Ibid.
- 37 E. Laine, Ibid., p. 28.
- 38 F.D. Millar, "Labour and Welfare Law", Ibid.
- 39 File 917093, Scott to Agents, 18 October 1918.
- 40 Ibid., Acting Winnipeg Commissioner of Immigration to Scott, 5 June 1919; R.C.M.P. to Scott, 3 July 1919.
- 41 Ibid.
- 42 F.D. Millar, "Labour and Welfare Law", Ibid.
- 43 File 961162, "Report on a conference between Ireland and Blair, Canadian Department of Immigration, and United States Commissioner of Immigration Caminetti", 24 November 1919.

44 File 917093, Percy Reid, Chief Immigration Inspector, to Minister of Immigration, 12 December 1919. See also Blair to Caminetti, 17 December 1919.

45 Ibid., Blair to Ireland, 28 November 1919.

46 Preston, Ibid., pp. 216-8.

47 File 917093, Blair to Caminetti, 23 December 1919.

48 File 961162, Blair to Immigration Agent, 18 December 1919.

49 Ibid.

50 Ibid., Blair to Colonel Margeson, Pensions Board, Ottawa, 5 January 1920.

51 Ibid.

52 See F.D. Millar, "The Winnipeg General Strike, 1919: A Reinterpretation in the Light of Oral History and Pictorial Evidence", unpublished M.A. Thesis, Carleton University, 1970. Roger Graham claims that the real reason that deportation proceedings were never begun against the 17 June 1919 striker arrestees, was that the strike had collapsed. So it was decided by Cabinet to go to the courts for criminal trials under the new Section 97A and 97B. Of course, deportation would have been impossible in some cases; George Armstrong, for instance, was Canadian-born. The Criminal Code amendments had been recommended by a special Parliamentary committee on sedition and seditious propaganda, appointed before the Winnipeg Strike started, Graham points out. But the June 1919 changes to both the Criminal Code and Immigration Act were "obviously designed" to deal with Winnipeg. Roger Graham, Arthur Meighen, Volume I. The Door of Opportunity, Toronto, Clarke, Irwin, 1960, pp. 242-3.

53 File 961162, Blair to Margeson, Ibid.

54 Ibid.

- 55 Ibid., Blair to Undersecretary of State Mulvey.
9 January 1920.
- 56 Ibid., Gelley to Blair, 10 January 1920.
- 57 Ibid., Blair to Gelley, 12 January 1920.
- 58 Ibid., passim, January 1920.
- 59 Ibid., U.S. Department of Justice to R.C.M.P. 22
January 1920; Commissioner of Immigration Little to
Travelling Inspectors, 9 February 1920.
- 60 Ibid., Acting Deputy Minister of Immigration to
Sir. Joseph Pope, Undersecretary of State for External
Affairs, 26 May 1920.
- 61 Ibid.
- 62 Record Group 13, Volume 241, File 2321, Pt.
Arthur T.L.C. to Department of Justice.
- 63 Ibid., 17 September 1919.
- 64 Ibid., File 2374, Secretary of Immigration Blair
to Acting Deputy Minister of Justice, 11 September 1919.
- 65 Ibid., 23 September 1919.
- 66 Record Group 76, File 917093, Assistant Vancouver
R.C.M.P. Commissioner Wroughton to Vancouver Commissioner
of Immigration Joliffe, 11 April 1921; R.C.M.P. Superin-
tendent for Manitoba District to R.C.M.P. Commissioner,
Ottawa, 9 September 1921, for example.
- 67 File 817510, Vancouver Agent to Secretary of
Immigration, 21 September 1921.
- 68 File 917093, Gelley, Winnipeg, to Travelling
Investigating Officer George, Calgary, 13 October 1923.

See also File 817510, Secretary of Immigration to Winnipeg Commissioner of Immigration, 29 December 1922.

69

See for example, File 917093, R.C.M.P. to Deputy Minister of Immigration, 23 June 1923, warning of IWW activity in Vancouver; Joliffe, Vancouver, to Gelley, Winnipeg, 6 August 1923, concerning rumours of plans for an IWW organizing drive among wheat harvest workers; R.C.M.P. memo to officers in Saskatchewan districts, 5 September 1923.

70

Ibid., Gelley, Winnipeg, to R.C.M.P. Commanding Officer, Regina, 12 September 1923.

71

Ibid., R.C.M.P. memo, 5 September 1923.

72

Ibid., to Travelling Officer George, Calgary, 13 October 1923.

73

Ibid., Gelley to R.C.M.P. Commanding Officer, Regina, 12 September 1923.

74

Ibid.

75

Ibid., Munroe to Gelley, 30 October 1923.

76

Ibid., Ottawa to Gelley, 8 October 1923.

77

Ibid., Calgary Herald to Minister of Public Works, 23 January 1924.

78

Ibid., Minister of Labour to Calgary Herald, 23 January 1924.

79

Ibid., Vancouver Board of Trade to King, 22 February 1924.

80

Ibid., 13 March 1924.

81

Ibid., Joliffe to Reid, 26 March 1924.

- 82 Ibid., Reid to Vancouver R.C.M.P., 14 May 1923 (sic., but internal evidence dates this letter in 1924).
- 83 File 267931, Immigration to Deputy Minister of Justice, 7 August 1924.
- 84 File 563236, Justice to Immigration, 24 August 1924; Ottawa to Vancouver, 2 September 1924.
- 85 Preston, Ibid., pp. 145-51.
- 86 File 917093, Blair to Minister of Immigration, "Memo: Appeal of Sam Scarlett", 24 September 1924.
- 87 Ibid.
- 88 File 563236, Acting Minister of Justice to Deputy Minister of Immigration, 24 August 1924.
- 89 File 917093, Commissioner of Immigration, Winnipeg, to R.C.M.P., Regina, 12 September 1923.
- 90 Ibid., Blair to Minister, "Memo: Appeal of Sam Scarlett", 24 September 1924.
- 91 Ibid., Copy of the appeal attached to Blair's memo.
- 92 File 961162, Immigration to Justice, 24 September 1924.
- 93 Ibid., Justice to Immigration, 24 September 1924.
- 94 File 917093, Pencilled note on margin of letter from Justice to Immigration, 24 September 1924.
- 95 Ibid., Blair's memo re: the appeal, 24 September 1924.

96

Ibid.

97

Ibid.

98

Ibid., passim, September 1924.

99

File 267931, Commissioner Joliffe, Ottawa, to Winnipeg Division Commissioner, 23 July 1925. See also Donald Avery, "Sam Scarlett", Canadian Ethnic Studies, Vol. 10, no. 2, 1978.

100

File 961162, 7 March 1925.

101

K. McNaught, "Political Trials and the Canadian Political Tradition", University of Toronto Law Review, 1975, p. 151.

102

File 961162, Blair to Egan, 7 March 1925.

103

Record Group 13, Vol. 237, File 1432, entitled "Deportation of persons coming under Section 41 of the Immigration Act", Scott to Deputy Minister of Justice, 23 May 1919.

104

Ibid.

105

Ibid., Scott to Justice.

106

Record Group 76, File 917093, Winnipeg Commissioner of Immigration to Scott, 5 October 1917, and 11 October 1917.

107

File 961162, "Comments by the Minister on examinations of aliens under Section 41", 27 April 1920. In these cases as in others, other Sections of the Act might have finally been used on the deportation order, although the charge for they were examined was political offences, Section 41.

108

Record Group 13, Vol. 241, File 2241, Deputy Minister of Immigration Cory to Deputy Minister of Justice, 10 September 1919; Memo for Deputy Minister of Justice, 12 September 1919.

109

Ibid.

110

See Donald Avery, "Dangerous Foreigners",
European Immigrant Workers and Labour Radicalism in
Canada, 1896-1932, McClelland and Stewart, Toronto, 1979,
p. 85.

111

Ibid., p. 86.

112

Ibid., See also Record Group 76, File 912971,
Murray to Calder, 30 October 1919; Record Group 13, Vol.
240, File 1960, 5 November 1919, as cited by D. Avery.
See also F.D. Millar, "The Winnipeg Strike", Ibid.,
Chapter 5.

113

F.D. Millar, Ibid., p. 123.

114

D. Bercuson, Fools and Wise Men, Ibid., p. 101:

"SAFEGUARDING OUR INTERESTS":

RATIONALIZING DEPORTATION IN THE 1920's.

The most striking pattern revealed by the records of deportation during the 1920's is the steady increase in the importance of case-building and record-keeping. The Department developed to a fine art the methods of creating a reality in its files that would support the legality of its deportations, while at the same time making it difficult for outsiders to discover exactly how certain actions on the part of individual immigrants were represented in the published statistics on the causes of deportation, in the Annual Reports. The perfecting of deportation as an administrative proceeding necessitated developing the capacity to show that deportations were legally carried out, for consistent reasons, by proper methods, in accord with the provisions of the Immigration Act. The evidence that was built up, the cases that were created, protected the Department, rather than the immigrant. This is not to suggest that the Department intended to cover up gross violations of the rights of deports, or gross illegalities in its actions. The Department did not as a rule commit such offences, nor did it need to. Rather, the violations of the provisions of the Act were often technical, and could be seen as petty and unimportant, were it not for the consequences for the people involved.

The Twenties were a period of intensified activity for the Department, not in the sense of more thoroughly searching out deports - that system had been effectively set in motion in the preceding decades - but activity in the sense of creating an unassailable legal rationale for its practices, policies, and actions. The rationale was unassailable because it was based on prevailing social and sexual mores and discrimination; and because it was concealed from the public, and for that matter from the Parliament. Moreover, if awkward questions were to be raised, the records created by the Department would show at worst the odd instance of regrettable necessity of a mixed and shifting type. In the period before the Twenties, the Department's emphasis on building solid cases had tended to be based on its desire to make the transportation companies pay the cost of deportation, and to avoid grave criticism or public uproar for particularly flagrant examples of shipping out paupers or the helpless. By the Twenties, it had begun to build legal cases that would demonstrate visibly the fairness and completeness of its work. What this amounted to by the end of the decade was a system that displayed the administrative proceedings of the Department, rather than merely defended the deportation of individual cases.

Among the legal and procedural questions with which the Department developed techniques to cope in the 1920's was the problem of extralegally detaining in jails immigrants who had not been convicted of crimes. The problem was that the Department had been placing immigrants in jails in lieu of using designated immigration detention facilities. A jail was not an "immigrant station" within the meaning of the Act. The authority of the Department to detain immigrants for examination or deportation was limited by the Act to such an "immigrant station." In some instances, the Department could arrange to have a jail so designated. This was done for the penitentiary in New Westminster, where fourteen Russian "agitators" were being held. The Minister simply sent a letter to the Warden "recognising" the Warden and his staff as "officers" under the Immigration Act, and the jail as an "immigrant station." This was done "in order to clear up the question of legality of detention in a penitentiary."¹ After a Department of Justice opinion criticised several related practices as illegal, the Department decided to be more thorough about following the procedures laid down in the Act for using the proper paperwork and producing the proper kind of documentary evidence that its actions were legal.² However, certain practices were allowed to continue. For instance, the Act provided that under certain of its sections, an immigrant could be arrested without

a warrant. To detain these immigrants in jail was not legal. Yet the Department decided to keep doing this "at present until we can get the Act amended in such a way to make entirely legal such detention." It did not anticipate any problems, so long as jailers would accept such prisoners. If problems arose, the Department suggested that it could always prosecute under sections such as the one dealing with being in Canada in contravention of the Act or entry by stealth or misrepresentation, and it might gain a fine or even a conviction. This would eliminate the problem, because

the moment a conviction is secured, the question of legality of detention awaiting the outcome of deportation proceedings, is no longer a question for us... 3

As well as immigrants not convicted of criminal offences being illegally detained in jails, there were extralegal procedures followed with deports who were in jail following criminal convictions.

It was formerly our custom to deal with inmates of prisons, penitentiaries, and asylums without the formality of an examination by a Board of Inquiry. 4

This was contrary to the provisions of the Act. After 1920, the Department tended more to follow the Act in this matter, although the methods it used to follow the Act were questionable. In one instance, when an order signed by the Minister was needed, these orders were kept already signed but with the particulars not filled in, so they

could be sent off at very short notice, usually in response to a telegram from an Agent.⁵ The situation in British Columbia was particularly trying for the Department and offers a good illustration of the way the Department complied almost meticulously with certain legalities while at the same time violated the Act. By 1921, applications for writs of Habeas Corpus by defedents in Departmental deportation cases were "almost weekly occurences." BC judges had repeatedly upheld that the courts could investigate to be sure that the Department had followed proper procedures laid out by the Act. As a consequence of this perusal, Vancouver agents paid much greater attention to detail to be sure that the cases they built up would stand up in court.⁶ It was in connection with BC cases that the practice of having the Minister sign blank orders for examination became standardised. By 1922, the Minister was signing blanks in batches of 50.⁷

The Department's increasing attention to case-building continued to manifest itself in the giving of detailed instructions about how to prepare deportation cases. To the head of the Canadian Pacific Railway Colonisation Department, Secretary Blair explained how to deport some Yugoslavs who had refused to do farm work. The men had entered as agricultural workers, but had subsequently refused farm jobs. In order to deport them,

it was first necessary to prove they had done this. Then, they could be deported under Section 33, for entering under misrepresentation. They could be arrested without a warrant, under this Section. For other Sections, a Minister's warrant was needed. The CPR man was told that when he had prepared several cases along these lines to submit them to the Department to have the deportation proceedings started.⁸

Another area where this concern manifested itself was a relatively new attention to keeping records. The Department noted that it was important, for instance, to be sure to get a signed statement in cases where deportation appeals had been withdrawn by persons who decided not to fight their deportation after initially filing an appeal.⁹ Perhaps the most significant decision, at least from the point of view of later analysis of the practices of the Department, was to "save the deportation cases." The decision to preserve the records was made after the Department could not proceed with a deportation ordered on the grounds that the immigrant had been previously deported, because the person's file had been destroyed.

"It seems to me that in deportation cases it might be advisable to retain our files almost indefinitely, because such cases are liable to crop up over and over again and once a record is destroyed it is difficult to effect the second deportation without a good deal of trouble."¹⁰

Although this particular problem applied to only a small proportion of cases, the general principle of saving the deportation records was in accord with the increasing attention paid by the Department to creating and maintaining records, and building good legal cases for its deportation activities.

An important factor in building solid deportation cases was the development of precise definitions of deportable conditions or offences. The attempt to define more precisely what constituted becoming a public charge was among the significant features of deportation practices of the 1920's. The answers to that questions were sometimes inconsistent. For instance, The Deputy Attorney General of B.C. defined a woman in receipt of Mother's Pension (that is, welfare for the support of dependent children, usually paid to poor widows and other women in desperate circumstances) as not "considered a charge on the public authorities."¹¹ Yet the funds from which these "pensions" were paid were indubitably public funds. Women who lived in Salvation Army or YWCA or WCTU Hostels were not public charges either, according to the Federal Department of Justice.¹² World War I veterans receiving treatment for war-related problems at veterans' hospitals, however, were considered to be public charges, and could be deported as such.

The question of deporting veterans was not without political implications, nor was it clear cut so far as the Department was concerned. The question centred on the issue of whether or not a hospital maintained by the Red Cross, or a public institution set up and run by the government, to help veterans, was a "public charitable institution" within the meaning of the Immigration Act. Members of Boards of Inquiry had not always agreed, and this had made reaching consistent decisions on deportation cases somewhat difficult. In the opinion of the officials at Ottawa, Red Cross hospitals were public institutions; funds had been subscribed in Canada by municipal, provincial and federal governments as well as by the general public, and if the Red Cross gave help to people, particularly to those who were not citizens or had not been members of the Canadian Expeditionary Force, these people became public charges within the meaning of the Act. Further, veterans' hospitals were maintained by public funds. Whether veterans using these hospitals became public charges or not depended on the circumstances of the individual case, particularly upon the allowances deriving from former military service. According to the Department of Soldiers' Civil Reestablishment, even when veterans' allowances entitled them to treatments paid for by the

government, the payments did not cover the actual costs. Thus, patients who had not been in the CEF, "no matter to what treatment they are entitled", who became inmates of veterans' hospitals run by the DSCR, "become to a certain extent a charge upon the public funds and a public charge in Canada."¹³

The Department of Soldiers' Civil Reestablishment did not stand by the veterans on this issue, but rather cooperated with the Department in deporting vets. The collaboration of the DSCR was of assistance to the Department in its attempt to establish standardised procedures for veterans' deportations. The local offices of the DSCR sent lists of prospective deports to their central office in Ottawa, which in turn sent on the information to the Department. At the same time, the local DSCR offices sent carbons of the deport lists to the local Immigration Agents, to help get the investigations underway.¹⁴ By the end of 1922, the DSCR was requesting deportations in much the same way as were the municipalities. However, who got deported was apparently in large measure a question of class: as Immigration Secretary Blair remarked, lists of deportable vets sent to the Department revealed that almost all were former privates. Officers' names did not usually appear on these lists.¹⁵ What this amounted to was that veterans were deportable if they sought hospital

treatment as veterans, according to Immigration.

If an ex-Imperial soldier is not receiving a pension and he receives treatment under the jurisdiction of the Department of Soldiers' Civil Reestablishment in Canada, he is regarded by that Department as becoming a public charge, unless they are reimbursed by the Imperial authorities for the cost of such treatment. 16

Such reimbursement was reported to be rare. Moreover, even if the veterans were getting a pension, and thus the Imperial authorities paid all the costs of treatment, the DSCR said that such payment "does not cover the costs to their Department of the maintenance of such persons in Canada." Therefore, even a veteran with veterans' medical treatment benefits became a public charge if he sought treatment at a veterans' hospital in Canada as supposedly provided for by his service benefits. 17

Even in cases where deportation would have seemed to be inevitable under the Act, it was necessary to create detailed evidence, in accord with legal procedures. The importance of preparing adequate cases for deportations became increasingly evident in medical deportations in the 1920's. This was especially so in cases where the deport had been in Canada long enough to have acquired domicile. The crucial point in these instances was to show that the immigrant had not in fact acquired domicile, because he or she belonged to the prohibited classes. In medical cases, it was politic for the Department of Immigration to con-

sult with the Medical Officers at the Department of Health, in much the same way as the Department consulted with the lawyers at the Department of Justice about interpretations of the Immigration Act. For example, in 1921, Secretary Blair wrote to the Deputy Minister of Health, describing a prospective deport. The woman had been certified as mentally defective by Dr. Eric Clarke of the Canadian Committee for Mental Hygiene at Toronto. Clarke attested that the woman had also been feebleminded when she had entered. Now aged 21, she had come to Canada as a Salvation Army immigrant at the age of 14. At age 20 she had borne an illegitimate child, and was currently receiving treatment for venereal disease. Secretary Blair wanted confirmation from Health that this young woman was indeed a prohibited immigrant under the Act.¹⁸ She was, because "feeblemindedness is an arrest of development of intelligence and is like an indelible scar on the brain cells", replied the Deputy Minister of Health. By definition, she had been so afflicted at entry, and thus was a prohibited immigrant, could never have legally entered, and thus could not have fulfilled the requirements for domicile.¹⁹

Sending records of all medical-related cases to Health for their opinion that such persons were indeed in the prohibited classes, did not necessarily mean that deportations were actually carried out on medical grounds.

Unless evidence is available that a person was prohibited at time of entry, no action can be taken in the deportation cases of persons who are insane or mentally defective in any way or are suffering from venereal disease or tuberculosis or are physically defective to such an extent that they cannot work or earn a living, unless such persons have become inmates of asylums or hospitals for the insane, or the mentally deficient, or public charitable institutions or have become public charges. 20

In the absence of evidence that the condition or problem had existed at the time of entry, under most of the above types of cases, deportation would have been effected on the grounds that the immigrant had become a public charge.²¹ The Department of Immigration did not refer all public charge deportations to Health, nor did it refer all deportations legally on medical grounds.

The term "for medical reasons" is rather elastic, and we must decide generally the limit within which we will report to the Health Department. If the real grounds for deportation are physical or mental, I think we should advise Health. But if otherwise, I would not report unless the record shows that a person had become a public charge etc. because of physical or mental conditions possibly present when entering Canada. 22

For the most part the relationship between the two Departments was smooth and they collaborated effectively on deportation problems. Yet sometimes there were hints of disagreement. For example, in 1927, Health expressed concern that "too many cases were being deported on the ground of medical reasons". Immigration denied this, arguing that although Health was given copies of all medical cases, this did not mean that such a deportation

was "effected on medical grounds." Medical factors were important:

the condition of health of the person under investigation...is frequently a determining factor in the decision finally arrived at, but this does not, of course, mean that the deportation is effected on the grounds of medical causes.

For example, in the case of a particular public charge deportation, the alien in question had become a public charge, and was also a prohibited immigrant because he had tuberculosis. But in the examination for deportation by the Department, the deportation had been

ordered solely on the grounds that the alien had become a public charge in Canada and was not in possession of Canadian domicile. The Examining Officer came to the conclusion that the alien was not disposed to work and that he appeared to be strong and healthy. 23

Thus, the fact that the person had TB and was therefore a member of the prohibited classes was used only to disqualify him from domicile. The actual ground for deportation was that he was a public charge.

Too many deportations on medical grounds reflected badly on the Department of Health, for it was under the auspices of that Department that the Medical Officers who inspected incoming immigrants worked. Even though by the 1920's the Medical Officers no longer had the power to exclude or deport immigrants, they were still required to certify in writing the existence of any medical problems which might bring each immigrant under

the prohibited classes specified in the Act. Subsequent admission, rejection, or ultimately, deportation, was out of their hands. Yet outcry over the necessity for stricter inspection often focussed on the inadequacy of medical inspection of incoming immigrants. High rates of medical deportation were conducive to such outcries.

Even though the medical inspectors had little real authority by the 1920's, it was absolutely necessary to the success of future deportation cases that they thoroughly note any defects that might later have bearing on such a case. If they did not, the Department of Immigration might find itself unable to deport. For example, in 1928 the deportation was ordered of one Jane Smith, aged 74. She had been found to be suffering from senile dementia, and varicose veins. The Department of Health agreed that she was certifiable at the time of entry as coming under the medical prohibitions of the Act, on account of ulcerating varicose veins. She had entered Canada in August 1919, destined to her married daughter at Fort William, Ontario. Her deportation order was based on Section 3, "prohibited immigrant", Section 40, "having become an inmate of a hospital for the insane", and "having become a public charge." She had been admitted to the Ontario Hospital for the Insane 29 April 1928, after nearly nine years in Canada.²⁴ The case rested

upon her inclusion in the prohibited classes because of her varicose veins, present at the time of entry. Otherwise she would have had domicile after long residence, and would not be deportable under Section 40.

The evidence for her prohibited status rested on her own testimony, that is, she had admitted that she had suffered from varicose veins for at least seven years, and had them before entering Canada. Upon arrival at the hospital, she had been medically certified as physically unable to work, on account of old age and varicose veins. Moreover, there was also a letter from the Medical Superintendent of the Hospital attesting that she was lame on account of her veins, and had never been able to earn her living in Canada on that account. Therefore, she clearly had been certifiable as coming under Section 3 at the time of entry. Nonetheless, the Department had finally to reverse her deportation order, because she had not been so certified. Thus, there was no adequate evidence to show that she did not have domicile, and so she was not deportable under Section 40.²⁵

The problem in deportation cases was not so much the real situation but rather what could legally be shown to be the situation. While medical factors offered opportunity to build good cases for the deportation of some immigrants even after long residence, these medical

factors were useful only if carefully constructed into evidence in support of the case. If medicine were an art as well as a science, so too by the 1920's was deportation increasingly coming to be.

The exigencies of the need to create detailed and plausible records of deportation cases were eased somewhat by the addition of new categories of deportable classes. The Department acquired a new technique to use against domiciled aliens, with the amendment of the Opium and Narcotic Drug Act on 28 June 1922. Before this amendment, only aliens who were not yet domiciled could legally be deported after criminal convictions for drug-related offences, such as possession of, addiction to, or trafficking in, illegal drugs. After the 1922 amendment²⁶, according to a Department of Justice ruling,

an alien coming under the provisions of the O.N.D.A. is deportable, notwithstanding the fact that he may have acquired Canadian domicile under the provisions of the Immigration Act. 27

Such deportations did not go unchallenged: in fiscal 1922-3, fourteen cases from the Pacific Division (B.C.) went to the courts. Five of these court cases were won by the Department and the persons were deported after the expiration of their jail sentences. The decisions in favour of the other nine persons resulted in the release by the Department of twenty-three O.N.D.A.

deports who had served their jail sentences, and whose deportations would not have been sustained by the courts if challenged by writs of Habeas Corpus. There was also an important B.C. Court of Appeals decision which made O.N.D.A. deportations more difficult. The Court decided that deportation under certain Sections of the O.N.D.A. was a criminal proceeding. This meant an increase in the already relatively high number of deportation cases going before the B.C. courts on appeal.²⁸ Administrative proceedings were much to be preferred by the Department. Nonetheless, the use of the amended O.N.D.A. was subject to fewer constraints in other provinces, and its provisions did bring hundreds more each year into the ranks of the deportable.

The tactics used by the Department were flexible and varied according to against whom they were aimed. The O.N.D.A. deportation provisions applied only to "aliens", that is, those who were not British subjects. The latter could not be examined for deportation for drug offences under the O.N.D.A., but they could be examined under Sections 40 and 42 of the Immigration Act for deportation as convicted criminals, for example.²⁹ The Department attempted to be careful to choose appropriate legal headings under which to act. Sometimes its choice was affected by economic factors. For instance, some O.N.D.A. offences

could lead to deportations under the Immigration Act, as when the immigrant had not yet obtained domicile. In these cases, the transportation companies were usually liable for costs. Drug cases "beyond" the Immigration Act, that is, when aliens had Canadian domicile, had to be carried out under the O.N.D.A. In these instances, the Department followed the same procedures, that is, investigation by Boards of Inquiry, travel arrangements, escorts, and so on, at the cost of the Department.³⁰

The Pacific Division office in Vancouver, where most of the O.N.D.A. deportations were carried out and which had faced the most severe court challenges, attempted to help other offices prepare O.N.D.A. cases that would resist appeals or Habeas Corpus writs. Agent Reid, Assistant Chief Controller of Chinese Immigration at Vancouver, wrote to Agent Regimbal, Montreal Controller of Chinese Immigration, that in B.C. they had "successfully defended some Habeas Corpus cases...but have lost one or two as well." The most important points for the Board of Inquiry to bring out in such cases were that the accused was an alien, and that he or she had been sentenced under the relevant Sections of the O.N.D.A. As well, proper procedures had to be followed for issuing orders for examination. In these cases, "the courts have told us that in all

cases, the Warrant of the Minister of Justice...must be issued", as well as the warrant from Immigration. Further, the person must have been formally ordered deported by a Board of Inquiry. If these steps were properly taken, Reid advised, the Department "will not have much trouble with these cases."³¹

In the first few years after the 1922 amendment to the O.N.D.A. the statistics of the Pacific Division showed the usefulness of the new Act. In fiscal 1923-4, 38% (116: 307) of the deportations were under these provisions; in 1924-5, 22% (77: 374); and 1926-7, 16% (52: 328). Moreover, within the numbers of "criminal" deportations, there would have been cases of those not yet domiciled, thus easy to deport for criminal convictions (for violations of the O.N.D.A.), under the provisions of the general Immigration Act.³²

The O.N.D.A. was aimed at the drug trade in Canada, particularly at the Chinese, who were thought to be disproportionately involved in it. Indeed, most of the deportations under the O.N.D.A. were of persons of Chinese descent.³³ Chinese immigration had been in effect restricted since 1885 by the imposition of a head tax, which had been increased from \$50 to \$100 in 1901, and to \$500 in 1904. In 1923, the Chinese Immigration Act cut off Chinese immigration by restricting entry to Canada to

diplomatic personnel and their families, to returning Canadian-born Chinese who had been away for educational or other purposes, and who could prove they were Canadian-born, to returning long-time Canadian residents who could prove their status, to students, to certain classes of merchants, to visitors, and to persons in transit to other countries. Persons of Chinese descent presently in Canada had been required to register, and subsequent exit and reentry was controlled by a system of certificates valid only for a certain length of time.³⁴

This general prejudice against the Chinese, expressed in policy in the 1923 Act, was also expressed in Departmental practice. For example, the Winnipeg Commissioner wrote in 1923 to Ottawa to complain that Winnipeg had not been consistently notified of the impending arrival of Chinese deports coming from east to west to be deported from a Pacific port. It was the practice of the Winnipeg office to have such arrivals met at the train by a "deport officer", who would take over escorting the Chinese deports directly to Vancouver. Winnipeg needed adequate notice to arrange such a transfer of custody without leaving the station, "so that these Chinese will not be kept over in the Immigration Hall here."³⁵ It was not just the Department who objected to close contact with Chinese deports. In 1929, Charlotte

Whitton, then with the Canadian Council on Child Welfare, complained to the Department about a series of child deportations made under unsatisfactory conditions. Two children had been sent east by train from Vancouver to be deported to Switzerland. The 15 year old girl and a 14 year old boy had been escorted by a Department Matron. There were no sleeping accommodations for them in the train, and their car had been filled with Chinese men, according to the complaint reported by Whitton.³⁶ The Department presumed it was the colonist car rather than the Chinese to which Whitton was objecting, and argued that the colonist car accommodation was no worse than that in which they had immigrated to Vancouver.³⁷ Moreover, the Department claimed it would have been exceedingly rare for child deports (who were not Chinese or Japanese, that is) to travel in a colonist car, and was skeptical of the claim that such children would have been sent in a car full of Chinese.³⁸ As a consequence of this case (and others before), the Vancouver Children's Aid Society, on behalf of whom Whitton was complaining, asked that all child deports be given better accommodation, since their numbers were so small. The Society argued that when the children had come out, they had been with their parents, and would rarely have been the only non-Chinese occupants in a car full of Chinese. The

Society wanted assurances that child deportees travelling without their parents were placed in a car

where the other passengers are not Orientals and that girl deportees should not be made to travel in a car entirely filled with men.

Someone from the Department noted in the margin beside these two requests, "quite right", and suggested using tourist rather than colonist cars.³⁹

The experience of the Department with O.N.D.A. deportations likely reinforced the already growing awareness of the importance of using technically proper procedures in carrying out deportations. The provisions of the Immigration Act did not so much limit the power of the Department to carry out deportations, as specify the methods and procedures by means of which the Department was to exercise that power. The O.N.D.A. amendments added another weapon to the arsenal of the Department; like most weapons, the instructions had to be carefully followed if backfiring were to be avoided. So long as the Department were meticulous in using the correct forms and doing its paperwork properly, in adducing the needed legal evidence in its Board of Inquiry hearings to prove the deport actually belonged to the particular group specified in the Section of the Act under which the deportation was to take place, its authority would be virtually unchallenged.

The O.N.D.A. amendments were also significant in their usefulness against what amounted to a new target group: domiciled aliens. Immigrants here more than five years could be deported in the 1920's only under certain conditions: political offences, bringing them under Section 41; discovery that they had not entered legally, therefore could not have fulfilled the requirement for five years residence after legal entry; or discovery that some medical problem or condition brought them under the prohibited classes, which by definition meant that as they had been prohibited to land, they could never acquire domicile. Otherwise, as a rule once immigrants had gotten domicile, they were safe from deportation. The amended O.N.D.A. established another category to the list of exceptions. Moreover, it focussed on groups who were widely seen as undesirable: drug addicts or traffickers, criminals, and often, the Chinese. Deportation of these groups was politically safe, morally attractive, and in accord with the popular prejudices of the period, both of the general public and of the "progressive" elements such as doctors and moral reformers.⁴⁰

Morality was an important consideration in certain types of deportations, particularly those of women. The attitude of the Department to the deporta-

tion of women for charges connected to immorality was ambiguous. On the one hand, there is much evidence that the Department routinely deported women for offences that were little more than sexual transgressions for which they had been caught (for instance by pregnancy or venereal disease). On the other hand, the Department from time to time issued instructions to its various Agents cautioning them to be sure that women reported for deportation for offences connected with sexual immorality were not merely victims of other persons' desires to get them out of the way to avoid consequences for their own part in these offences. For instance, during the War, Superintendent Scott had issued a notice to all Agents and Officers in the West concerning such cases. The Department was sometimes criticised, Scott said, for deporting young women, especially single women, because it was claimed that "interested persons" were bringing about such deportations to "avoid local trouble" and the women were "unable to defend themselves and more to be pitied than blamed." The Department had no desire to find itself blamed, however, and Scott's concern was clearly as much to safeguard the Department as the women:

With the object of further safeguarding our interests...where the deportation of a young woman is under consideration, the greatest care should be taken to see that her side of the story is considered and, if necessary, investigated. 41

That such situations did indeed occur was confirmed by the response of Bruce Walker, then in charge of the Winnipeg Office of the Department. He had, he explained,

for several years...made it my personal business not to pass a woman for deportation, old or young, married or unmarried, without a thorough investigation... Interested parties do not hesitate to bring unsupported charges to compel political or other influence towards the removal of a woman whose presence is considered dangerous or inconvenient to them. I have a case in Ft. Frances this morning, where local influence is being used against a young woman...by local interests, in which one of the parties concerned is guilty of a serious crime against the girl and seeks to protect himself from further exposure. . . 42

The Department was paternalistic towards female immigrants, especially the respectable and the "fallen". This can be explained in part by connections between the Department and the women's reform movement in Canada, especially that part of the movement involved in the work of female immigration promotion and management. Bruce Walker was sympathetic to and, to a certain extent, involved in, these maternalist feminist circles, such as the YWCA. Walker addressed meetings sponsored by the Y, published on female immigration problems in the Y magazine, and was sympathetic to Y efforts to control and protect female immigrants in the West. The Y had been a leader in the efforts by women's organizations in Canada to protect by a variety of methods young women immigrants. In 1909, a Canadian representative to an

international conference of women reformers had suggested that young women coming to Canada be made wards of the State, to keep them on the straight and narrow; unsupervised young women would be "ruined."⁴³ By 1914, the Y had helped to set up an elaborate system of reception and supervision of female immigrants arriving in Canada. The part of the Y in this network was mostly that of Travellers' Aid work. "TA" workers wearing badges met incoming women at stations all over the country, and through local committees of members of women's church missionary societies, associations of girls' school graduates, home economics societies, women's institutes, and other women's organizations, as well as through local clergymen, tried to supervise and assist newcomers. By early 1914 the Y had gotten permission from the railroads to put up placards in stations, and had obtained promises of further cooperation.⁴⁴ The Canadian Y had discussed female immigration at an international conference in Stockholm, and had suggested that a system of compulsory reception and registration centres be set up in each city station, where female immigrants would have to check in, so that they might each "be located and guarded."⁴⁵

Bruce Walker echoed many of these same concerns in his 1914 article in the Y periodical The Young Women

of Canada. He described the moral dangers of unescorted and unprotected travel, and advocated the investigation of prospective employers to protect women against moral dangers. In language that could have flowed from the pens of the female reformers with whom he was associated, he explained the importance of supervising female immigrant newcomers so that they would turn out to be the kind of wives and mothers upon whom the building of Canada and the moulding of "the destinies of future Canadians" could safely depend.⁴⁶ He urged that there be a receiving house for these women in every province, that these houses be managed by women, particularly those of the YWCA, and that supervisory female escorts be made compulsory on all ships and trains carrying female immigrants. He told his readers that they must pressure the government to bring about these reforms.⁴⁷ (They took his advice.)

This, then, was the context within which the Department Agents were supposed to be approaching concerns related to female immigrants. There is no reason to suppose that the attitudes of the women reformers concerned with these problems changed during the 1920's. Indeed, there is much to support the claim that the Y and other women's groups working with these immigrants continued to press for more systematic and thorough

contact with immigrants after they were settled in their new jobs and homes. Moreover, with the creation of the Women's Division in the Department of Immigration after the War, the ties between the women reformers and the Department were formalised and legitimised.⁴⁸ Jean Burnham, head of the Division, not only approved of "follow-up work", as this supervision and contact was called, but told the Y Immigration Committee in 1925 that she believed it should be "not just protective", but also embodied in "club opportunities for making friends and keeping straight"; that is, that the social activities of women immigrants should be a part of this follow-up system.⁴⁹ Burnham was sometimes more zealous than the Y on this question, for she had suggested as well that a letter be sent to the employer ("mistress") of every immigrant domestic servant, to be followed by a "follow-up visit", to be sure that effective supervision and protection could be maintained.⁵⁰ On other occasions, Burnham used the Y and other follow-up workers "to locate missing girls", that is, women who had dropped out of the records of the Department.⁵¹ Sharing the idea that female escorts were important for women travelling to their new homes, Burnham expressed concern that "conductresses" were "rarely sent out on an immigrant train that is wholly foreign", so that "foreign" women did not

get the same "protection" as British women. She was able to report a few months later that the situation had improved, and that fewer "foreign" trains were sent out without a "conductress".⁵² However, some aspects of this close relationship between the women reformers of the Y and the government were deteriorating by the last half of the twenties.

In 1926, Burnham notified the Y that she would no longer send them corrected and updated addresses for all single female immigrants in Canada.⁵³ "The government safeguarded the interests of the new arrivals and ... our general follow-up work was therefore not needed", repeated an upset Y worker to her Headquarters.⁵⁴ In 1927, Burnham discontinued the practice of notifying the Y of the arrival of married women; only single immigrants were to be named henceforth in the Department lists available to the Y.⁵⁵

It seems likely that three factors were significant in these decisions. First, the Department had become more deeply involved in the work of female immigration management; women immigration officers and other workers were employed by the government, and systems for the "care" of female immigrants were well established. The government no longer needed to supply some of the information previously given to the Y, in order to get

its follow-up work done, as it now had other means of achieving this end. Secondly, the pressure of work was increasing by this time, as paperwork became more voluminous, more specific, and more important. The special responsibilities of the Women's Division meant that Burnham and her staff were under constant pressure to generate a staggering array of statistics and reports on women immigrants. Moreover, it was their duty to keep track of every single female immigrant who entered the country. The Division had to spend the time keeping track of these women itself, and it could no longer afford the extra expenditure of time and money needed to send this information to the Y. Finally, by the 1920's, Jean Burnham may well have been exasperated by the difficulty of getting women reformers together as a group to work with her under new and more professional terms and conditions. In 1919, when the Women's Division had been formed, an advisory and coordinating committee made up of representatives from reform groups working in female immigration had also been established. Called the Canadian Council of Immigration of Women, the body functioned for several years and then gradually faded away from the scene, perhaps because its role was as much token as it was truly necessary and important. The Council had included several representatives from provincial and federal governments, and was publicly funded. Although further

research is needed, it would seem likely that ever more of the responsibilities of the Council were taken over by government representatives and professional social workers, while the volunteer reformers became ever less necessary and available.⁵⁶ Whatever the reasons, by 1927 the Council was nonexistent as a body. Dr. Helen Reid, a Montreal feminist and doctor who was very active in immigration and public health matters, had suggested calling up the Council again. Her purpose was threefold: to strengthen the Women's Division, to lessen the overlapping of organizations doing immigration work, and to develop information of the actual work done by organizations, so that their claims could be evaluated. Reid stressed the importance of cooperation between governments and women's groups in this work.⁵⁷ Burnham had been enthusiastic about the idea and had been working without much success since 1926 to organize a conference to reinstitute the Council, had written to the Minister to gain support for the idea, and had hoped that women's organizations could use the Council to "help mould government policy."⁵⁸ The meeting was eventually held in 1928; nonetheless, the role of voluntary organizations in female immigration work was never again to approach the importance it had enjoyed before the 1920's.⁵⁹ The Women's Division still had an outlook that shared many of the features of maternal feminist

thinking of the earlier period. More importantly, its outlook had become professionalised, and the women's movement that had helped to create the Division had changed its shape, with part of its activists apparently becoming professionalised themselves, and others turning to other tasks.⁶⁰

Although the establishment of a Women's Division can be seen as the response of the Department to decades of experience of working more or less in cooperation with women (and to a lesser extent, men) reformers in the area of female immigration, it does not appear that deportation of women was much changed as a result. There is little evidence in the records of conflict between Jean Burnham and other Department officials. This may suggest that such conflicts were resolved by methods that did not produce written records. Perhaps there was little difference between the policy of the Department as a whole, and of the Women's Division, insofar as female deportation was concerned. In fact, increasingly in the 1920's, it was the practice to use female officers to carry out escort and other deportation-connected duties. Further, since most of the work relating to women took place under the ostensible supervision of the Women's Division, there may well have been relatively few occasions for clashes between the Department's otherwise admittedly

sometimes harsh deportation practices, and its paternalistic (or maternalistic) "protective" attitudes towards women immigrants.

There is much evidence that the Department routinely deported women who strayed from the ranks of well regulated and respectable behaviour. In at least some instances, the Department deported women who had illegitimate children, when this was the only reason for their deportation. In one case in 1922, the child had died, so "the care and maintenance of the child was not a matter to be taken into consideration"; still, the mother was to be deported.⁶¹ Other instances can be seen of the deportation of "fallen girls."⁶² In one such case, the Department's Assistant Accountant explained to the Secretary of Immigration that Calgary authorities were "doing their best to get rid of" one woman, whether she was

legally deportable or not. I think experience has shown the Department that this is pretty much the attitude of at least all the Western Municipalities.... 63

In some instances, when a woman in such a situation wanted to go back to the British Isles, the Department "might have helped her home without bothering about whether or not she was deportable," but if she were not willing to go, and were not legally deportable, this

could not be easily done. In the case of one Nellie Fry, for instance, the Department was stymied. If she had entered after the 1919 Act had come into effect, she might have been in the prohibited classes, said Blair. Since she had not, she had been examined to see if her "mental state" would bring her under the prohibited classes under the provisions of the 1914 law. It did not. Noted the Department,

when the girl herself stated that she did not want to go back, that her misfortune and her offence had taken place in Canada and that she had paid here for her error, it became necessary to deal with her case in an absolutely legal manner. 64

Whether or not women were deported for causes related to sexual "immorality" seems to have been determined also by such factors as with whom they were "immoral." In one case, this was a critical point. Grace Evelyn Baker had come to Canada as a domestic in 13 November 1926, left her job after a month, and then was apparently courted at the same time by Padgen, a naturalised Canadian of Austrian origin, and Hoy, a Chinese cafe cashier. The Department implied she had been sexually intimate with the two before she married the former. Shortly thereafter, in July 1927, she obtained a legal separation. In September of that year, in Hamilton she gave birth to a child who was registered as Hoy's son. Hoy had been "looking after"

her since that time. Moreover, upon examination she had

admitted to having been intimate with a young man in England prior to emigration to Canada, and from the evidence it is quite conclusive that she is an undesirable.

The Department was not sure it could deport her because of her marriage to a Canadian citizen. She had been charged as a prostitute under Section 40 of the Act, and ordered deported at Windsor, because she had admitted having a room at the same hotel as Hoy, and also admitted that she had

frequented the room of this Chinese and had intimate relationships with him, who gave her money as well as other presents.


Her appeal against deportation was sustained because she was legally the wife of a citizen.⁶⁵ Yet it is clear that had she not been so, she would have been deported. Moreover, it is also clear from the records of the Department that it was on account of her sexual relationships outside of marriage (albeit one of the three had been long before) that she was considered deportable. Perhaps the conclusion to be drawn is that while the Department professed sympathy for, and sometimes offered sympathy to, respectable women who had "fallen" victim to sexual predators, it reacted to those who seemed to have transgressed willingly and knowingly, with little but the desire to get rid of them as a menace to public morals.⁶⁶

At the same time the Department was concerned with moral issues, it was also concerned to show that deportations were just, not arbitrary, and legal. The Act offered a plethora of statutory causes for deportation. What the Department had to do was build evidence to show that particular cases came under the general categories of the Act. The evidence was the link between the actions of the immigrant and the ability of the Department to deport him or her as a consequence of those actions. There may well have been a direct cause-and-effect link between action and deportation, but the records created and displayed by the Department in its Annual Reports did not necessarily reveal this causal connection. Rather, nominal or legal causes given to explain deportation tended to obscure the "real" reasons.

The extent by the 1920's and 1930's to which nominal causes for deportation concealed the real or a priori reasons can be most clearly seen in the deportations of British women who had come to Canada as domestic servants during the 1920's. Between 1923-1931, a total of 23,804 women had come out as household workers under the schemes of the Empire Settlement Act.⁶⁷ Of these, 18,790 came after January 1926 under the "Aftercare Agreement." This promised that the women would be personally conducted to their ships, supervised on the voyage, met at the Canadian port by women officers of the Department of

Immigration, and kept under government supervision until they were placed in suitable positions. After placement, the government would do "follow up" work, maintaining contact with the immigrants for a period of several years. The Aftercare Agreement also offered guaranteed work for household workers at standard wages.⁶⁸ Between 1923 and 1925, women could get loans to pay for their passages. In 1926 a cheap fare of three pounds (reduced to two pounds in 1927) was made available for the ocean passage, and rail fares in Canada were also greatly reduced. These post-1926 immigrants had to pay their own ocean passages, but could get loans for their rail fares. (It is interesting to note that by 1937, 89% of the loans had been repaid.)⁶⁹

The Aftercare Agreement had been intended to eliminate many of the problems traditionally associated with female immigration. In this it did not entirely succeed. These women did encounter problems. The Department classified difficulties experienced by domestics under their care into "minor" and "major" problems. Listed as minor problems for fiscal 1931-2 were such things as ill health, job changing by unskilled houseworkers, immigrants being "unsettled owing to poor character", houseworkers taking other kinds of work, listed as address unknown, or unemployment.⁷⁰ Minor problems in themselves



seldom led to deportation. Yet minor problems might become "major", and the major problems often did lead to deportation. Despite the supervision (often referred to as "protection") promised by the Agreement, numbers of domestics became pregnant, for instance, and bore children out of marriage. The Department of Immigration recorded 670 cases of unmarried mothers between 1 January 1925 and the end of March 1933, among the houseworkers brought over under the Aftercare Agreement. An analysis of these cases revealed that 122 married, 11 went to the United States, 5 died, 244 cases remained pending under the supervision of the Department at the time of the report, 68 returned on their own to the Old Country, 184 were already deported, and an additional 36 had been ordered deported but the deportations had been stayed for the moment.⁷¹

The Department of Immigration claimed that it did not deport these women simply for having illegitimate children. This claim was regarded with some skepticism. In June 1926, the Overseas Settlement Office in England had complained that Canada was too drastic in deporting Empire Settlement women.⁷² Macnaghten wrote again on behalf of the Overseas Settlement Office in 1928 protesting the deportation of unwed mothers.

We take the view that when an unmarried woman from this country becomes a mother after she has resided in Canada for a year or more, i.e., when the presumption is that she was led astray after she had arrived in Canada, ...the mother and child should remain in Canada and be dealt with like any other unmarried mother and child in Canada. 73

Macnaghten also urged that the Department seek permission from the Overseas Settlement Office in London to deport such cases.

The Department was indignant at the suggestion that deportation cases should be referred to British authorities before action. In an internal memo the Commissioner of Immigration hotly denied claims that the Department had a programme of wholesale deportations of unwed mothers. "We are continually in hot water owing to our refusal to deport" many such cases, he claimed. As for Macnaghten's idea that these women had been "led astray" in Canada

no doubt some of them are, but...from a perusal of most of these cases, I would judge that there has not been much leading astray...the examination frequently indicates the girls (sic) were immoral before ever they came to Canada. 74

The Deputy Minister replied to Macnaghten,

we never deport an unmarried mother nor do we deport any British subject if it is at all possible to establish them in this country but we subsequently discover migrants who belonged to the prohibited classes at the time of their entry, and we have... no authority under the law to permit such persons to remain in this country. 75

Blair claimed that the Department always thoroughly investigated these cases. Moreover, the Canadian law was "designed to protect a municipality" from immigrants who had become a public charge, and such cases fell under this law.⁷⁶ Blair followed up this letter with a report received from an urban charitable organization which purported to show a very low rate of deportation for illegitimacy. The organization complained strenuously about this low rate, arguing that these mothers had become public charges, and that "socially unadjusted cases of this type" should be deported. The organization had decided to refuse to grant relief to such cases, and warned that it would not accept responsibility for the "serious and permanent social problems due to the Department not taking action." Blair cited this report as an example of the problems faced by the Department in dealing with these cases, and as evidence that the Department did not automatically deport unwed mothers.⁷⁷

Macnaghten was conciliatory in his response. He had been persuaded that such cases were dealt with "sympathetically and justly", and accepted the claim of the Department that "unless there is evidence of constant immorality and disease" deportation would not take place. Further, he accepted a claim that of these deportations which had been ordered, only a small percentage had actually been carried out.⁷⁸

A careful study of the files of the Department produces evidence that challenges these claims. The report by the Department of the disposition of 670 "unwed mother" cases between 1926 and 1933, for instance, revealed that 27.5% of these unmarried mothers were indeed deported, and a further 5.4% were ordered deported, but the deportations were stayed. Ten percent returned to the Old Country; it is unclear how many of these returns were in fact informal deportations, and how many truly by choice. These figures in themselves do not reveal the extent of illegitimacy deportations, because of the high percentage of cases still under the supervision of the Department, eg, not yet settled, at the time of the study: 36%.⁷⁹ A further difficulty in establishing the extent to which these immigrants were deported for having illegitimate children is that Departmental memos and internally circulated reports indicated that there was not necessarily a direct connection between what the Department thought was the "problem", and the stated cause given by the Department for deportation. An analysis of the causes for the deportation of 689 Empire Settlement Aftercare domestics between 1 January 1926 and 31 March 1931,⁸⁰ for instance, showed that the same "problem" -immorality- was listed as a "contributing factor which necessitated deportation" under four of the five statutory causes for these deportations.

In the eyes of the Department, there were seven reasons for these 689 deportations: "illegitimacy" (169); "immorality" (64), "criminal convictions" (68), "bad conduct" (64), "medical" (233), "marriage" (that is, deported with husband, 83) and "becoming a public charge" (8). These reasons were not necessarily legal causes for deportation, nor did they correlate directly to the legal causes. The statutory, or legal causes for these 689 deportations were, "public charge" (528), "insane" (24), "prohibited immigrant" (66), "inmate of gaol" (56), "misrepresentation" (15). Under these five statutory headings, the same categories appeared in more than one heading. "Immorality" was in four; "mentally deficient" and "medical" appeared in three, (that is, "public charge", "prohibited immigrant", and "misrepresentation"). "Venereal disease" appeared as a subcategory of "medical reasons" under the statutory cause of "public charge", and again as a category itself under the statutory cause of "prohibited immigrant." "Inmates of gaol" deportees (56) were listed as jailed for "immorality" (80), "vagrancy" (21), "theft" (16), "forgery" (1) "breach of the liquor act" (1), "child desertion" (1), "bigamy" (1), and "contributing to delinquency" (7). Those deported as prohibited immigrants under the Immigration Act (66) included those deemed

"mentally deficient" (37), "immoral" (8), "previously deported" (2), "convicted prior to arrival" (2), those with "venereal disease" (6), "medical problems or conditions" (11). Of the 15 women ordered deported for entry by misrepresentation, four were deported for "immorality", "mental deficiency", "medical reasons" or having been "previously deported", while 11 were ordered deported for having "misrepresented" their marital status, that is, for being married women. Even so apparently straightforward and frequently used a statutory cause as "being a public charge" (528) included a variety of stated reasons: "illegitimacy" (142), "immorality" (33), "bad conduct" (69), "medical reasons" (159), "mental deficiency" (32), "vagrancy" (5), and "unemployment" (88).⁸¹

Illegitimacy figured prominently in the "Reports of Aftercare Agreement problem cases." The Department claimed that it did not deport an immigrant solely for having an illegitimate child, however, it did deport women for other often-related reasons. Another study detailed the causes for deportation of a group of 574 Empire Settlement Aftercare Agreement immigrants who had illegitimate children by the end of March 1934. The study cast some light upon the rationale of the Department for what look very much like deportations for

illegitimacy, but were denied to be such. The Department deported for causes other than illegitimacy, but linked with illegitimacy. For instance, 137 were deported for illegitimacy combined with other charges: "becoming a public charge", "immorality" (living with men to whom they were not married), "having a second illegitimate child", "theft", "feeble-mindedness", "venereal disease", "being thoroughly undesirable". Of the deportations not tied to illegitimacy, fifty-four were deported for "immorality" (living with a man) in combination with "prostitution", etcetera. A total of 61 more were deported for "conviction of a criminal offence", such as "keeping a disorderly house", "theft", "forgery", "immorality", or "contributing to delinquency." Another 53 were deported for "bad conduct": "attempted suicide", "petty theft", "incurability", "refusing to accept employment", and the like. Medical reasons accounted for 208 deportations, for such problems as "feeble-mindedness", "asthma", "epilepsy", "rheumatism", "tuberculosis", "arthritis", "venereal disease", "kleptomania", and "foot trouble." "Becoming a public charge" was the reason given for the deportation of 61, of whom 59 were sent along with their deported husbands, and 2 more with their husbands and children.⁸²

The Department was clearly concerned about these problems with the supposedly carefully screened and supervised Aftercare Agreement immigrants. It attempted to make comparisons between the former, and other single British women immigrants who had not come over under the Empire Settlement Act. Comparisons are difficult because statistics are lacking for the totals of the latter. Nevertheless, it would appear that the former gave considerable trouble, despite the Aftercare Agreement. British female non-Empire Settlement immigrants arriving in Canada between 1926 and the end of March 1934⁸³ accounted for 472 "problems" for the Department. Of these, 194 concerned "illegitimacy", 38 "immorality", 18 "criminal convictions", 32 "bad conduct", 124 "medical conditions" or problems, 18 had unemployed husbands, (and thus were deported with them), and 48 were themselves unemployed. Of the total of 472 problems, 202 were deported and another 50 "returned" home by the Department. "Returned" home often was de facto if not de jure deportation, in cases where statutory causes might not exist, or the person had been resident too long to be deportable, and he or she would consent to be sent back. Some returns were indeed voluntary, but it is clear that many, if not the majority, were voluntary only in the sense that consent had been given, sometimes under duress.

A 1933 study of the Empire Settlement group with which the Department was attempting to make a comparison showed that as of December 1932, of a total of 18,528 Empire Settlement arrivals between 31 March 1926 and 31 March 1931, 377 had become problems. There were 120 cases of "illegitimacy" (19 deported, 7 "returned"). Two women had been pregnant on arrival in Canada. There were 52 cases of "immorality" (7 deported, 2 "returned"), and 10 "criminal convictions" (5 deported). Sixty-one women had been noted guilty of "bad conduct" (11 deported, 2 "returned"). "Medical problems" numbered 80 (27 deported, 2 "returned"). A total of 45 were deported with their unemployed husbands. Seven themselves had become public charges, and two of these were deported. Of a total of 377 of these problem cases during the period under study, 114 were deported and 22 "returned."⁸⁴

A study of a slightly larger group of Empire Settlement arrivals, including those who had arrived in January, February and March of 1926, after the advent of the Aftercare Agreement but before the beginning of fiscal 1926-27, showed that by the end of March 1933, the total of 18,790 arrivals had produced 1,885 problem cases. There were 670 cases of "illegitimacy" (179 deported), 184 of "immorality" (67 deported), 95 "convictions" (69 deported), 313 cases of "bad conduct"

(67 deported), 451 "medical problems" (248 deported), 108 deported with their unemployed husbands, and 64 who had themselves become public charges (10 deported). A total of 748 of these 1,885 problems were deported, and a further 202 were "returned" home, for a total of 950. That is, somewhat more than half of the immigrants identified by the Department as "problem cases" were deported in one way or another. This study differed from the one cited before in two respects: the latter included 262 immigrants and 18 "problems" from the January through March 1926 arrivals (out of the total of 1,885), and was based on problems arising for a period twelve months longer than the first study.⁸⁵ This would suggest that there was a considerable increase in the rate at which the Department labelled these immigrants as "problem cases", between the two dates: over 1,400 "problems" had arisen in one year. One must speculate about the reasons for this increase: did the economic and social pressures of the Depression produce more real difficulties for these women, or were their experiences typical of domestic servant immigrants? In either case, it seems likely that the tendency of the Department to use deportation as a solution for problems experienced by immigrants in Canada applied equally at least to these selected female immigrants.

The final analysis of deportations of immigrants who had been brought over under the Aftercare Agreement was based on cases dealt with as of the end of the fiscal year 1935-1936.⁸⁶ This study was an attempt to determine the extent to which the settlement of these immigrants had been successful. By this date, all who had remained here would have satisfied the requirements for domicile (5 years) and therefore could probably not be deported, unless perhaps it were shown that they had never been legally landed because they belonged to prohibited classes. Presumably the bulk of these immigrants deportable under these (in effect) retroactive exclusionary clauses of the Immigration Act had been deported by this date. This report then was useful as a summary of what did happen to those women who came over as domestics under Empire Settlement in the 1920's. The women came over in five different categories under various schemes set up between the Imperial authorities, the federal government, and, for example, the Province of Ontario, or the Salvation Army, all under the auspices of the Aftercare Agreement. By the end of March 1936, of the total of 18,970 arrivals, 2,169 had constituted "major problems", for the Department. A total of 877 had been legally deported, that is, 40% of the problem cases ended in legal deportations. Another 80 deportations had been ordered but never executed. 2,189

of these women had married, 402 had gone to the United States, 85 had died, still under supervision, 305 had become "reestablished" and 1,356 had "returned" to the Old Country. It was evident from the correspondence of the Department that many of these returns were concealed ad hoc or unofficial deportations, however willing the immigrant to go. A total of 12% of the 18,790 "girls" returned to the Old Country, by deportation and "voluntary" returns.⁸⁷ Taking only the legal deportations, which understates the case by what may be a considerable margin, the rate of deportation for British female domestics brought over under the Aftercare Agreement between January 1, 1926 and 31 March 1931, under supposedly stringent procedures of selection, supervision and assistance, was 4.6%. This is considerably more than the average of 1% cited by the Department in its published Annual Reports.

The breakdown of major problem cases coming to the attention of the Department up to 31 March 1936 revealed interesting data not only about the difficulties experienced by this group but also about the response of the Department to these difficulties. Of the 2,169 cases, 773 were listed as "illegitimacy", 201 as "immorality", 107 as "convictions", 339 as "bad conduct", 519 as "medical",

135 "deported with husband", and 95 as "public charges."⁸⁸
 The standing of those problem cases ending in deportation as of 31 March 1936 showed how Department labelling of problems was translated into legal deportation for the group and the period as a whole.

TOTAL "Major Problems" : 2169

	NUMBERS	% of 2169	% of 18790
Deported	877	40.4	4.6
Deportation stayed	80	3.6	.4
Returned to Old Country	257	11.8	1.4
Went to United States	27	1.2	.1
Died	38	1.7	.2
Married	388	17.9	2.1
Reestablished	305	14.0	1.6
Cases under supervision	195	9.0	1.0

These legal deportations were carried out under five statutory causes: "public charge" (690), "prohibited immigrant" (82), "insane" (29), "inmate of goal" (61), "misrepresentation" (15). The reasons listed under these causes are illuminating.

TOTAL DEPORTATIONS: 877

79.9% Public charge	690	9.4 Prohibited immigrant	82
21.0 illegitimacy	182	5.0 mentally deficient	44
8.7 bad conduct	76	2.5 medical	22
22.1 medical	194	(.8 VD 7)	
(2.4 VD 21)		(.1 TB 1)	
(3.1 TB 27)		(.3 Epilepsy 3)	
(16.6 Other 126)		(1.3 Other 11)	
3.1 mentally deficient	27	.3 previously deported	3
1.0 vagrancy	9	.6 immorality	8
15.3 deported with husband	134	.9 conviction prior to arrival	5
4.7 immorality	41		
.1 theft	1	3.3 Insane	29
2.9 unemployed	26		
(married 19)			
(single 7)			
6.9 inmate of goal	61	1.7 Misrepresentation	15
2.4 vagrancy	21	.1 medical	1
2.2 theft	19	.1 previously deported	1
1.2 immorality	11	.9 married women	8
.1 forgery	1	.2 mentally deficient	2
.1 breach of liquor act	1	.1 immorality	1
.1 contributing to delinquency	7	.2 illegitimacy	2
.1 bigamy	1		

On the face of it, "public charges" accounted for 79.9% of these deportations, "prohibited immigrants" for 9.4%, "insanes" for 3.3%, "inmates of goal" for 6.9%, and "misrepresentations" for 1.7%. Further examination shows that only 2.9% of these deportations were for becoming a public charge because of unemployment of the woman herself, and 15.3% because of her husband's unemployment. It was not usually necessary to deport these women solely because of unemployment because they became public charges in other ways, or could, once unemployed or defined as a problem case by the Department, be deported for other statutory causes. Thus, those defined as "immoral" accounted for 6.6% of these deportations, those bearing illegitimate children for 21.2%, those deemed "mentally deficient", 8.3%. Those arrested for "vagrancy" (even if they did not all serve sentences) made up 3.4% of this group of deportees, those with "venereal disease" 3.2%, with "tuberculosis", 3.2. Almost 1% of these deportations were for lying about marital status, and 8.7% were for bad conduct, such actions as attempted suicide, petty theft, refusing to accept a job, being incorrigible, and so on.⁸⁹ It is clear that, for these particular immigrants at least, and probably for female immigrants in general, moral considerations played a significant role in determining whether or not they would

be allowed to remain in the country.

Whatever the "real" reasons for these deportations, it is clear that this was a period of brilliant legalisms interspersed with the odd petty illegalities. The use of factors secondary to the real reason for deportation, to build a legal case for deportation for a statutory cause that might be quite peripheral to the real reason, reached a level heretofore unexcelled. The records of the deportation of the disabled, the ill or handicapped, the criminal, the immoral, and the unemployed or impoverished revealed indisputably that the Department manipulated the factors in a case, to build up evidence to support deportations for legal causes that often had little to do with the reason the Department wanted to deport an immigrant. This was perfectly legal. It was no more than good administrative sense. The attempts by the courts to assure that the Department did follow its legal procedures helped to underline this tendency, but they did not create it. For the most part deportation took place out of the public view, and almost entirely beyond the control of anyone but officials of the Department. The maturity of the Department as a bureaucracy became increasingly visible in the Twenties. All the skill it had developed would become necessary in the Thirties, when the activities of the Department became

almost entirely centred around the deportation of the immigrants it had brought into the country in previous years.

REFERENCES

- 1 PAC. Record Group 76, File 563236, Blair to Winnipeg Commissioner, 18 November 1920.
- 2 Ibid., Blair to Gelley, 21 December 1920; Blair to Minister Calder, 6 December 1920.
- 3 Ibid., 18 November 1920.
- 4 Ibid., 6 December 1920.
- 5 Ibid.
- 6 Ibid., Vancouver Agent to Secretary Blair, 6 October 1921.
- 7 Ibid., Blair to Minister, 9 December 1922.
- 8 Ibid., Blair to Colonel Dennis, 10 May 1927.
- 9 Ibid., Commissioner to Fraser, 5 February 1929.
- 10 Ibid., Assistant Deputy Minister to Badgley, 15 September 1927.
- 11 Ibid., Deputy Attorney General to Vancouver Commissioner of Immigration, 6 January 1923.
- 12 Ibid., Deputy Minister of Immigration to Deputy Minister of Justice, 6 November 1923; Justice to Immigration, 10 November 1923.
- 13 Ibid., Winnipeg Commissioner of Immigration to Blair, 19 September 1922; Blair to Winnipeg, 22 September 1922.
- 14 Ibid., Ottawa to Winnipeg Commissioner of Immigration, 8 November 1922.

15. Ibid., Blair to Director of Department of Soldiers, Civil Re-establishment, 29 December 1922.

16 Ibid., Blair to Vancouver Commissioner Joliffe, 30 January 1924.

17 Ibid.

18 Ibid., Blair to Amyot, 7 May 1921.

19 Ibid., Amyot to Blair, 10 May 1921.

20 Ibid., Memo to Blair, 17 May 1923, (My emphasis).

21 Ibid.

22 Ibid., Blair to staff, 21 May 1923.

23 Ibid., Commissioner of Immigration to Dr. D.A. Clarke, Assistant Deputy Minister, Department of Health.

24 Ibid., Division Commissioner Fraser to Joliffe, "Memo, regarding cause of deportation", 21 June 1928.

25 Ibid., Commissioner Joliffe to Deputy Minister Egan, 26 June 1928.

26. Department of Immigration and Colonization, Annual Report, 1924.

27 File 563236, Blair to Consul General of Poland, 13 February 1923.

28 Annual Report, Ibid., 1924.

29 File 563236, Little to Montreal Agent, 2 November 1922.

30

Ibid., Blair, "Memo concerning conference with Department of Health re: deportation costs", 13 November 1922. Health had agreed to advance funds to Immigration because the latter had not yet gotten an appropriation to pay for deportations done outside the provisions of the general immigration Act. This was a temporary, makeshift measure, quite without significance here.

31

Ibid., Reid to Agent Regimbal, 4 January 1923.

32

From Annual Reports, Ibid., 1925, 1926, and 1928, respectively.

33

See for example the 1924 Annual Report, Ibid., p. 44. That year from the Pacific Division there were 123 Chinese deported, and 116 deportations under the ONDA, only 1 of whom went to the U.S., the rest to "other countries". The Division said that the ONDA was used to deport "undesirable chinamen" who had acquired Canadian domicile.

34

There were 39,587 Chinese in Canada in 1921, according to the census; 23,533 in British Columbia, (out of a total B.C. population of 524,582). See J. Morton, In the Sea of Sterile Mountains: A History of the Chinese in British Columbia, J.J. Douglas, Vancouver, 1974, pp. 237-241 for an account of the passage and implications of, and B.C. reactions to, the 1923 Chinese Immigration Act.

35

File 563236, Winnipeg to Commissioner Little, Ottawa, 14 March 1923.

36

Ibid., Whitton to Deputy Minister Egan, 15 July 1929.

37

Ibid., Egan to Whitton, 16 August 1929.

38

Ibid., Egan to Whitton, 4 September 1929.

39

Ibid., Whitton to Egan, 2 October 1929.

40

See Emily Murphy's, The Black Candle, (1921), on the prejudices of the latter group.

41

File 563236, Scott to Winnipeg Office, 24 September 1915.

42

Ibid., Walker to Scott, 27 September 1915.

43

Mrs. K.A. Chiman, "State guardianship of young people", Report of the International Congress of Women, Toronto, June 24-30, 1909, Vol. II, National Council of Women of Canada, Toronto, 1910, p. 362-3.

44

PAC., Manuscript Group 281, Volume 13, "Reports of the Y.W.C.A. Immigration Committee, 1912-1916", Report of June 11, 1914.

45

Ibid., Volume 37, Miss Falconer, "On Immigration in Canada", "Our unfolding purpose". Report of the World's Y.W.C.A. Stockholm, 1914, pp. 137-9.

46

Ibid., Volume XIII, No. 1, January 1914, pp. 53-5.

47

Ibid., p. 56. See also B.A. Roberts, "A work of Empire: Canadian reformers and British female immigration", in L. Kealey, ed., A Not Unreasonable Claim: Women and Reform in Canada, 1880s-1920s. Women's Press, Toronto, 1979.

48

B.A. Roberts, in L. Kealey, Ibid., passim, See also my "Sex, politics, and religion: female immigration workers in conflict, Montreal, 1880s-1920s", Atlantis, A Journal of Women's Studies, forthcoming.

49

MG281, Volume 14, "Immigration and Travellers' Aid Committee Papers", Meeting of the Y Immigration Committee, 23 February 1925.

50

Ibid., Miss Burnham to Y worker, 20 March 1923. The Y decided that only trained workers could do follow-up work for purposes of "protection and prevention of exploitation", so it was not practical to institute this system on a large scale. 10 April 1923.

- 51 Ibid., Meeting of the Y Immigration and Travelers' Aid Committee, 2 February 1925.
- 52 Ibid., Burnham to Committee, 11 January 1926, and 5 May 1926.
- 53 Ibid., Burnham to Committee, 10 September 1926.
- 54 Ibid., Committee Minutes, 4 October 1926.
- 55 Ibid., Ibid., 2 November 1927.
- 56 See my "Sex, politics and religion",
Ibid.
- 57 MG.281, Ibid., Committee Minutes, 4 April 1927.
- 58 Ibid., 9 May 1927.
- 59 Ibid., 10-11 October 1927.
- 60 This apparent fading away of the Canadian Womens' Movement in the 1920s is not yet completely documented or understood. Some of the women's organizations continued (such as the church groups, the Y, the National Council of Women) but grass roots feminist (or feminine), activism did not. Veronica Strong-Boag's study (in progress) of women in the 1920s should clarify this period.
- 61 Record Group 76, File 563236, Blair to Superintendent of Immigration for Canada, London, England, 7 December 1922.
- 62 Ibid., Report of Investigating Officer Munroe, Regina, 12 December 1922.
- 63 Ibid., 12 January 1923.
- 64 Ibid., Blair to Accountant, 19 January 1923.

65

Ibid., Memo, 2 December 1927.

66

The Calgary Agent went too far. He raided a bawdy house with the police, and "assumed the duties of a police constable". He was criticized for being overzealous. The Winnipeg Commissioner complained to Ottawa that Department Officials should neither be "expected" nor "permitted" nor "encouraged" to do this sort of thing. Ibid., 3 March 1921.

67

File 434173, passim.

68

Ibid., not dated.

69

Ibid., Memo, 19 February 1937.

70

Ibid., "Report on minor problems under the Aftercare Agreement", not dated, 1932.

71

Ibid., "Report on unmarried mother cases under the Empire Settlement Scheme", not dated, 1933.

72

File 563236, Memo, Assistant Deputy Minister to Joliffe, 29 June 1926.

73

Ibid., Macnaghten to Secretary Blair, 18 June 1928.

74

Ibid., Commissioner to Little, 7 July 1928.

75

Ibid., Blair to Macnaghten, 17 July 1928.

76

Ibid.

77

Ibid., Blair to Macnaghten, 18 July 1928.

78

Ibid., Macnaghten to Blair, 3 November 1928.

79

File 434173, "Report on unmarried mother cases ...", Ibid., 1933.

80

Ibid., "Analysis of major problem cases coming to attention up to 31 December 1932 under the Aftercare Agreement", not dated.

81

Ibid.

82

Ibid., "Causes for deportation of Empire Settlement women showing the contributing factors which necessitated deportation, to the end of March 1934", not dated.

83

Ibid., "Non-Empire Settlement major problems dealt with between 1 January 1921 and March 31, 1934, for British women". Not dated.

84

Ibid., "Statement showing year of arrival of Empire Settlement problem cases which arose during the fiscal year ending 31 March 1932", not dated.

85

Ibid., "Aftercare Report from 1 January 1926 to 31 March 1933", not dated.

86

Ibid., "Major problem cases coming to the attention of the Department between 1 January 1926 and 31 March 1936", not dated.

87

Ibid., "Standing of above problems as of 31 March 1936", not dated.

88

Ibid., The following computations are based on the figures in this report.

89

"Bad conduct" cases listed in 1934 gave these behaviours as examples: "Attempted suicide, petty theft, incorrigible, refused to accept employment, etc." Ibid., "Causes for deportation of Empire Settlement women to the end of March 1934, showing the contributing factors which necessitated deportation".

THE PUBLIC PURSE AND THE PUBLIC SAFETY:
DEPORTING RELIEFERS AND RADICALS, 1929-1936.

The Deportation policies of the 1930's represented at the same time a predictable continuation of well established practice, and a change ~~in~~ degree in sheer numbers, so severe that it became a change in kind. The deportation of radicals and reliefers demonstrated these two paradoxical qualities.

Deportation of the radicals in the 1930's was made to order by political fiat. It was a logical extension of earlier deportations of radicals and troublemakers. The techniques used for these deportations were similar to those of the World War I period. In both instances political deportation was made easier by special legal powers to deport these people overtly for political reasons as enemies of the state. The Department continued in the 1930's to create a documentary reality which scattered and disguised this target group and its specific undesirability under various nominal legal causes. It would seem likely that the reasons for using other legal causes included: to avoid unfavourable publicity, to make legal appeals against deportation more difficult, and to make the administrative proceedings smoother, more efficient and easier.

The long extant policy of the Department of Immigration to deport radicals and troublemakers whenever possible, found its logical extension in the Communist clean-up of the 1930s. A good many of the deportations of radicals and troublemakers would have taken place under normal headings: medical causes, entry without proper inspection, public charge, or criminal convictions. These tried and true measures lost none of their effectiveness during the first half of the Thirties. However, a new legal weapon against the Communist Party in Canada gave the Department the power it needed to deport Communists directly and openly, just for being Communists.

The Communist Party was declared an illegal organization in Canada, August 11, 1931, under Section 98 of the Criminal Code.¹ Since the earliest days of the Depression, communists had been involved in activities which deeply alarmed the government and the business community of Canada: organizing workers in industrial unions, building left wing groups within existing trade unions, organizing the unemployed, leading militant strikes, conducting very large and successful publicity campaigns, in one instance getting 100,000 signatures on a petition for unemployment insurance, a 5 day work week, a \$25 week minimum wage² for both women and men workers.³ Bennett revived Section 98 of the Criminal Code and used it to go after the Communist Party. The RCMP and Ontario Provincial Police raided

the offices of the Party and the homes of three of its leaders, and tried them and five others for being members and officers of an unlawful organization, and for seditious conspiracy. They were sentenced to five years in prison and were supposed to be deported.⁴ Of the original eight, the only one appears to have been deported was Tomo Cacic, a Jugo-slav who had arrived in Canada 14 March 1924; deportation was carried out 30 December 1933, after he had been here for more than nine years. According to the records of the Department, the charge for which he had been convicted was "Communist."⁵ A total of 82 names are listed in the files of the Department as having been deported as communist agitators. In the statistics in the Annual Reports, these names might have been represented in the criminality statistics, since under the revived Section 98 they had been convicted of a criminal offence which was in nearly all cases simply belonging to the Party. Of course others not prosecuted under Section 98 were also represented in the Annual Report; they were, however, nameless.

Most of the 82 names are not those of important Communists, and almost none appear in the literature on the Party. This may mean that the higher-ups had better lawyers, or, after the initial arrests, were not as likely to be arrested, or perhaps were all beyond the reach of

the law because of some technicality to do with citizenship. Clearly further study of specific cases is needed to explain the preponderance of rank-and-filers in the deportation lists. The charges listed for their deportations included: "unlawful assembly," "distributing communist literature," "inciting riot," "assault of police," "unlawful association," "communist," "carrying concealed weapons," "communist demonstration." By far the most common charge was "membership in an unlawful association" or "member of an unlawful assembly," in other words, simply being a communist. Three of the 82 deports were noted as well for other types of charges: "Section 33 subsection 7 (prohibited classes)," as well as "Communists"; "unlawful association" and "previously rejected"; and "unlawful association" and "epilepsy". This would suggest that in these three cases there could have been other legal grounds for deportation save being a communist. Apparently in other cases there were not sufficient grounds, or it was not necessary to develop them because it was so easy to deport after roundups under Section 98.⁶ In some cases the deportations were stopped, and in one at least, by mass protest, if the claim of the Canadian Labor Defense League can be believed. The League was a communist front group defending workers arrested for radical activities, which became active in anti-deportation work after the arrest of the eight Party leaders in August 1911. As part of this work

they led a campaign to get rid of Section 98 of the Criminal Code and the corresponding parts of the Immigration Act (primarily Section 41).⁷ Among its activities, the League published a pamphlet, Deported!, which contained a succinct and accurate analysis of the activities of the government in deporting radicals, activists and the unemployed.⁸ The pamphlet compared Section 98 of the Criminal Code and Section 41 of the Immigration Act. Section 98 said essentially that any organization or association that wanted to change the government, economy or industries of Canada by force or violence or injury to person or property, or by threatening these; was an unlawful assembly. Anyone who was a member or officer of this unlawful assembly, who displayed any insignia or sign of the association or did any writing or speaking about it, or for it, or sold anything or solicited contributions for it or gave anything to it, was guilty of an offence and could be imprisoned for up to 20 years for this offence. Section 41 of the Immigration Act was concerned with anyone who sought to overthrow by force or violence the government or constituted authority of the United Kingdom, Canada or, in essence, any part of the British Empire, or advocated the assassination of public officials, or who in Canada so much as suggested or defended the idea of unlawful destruction of property, or who tried to create riot or disorder, or

was somehow affiliated with any organization that did not believe in organized government. Anyone except a Canadian citizen who fit any part of that description was by definition a member of the prohibited classes and was undesirable, and deportable.⁹ The author commented that "Section 41-2... dispenses with the bother of a formal Section 98 charge and the routine of court procedure."¹⁰

The pamphlet was in part an attempt to rouse support for several groups of prisoners detained for their radical activities. One was Sophia Sheinin, who had been arrested and had served 6 months in jail for "unlawful assembly", in Calgary, had been held in jail for 3 weeks after her sentence was finished (at the request of the Department), had finally been released on bail, and at the time of writing, was awaiting deportation.¹¹ Records of the Department showed that Sophia Sheinin was a Russian Jew, and had arrived in Canada 4 May 1927. She was deported 13 November 1932, for charges recorded as "member, unlawful assembly."¹² The CLDL claimed that between January and June 1932, 33 workers had been deported for political offences.¹³ The files of the Department showed only 15 persons deported as communist agitators in that period, which indicates that 18 were probably deported under other charges.¹⁴ The CLDL claimed that 50 others were held at the time of writing.¹⁵ Of those they identified by name, the records of the Department confirmed their deportation as communists. These were the "Halifax ten",

who had been rounded up under Section 41 in raids immediately after 1 May 1932. Two were Finns from Sudbury, Martin Parker (Pohjansalo) and Arvo Vaaro. Another was Dan Holmes (Chomicki), from Winnipeg, Austrian Polish in origin. Others came from Edmonton, Vancouver, Winnipeg, Oshawa, and Montreal.¹⁶ According to testimony of the CLDL, they were whisked off in secret by the RCMP, in order to avoid a big protest demonstration.¹⁷ Deported! urged massive worker protests to save these ten men, as Dan Malone had been saved. Arrested for vagrancy, he was accused by the Toronto police and the RCMP of wanting to assassinate a British Labour delegate to the Imperial Conference. When he was freed the Immigration Department attempted to deport him.

The formal charge of the Immigration Department was, of course, that Malone was a public charge, that he had received a few paltry dollars in city relief. 18

The CLDL believed mass protest led to his release.¹⁹

It is unclear to what an extent this action was generally successful. In the case of the "Halifax ten", it was not. Parker, landed here 23 May 1913, was deported 17 December 1932. Holmes had entered Canada in June 1913, and was deported 23 January 1933. Arvo Vaaro had come in December 1908, and was sent back 17 December 1932. Conrad Cessinger, German, had entered July 1926, and was deported 18 December 1932; John Tarkas, Hungarian, had entered 23 July 1926, was deported 18 December 1932; Steve Worozcyt, Polish had entered July 1926, was deported 23 January 1933; Geoffri Zuercher, Swiss, had entered 10 September 1927, was

deported 1 January 1933; Hans Kist, German, had entered 1930, was deported 18 December 1932; John Stahlberg, American, had entered 1925, was deported 15 December 1932; and Ivan Sembaj, Russian, had entered 25 October 1923, and was deported 16 July 1933.²⁰

The rate of deportation of communists as under overtly political charges decreased considerably after 1933. For the calendar year 1931, according to one set of Department records, there were 24; there were 41 for calendar 1932, and 13 for 1933. There were only 4 in 1934.²¹ The reason for the cessation of these types of deportations, that is, for deportations of communists as communists, not as public charges or criminals, or whatever, was unclear. Petryshyn believed that the protests organized by the Canadian Labour Defense League were effective. He cited the admittedly large numbers of signatures obtained on petitions (over 400,000 on one), huge numbers at rallies, and so on.²² Kenneth McNaught argued that the repeal of Section 98 in 1937 was due to the passing of the most difficult period of the Depression, and also to the increase in the political threat by the CCF to MacKenzie King.²³ An unpublished study by Henry Drystek suggested rather that by 1934, there was an "end of pessimism", since the worst was supposed to be over, and that the lessening of the social problems of the Depression meant that scapegoating the communists for these problems was no longer important.²⁴

Internal documents of the Department of Immigration confirmed both the existence of persecution of communists by means of deportation, and the deportation of communists as such and by other charges. Correspondence referred, for instance, to difficulties with a group of Poles, allegedly communist, who had refused to cooperate with the deportation process by refusing to be photographed, and refusing to sign their passport applications.²⁵ The Department responded to tactics of this sort by ruling that such detainees could be held until their documents were forthcoming, by virtue of the Minister's Order to arrest and detain someone for examination, and should the Board of Inquiry (if there had been one) so rule, for deportation.²⁶ This particular impasse represented a somewhat unusual resistance to the methods of the government. This particular group had been held for deportation on a complaint from the City of Winnipeg, which had alleged that these Poles were "members of organizations connected with the Communist movement", and between July and September, had turned them over to Immigration for action.²⁷ Until this time, the Department had had little trouble getting information at the hearings by Boards of Inquiry, but a large percentage of these particular detainees had refused to cooperate. "A number of these alleged Communists are being represented by Counsel and it appears evident that they are going to continue to make it as hard as possible for us..." complained the Winnipeg Commissioner of Immigration.²⁸ Unfortunately for the detainees, these could only be delaying tactics. Even though they had lawyers, nearly

all their cases were "based on public charge grounds" and on other Sections of the regulations from which there was in effect no appeal. It should have been quite easy to "develop evidence" to show that they were deportable, even without much cooperation from them. Winnipeg was told by Ottawa not to worry about hiring lawyers to represent the Department unless there were cases under Section 41. Deporting radicals under other Sections of the Act was not considered difficult enough to hire lawyers to represent the Department, mostly because there was very little likelihood of court intervention, so long as the Department followed all the procedures properly.²⁹

Unhappily for the Department, the case was not settled so simply. Weeks and even months after their original arrests, these detainees had still refused to cooperate, or even to sign their appeal forms. Winnipeg, meantime, was beginning to wonder if these deports really were Communists. Perhaps some were, the Winnipeg immigration officials decided, or perhaps some had Communist leanings or had gotten lawyers from the Communists. It seemed likely to the Immigration Commissioner at Winnipeg that others were not Communists, because they had not refused to work, rather the problem was that there was no work to be had. The Winnipeg Office feared that if the detentions continued, there would be demonstrations by the "friends" of the deports. There was no doubt in the mind of the Department that it had proper authority to detain these people. The detentions after the Winnipeg General Strike in 1919 had clearly established that

precedent.

But there were political considerations: elections were on, and the Communist Party had candidates in every slot. Although it thought that perhaps the Communists were not numerically strong, the Winnipeg office was still concerned about the political repercussions of these detentions. As well, the Polish Consul had stated it did not want these people deported. In view of all these problems, Winnipeg finally doubted the wisdom of indefinite detentions.³⁰ Ottawa's solution was ingenious: most of these men had come in under a scheme called the Railway Agreements, so their photos and documents were already in the files, and their passports could be gotten without their cooperation,³¹ and their deportations carried out. Significantly, they were carried out not as Communist deportations, but rather as public charges or for other causes, insofar as the published records of the Department were concerned. The lists of those who were deported as Communists in these years do not contain references to these detainees.³² This confirms again that radicals were deported as public charges or for other statutory causes, and that the published Reports of the Department did not reveal these deportations, but rather concealed political deportations under other headings.

Internal sources of the Department would seem otherwise to confirm at least in part Petryshyn's claim that the CLDL was effective in organizing protests against the deportation of radicals.³³ In the files were letters from a variety of "left" groups so protesting. The Saskatoon ,

Workers' Defense League protested the "vicious" provisions of the Criminal Code and Immigration Act, and demanded that 21 prisoners held for labour-related activities be released from jail at Prince Albert. Specifically protested were the deportations of comrades Sutton, Forrest, and Furlong, who had not been guilty of "any crime in the eyes of the working class".³⁴ (These three names did not appear on the lists of Communist agitators deported as such, so it would seem that they too were among the probably much larger group of radicals deported under other auspices). Another typical letter was from the Women's Labour League to the Minister, conveying a resolution protesting the deportation of people jailed for "working class activities", and opposing the deportation of "all working class deportees".³⁵ The Women's Labour League members were mostly housewives of Eastern European backgrounds. Avakumovic noted that in 1929, 53 of the 60 Leagues were composed of Finnish women.³⁶ However, this particular letter from Saskatoon was signed by a Mrs. Duncanson and a Mrs. Taylor.³⁷

On the other hand, there were (admittedly fewer) letters from the right: from a Member of Parliament supporting the deportation of all labour agitators, and one from the National Association of Veterans, Quebec Branch, about the dangers posed by alien subversives.³⁸ The latter was interesting as an example of the success of the campaign to

blame the left for the social problems of the Depression. The Association prayed that municipal, provincial and federal authorities, would take

sans tarder des mesures énergiques pour déporter tout étranger indésirable et de condamner impitoyablement toute personne coupable de sédition en Canada. 39

The former letter afforded a glimpse into some of the situations that gave rise to the radical deportations. MP Munn wrote to Acting Minister of Immigration Gordon that there had been much labour trouble in the lumbering industry of British Columbia. Munn, in the logging industry for twenty years, said, the trouble had been due to men in the camps who were "not even British subjects...who become agitators." Munn wanted to deport them all. He suggested a nation-wide search for all unnaturalized agitators so they could be thrown out of the country.

If we could weed out a few thousand from the different provinces...it would have a wonderful effect on the lukewarm agitators who are left. 40

Unhappily, replied the Department, it was not that simple.

I entirely sympathise with your view that the country would be better off today if the kind of immigrants you describe had never been admitted but while admitting them was easy enough, getting rid of them is a very much more difficult and costly business.

The writer, Deputy Minister of the Immigration, regretfully suggested that these agitators stayed out of trouble until got domicile, knowing that they would not then be deported,

except under certain sections of the Opium and Narcotic Drug Act, or if they could be "shown to advocate the overthrow by force or violence of Government." By 1934, it was no longer so easy to do deportations on these grounds,⁴¹ especially after the Rev. A.E. Smith, leader of the Canadian Labour Defense League, had been found innocent of charges brought against him under Section 98, in March of that year.⁴²

Also of interest in the deportations of Communist agitators were the ethnic origins and length of residence of the communist deportees. Of the 82 listed in the special file of the Department, the Finns were most numerous with 25 deported.⁴³ Next were Poles, 15, and next, those from the British Isles, 14. Then were Jugo-slavs, 7, Russians and Roumanians, three each, Swiss, Czechoslovaks, Americans, Germans, and Hungarians, two apiece, and Bulgarians, Lithuanians, Danes, Swedes, and Estonians, one apiece. Their residence in Canada ranged from twenty-four years to less than a year: 32% had been here five years or more, some 9 or 10, and four more than twenty years. Two-thirds had been here less than five years.⁴⁴

These are not representative of political deportations during this period. Evidence strongly suggests that only a small percentage of the political deportations were overtly as such. The most common cause for deportations in the 30's was "public charge". These were much easier to carry out, as were criminal deportations for such offences

as vagrancy, than were deportations under Section 98, or Section 41, with the danger of political repercussions, mass protests, and so on. Even if the real reason for deportation was political beliefs or activities, a deportation proceeding based on the ground of a sentence for vagrancy was virtually automatic and a far simpler matter. Michael Piva has commented that the unemployed were often considered as vagrants in Toronto and elsewhere and arrested as such.⁴⁵ Eric Hobsbawm has suggested that the rate of vagrancy arrests makes a useful index to the level of unemployment.⁴⁶ Moreover, in 1918 the "Idler's Act" made it a crime to be unemployed in Canada.⁴⁷ In this period of extraordinarily high unemployment, rates of arrest for vagrancy had not declined. The jails were seldom too full for the confinement of those the government or local authorities wanted to get rid of. Since so many of the activists in the Thirties were from the working classes, they were hard hit by the depression, often unemployed, and likely public charges. For those who were immigrants, deportation was, under the law, automatic. It seems likely that prosecution as a communist or under Section 41 would have been reserved for those cases difficult to get rid of by any other means; immigrants who had been here for more than 5 years and had domicile, for instance. That domicile was no protection, was witnessed by the "Halifax Ten" and other communist deportations. In fact, naturalized citizenship was no certain protection, either. Since 1919 it had

been possible to cancel naturalization certificates. The Department of Immigration sent lists of names to the Secretary of State to try to cancel citizenship of radicals, in the Thirties. Secretary of State identified some of these names as probably easy to denaturalize, although it is not clear from Immigration records how frequently this tactic was used to make possible deportations.⁴⁸ Lacking further studies, it is difficult to say more than that.

What is certain from government and other records, however, is that the Department of Immigration deported immigrants for political reasons, consistently if not constantly, from before World War I through the 1930s. It is also clear that the provisions of the deportation sections of the Immigration Act, and the practices of the Department, were comprehensive and flexible enough to allow the Department to carry out this usually unadmitted policy with a minimum of difficulty, most of the time.

There were strong similarities between Thirties and earlier radical deportation. Under Section 98 of the Criminal Code, there were only eighty-two Communist deports in the 1930s. This would appear to be fewer than the radicals deported during and after the First World War under emergency powers. Yet in the 1930s, there were thousands deported for becoming public charges, for vagrancy, for illegal entry, or being prohibited immigrants. These

techniques were certainly in use in the earlier period, but the sheer volume of deportation in the Thirties elevated their application into a new level of bureaucratic finesse and usefulness. Under the emergency legislation in the first war period, some immigrants would be deported even if they had been here for longer than the time required to obtain domicile, in effect, after the statute of limitations on deportation had run out. The same was true of the Thirties: radicals, some of whom had been in Canada for over twenty years, were deported for political "crimes."

Political deportation under Section 98 offered certain advantages. It would be used as a shotgun or catch-all, if other categories did not fit. Yet there were disadvantages. If Section 98 were used to arrest offenders, they had the right to a criminal trial in the courts, to a jury trial and a public hearing. A more reliable strategy was for the Department to invoke Section 41 of the Immigration Act, and to use others' criminal trials under Section 98 as having established the illegality of certain political actions or affiliations, thus justifying the use of Section 41. This was the approach often taken by the Department. The Immigration Act had some limitations, yet once grounds for deportation were found, the case for deportation was constructed, and evidence adduced to support the case, deportation was relatively quick and easy, and without a public hearing.

Section 98 was part of the system of criminal justice. Deportation under the Immigration Act did not involve justice, but rather purely administrative proceedings.

In deporting the unemployed in the 1930's, the Department was following a tradition established at least some fifty years earlier, of expelling immigrants who had become public charges. The unemployed who had gone on relief were the main target group for the Department during the Depression. Just as unemployment had become a mass phenomenon, the response of the Department to it was the mass production of economic deportation.

The Department had claimed during earlier periods of high unemployment, that it was not its policy to deport the unemployed, unless there were other factors besides the fact of unemployment that would make these people likely to remain public charges in Canada. One important reason for the concern of the Department to establish this claim was the necessity to balance the conflicting interests of the transportation companies and the municipalities. It was usually the former who had brought in the immigrants and who would be asked to pay the costs of sending them back whence they had come. It was the latter who had to pay the costs of maintaining immigrants who had become public charges. Except in times of economic crisis, the Department had usually been able

more or less to balance these conflicting interests. The claim that it did not automatically and arbitrarily ship out the otherwise desirable and fit who had fallen on hard times, was one of the most important of the tactics used by the Department to avoid the spotlight of political controversy.

Despite the attempts of the Department to claim that it deported the unemployable rather than the unemployed, the mass deportations of the Thirties aroused a good deal of protest. Liberal public opinion (the CCF, the CP, and the Churches, for example) attacked the Department for "shovelling out" the down-and-out. On the other hand, the municipalities wished to increase the rate at which the unemployed were deported. The municipalities were caught in a severe financial squeeze, as it was they who had to pay the costs of relief. Neither the provinces nor Ottawa were willing to subsidise the high cost of relieving immigrants. The municipalities attacked immigration policies, accused the government of importing undesirables, and demanded strong government action. Canadian nativists (some Franco-canadians, "WASPS", Native Sons, White Canada supporters, and Great War Veterans, for instance) demanded that the "foreigners" be sent back home so "white men" could get jobs.

The official position of the Department of Immigration was that it did not systematically deport the unemployed during the Depression. To be charitable, the records do not support that claim, and to be blunt, it was for the most part, a lie. It was an oft-repeated lie of which a few examples should suffice. For example, Deputy Minister Egan wrote to the Council for Social Service of the Church of England in Canada, claiming that "we have not, . . . adopted any policy of sending people home in any numbers merely because they are in temporary distress through unemployment."⁴⁹ The Minister had stated publicly that he was not in favour of mass deportation.⁵⁰ He continued to do so. He sent letters to the daily press justifying the Department's actions, in order to try to get more favourable publicity for the Department. He claimed that deportation had "affected approximately only one half of one percent of the immigrants who came to Canada since the commencement of the century."⁵¹ The Department prepared an analysis of the deports on a particular shipment of which there had been much criticism.⁵² This analysis purported to justify these cases on the grounds that each one was necessary, not just the result of a policy of shovelling out. Of this shipment, "not one of them was deported because employment could not be found for them on the land", claimed the Minister.⁵³ The Ottawa Citizen was one of the few newspapers which reported

the claims of the Minister with skepticism, particularly that the deports were not the unemployed, but the unemployable. "What about the other 200,000 unemployed in Canada? Are they similarly unemployable?"⁵⁴, demanded a Citizen editorial.

The Minister wrote to individuals and groups using varying tactics to refute criticisms on this ground. To the Canadian Legion, he wrote denying that veterans had to worry. Even if some municipalities had been threatening veterans, it was Ottawa, not the municipalities, that had the power to decide who would and would not be deported.⁵⁵ In 1934, the Department wrote to Member of Parliament Kennedy, "it is not the policy of the Department to effect deportation solely" on account of becoming a public charge if this were due merely to unemployment because of generally depressed conditions.⁵⁶ "In all cases of deportation on public charge grounds, other factors have been present."⁵⁷ There were numerous other statements of policy. At best, they were pious hopes; but they shaded down to hypocrisy, then to bland denials of the truth. Few had any basis in fact.

It must be admitted that there was some truth to some of these claims some of the time, albeit not very much and not very often. There were instances when the Department stalled, queried, or suspended deportations of

the unemployed. In late 1929, for example, the Department found itself in a difficult situation because as the economic situation worsened, it foresaw mass deportations. At the present time, it was already sending back very large numbers of young British men who had come over in 1929 as trainees under an abortive scheme under the auspices of the Ministry of Labour. The procedure established after the Minister decided to deport them was for them to go to the Immigration Building in Montreal, be received there, thus becoming public charges, and then to deport them as public charges, "they, of course, refusing farm work." The problem was that many other able bodied unemployed Britons were available who did not see why they could not be promptly received and deported: in Montreal, the alternatives for the unemployed were very grim, and the Immigration Building meant food and shelter. The Department thought these latter could get work if they wanted it; that does not seem very likely in retrospect. While it was simple to quickly hold Boards of Inquiry and deport these unemployed immigrants, the Department thought that if it did this, there would "be a rapid increase in the number of cases the Division will have to deal with and we will develop more or less into a booking agency."⁵⁸ The Commissioner of Immigration thought the Department should take a firm stand to discourage immigrants who were unwilling to work, since there were at present

and would be in the future in Montreal and Toronto and elsewhere, "quite a number of these cases."⁵⁹ A note pencilled on the letter, apparently by the Commissioner in Ottawa, advised that men unemployed and refusing farm work should be told "they will have to make their own way " back home.⁶⁰ Montreal was so informed.⁶¹

The following spring, the Commissioner noted that an increased number of demands were coming from the West to deport single unemployed who, having received relief payments as low as \$2 and not more than \$4, had been labelled as "public charges." Although the Department claimed it appreciated the problems with unemployment in the Prairies and wanted to "cooperate", it did not seem reasonable to it to "extend facilities in the matter of deportation on such slim grounds as the above" if there were no other reasons than unemployment.⁶² There were limits to "cooperation", as it was called. One reason for the limits was the fear that immigrants would stop trying to get work and "adopt the line of least resistance, which means a free trip home." Therefore, the Department would not issue a Minister's Order for examination in these particular cases, without some indication showing "whoever is involved is a misfit or a type who obviously cannot become established."⁶³ In other words, the cases had to be somewhat differently presented. Shortly thereafter,

a list of cases from Calgary showed several deportees who had gotten only \$1 in relief, most had gotten \$3, and only one had gotten as much as \$11, this a German family. The Deputy Minister balked at deporting these people and noted, "Unless there is an unfavourable history behind each one of these, they should be given a chance to make good."⁶⁴

Legally, of course, becoming a public charge was grounds for deportation. Legally too, if a husband were ordered deported, a wife and children living with him or apart would be included in the order, although they might not actually be deported with him, depending on the circumstances.⁶⁵ Ottawa did modify its procedures in other instances, as well. For instance, in 1932 the Department wrote to its investigating officers ordering that in cases where an immigrant whose examination for deportation had been ordered, was working by the time the Order arrived, should no longer be forced to leave work to come in to the office to be examined. Unless the immigrant seemed really undesirable, officers were not to act on an Order if the immigrant were working when it came.⁶⁶

Deportation of public charges was a "relief to Provinces and Municipalities." Relief was not always forthcoming. Policy after the spring of 1934 was not to carry out all the British deportations ordered, but rather to "suspend some of the actions."⁶⁷ Figures on the actual

number of deportations ordered but suspended are not readily available, but there was a claim that this was done in 14% of the cases for 1932-33.⁶⁸ Unhappily, there were several statements on this memo that were demonstrably false, so the figure should not be taken as more than an unsubstantiated claim. By the late summer of 1934, the Department had issued an order to its various Divisions concerning British public charge deports. The new general policy was not to carry out such deportations after they had been ordered. The reasons given were several: many of these people nearly had domicile, or Canadian born children who were not legally deportable (although there is a wealth of evidence to show that they were often deported with their immigrant parents). Many of these British had come under the Empire Settlement Act and were only "undesirables" at the moment because they were public charges due to unemployment, in other words because of general economic conditions, not because of individual failings. Since they were likely to remain public charges in Britain even though they were good immigrants when they had left Britain, they had better stay in Canada and try harder to establish themselves, in the view of the Department. These people were to be informed that although deportation had been ordered, it was "extremely unlikely" to be carried out.⁶⁹ Finally, when Crerar became the new Minister of Immigration, he was told by his administrators that this

policy in existence since summer 1934, (of not carrying out deportation of some of the British immigrants after it had been ordered) "overrules to an extent the law as it stands." Asked if the Department should or should not carry out deportations of British immigrants when the cause was simply unemployment, the Minister replied somewhat ambiguously that British immigrants should be deported as public charges, if the immigrants had been and likely would continue to be a serious problem in Canada, or if they were anxious to go home and had friends or relatives to go to, and if the municipalities were urging deportation. The Minister added that the Department should distinguish between those who were public charges solely due to unemployment but had no other problems, and those who were otherwise a problem such as the ill or incapacitated.⁷⁰

These exceptions aside, between 1930 and 1934 the Department consistently and systematically shovelled out the unemployed. According to unpublished Department figures, between 1 November 1931 and 31 January 1935, 10,805 public charge deportations took place.⁷¹ In the calendar years 1932 and 1933, 8,758 persons were deported as public charges plus hundreds more not listed, but sent back as "accompanying persons." In this same period deportation for other causes brought the total deported up to 12,785 with 1,130 accompanying persons.⁷² Of these, 7,586, or 59%, were British,

and 5,199, or 41%, were not.⁷³ The published statistics of the Department, from the Annual Reports, give even higher figures. Between fiscal 1929-30 and fiscal 1934-35, a total of 17,229 public charge deportations took place (not including accompanying persons).⁷⁴ Moreover, if the Department's own occasional insistence that public charge cases where there was some cause besides unemployment were legitimate public charge deportations, while cases based only on unemployment were little save shovelling out the unemployed, is taken as a guideline, then the overwhelming majority of these public charge deportations were just that: shovelling out the unemployed. The Department prepared a report analysing deportations to try to put a good face on the matter. According to this report, of the public charge deportations (not including those accompanying) between 1 November 1931 and 31 January 1935, totalling 10,805, only 797 or 7.4% of these were listed as being related to illness: non-British illness cases were 403 of 3,941, or 10.2%, and British illness cases were 394 of 6,864, or 5.7%.⁷⁵ Another analysis of public charge deportations for calendar 1932 and 1933 showed that of a total of 8,758 public charge deportations, 622 (7%) were illness related; of 5,578 British, 314 (9%) and of 3,180 non British, 308 (9%) were illness related.⁷⁶

Conceivably there were other mitigating circumstances in these deportations, but it seems odd that the Department did not cite them, given that these latter statistics were clearly intended to be used in the campaign of self-justification which will be discussed at greater length below. Moreover, despite the protestations of the Department that it did not like to deport for small amounts of relief, a "Statement showing amounts of relief for public charges deported during the month of August 1934", when the worst of the unemployed deportations were over, showed the average amount of relief received before deportation, to the following destinations: Scotland, \$49; Czechoslovakia \$126; Finland \$33; France \$230; Germany \$80; Lithuania \$100; Poland \$120; Roumania \$563; Sweden \$510. The overall average was \$118.⁷⁷ While this might support the contention of the Department that it did not deport for amounts from \$1 to \$3 to \$11, or at least that it did not deport those particular immigrants at that particular time, this does show that in this particular month, eight Scots were deported for having received an average of \$49, etc.⁷⁸

Aside from published and unpublished statistics, there was other internal evidence that the Department routinely expelled the unemployed. This policy had begun fairly early. In fact, the Acting Minister of Immigration had suggested bypassing regular procedures and

shipping the unemployed out en masse to clear the relief rolls, in the summer of 1930. His Deputy Minister, concerned over the furor that would result when large numbers of unemployed British were so arbitrarily deported ("those returned would be mainly British and the effect would be disastrous"), suggested instead that the Department send out

50% British, 50% foreign and handle all by regular procedure. This only safe course. Using telegraphic warrants will facilitate action. Will act immediately on your reply. 79.

So, on the Acting Minister's orders, people who were out of work and had become public charges were deported to relieve the unemployment situation in the West. The complaints sent to the Minister by the municipalities were mostly about British immigrants allegedly refusing to take farm work, when industrial work was not available. To deport these immigrants after receiving these complaints, was the policy for an unspecified but substantial period.⁸⁰ The Department of Justice ruled that if a family got relief briefly and then became self supporting and paid back all the money, they probably should not be deported; but this confirms that under other circumstances, that is, if they got relief money and did not quickly go off relief and repay what they had received, they would be deported.⁸¹ In fact, the Department of Justice had ruled that anyone who "is" or "has been" a public charge was legally deport-

able, even if they were no longer a public charge at the time deportation proceedings concluded.⁸² The policy of deporting the unemployed was described in a memo intended to brief a new Minister of Immigration in the fall of 1935. According to the memo, until the spring of 1934, British immigrants had been deported solely for becoming a public charge. Between 1902 and 1934, 27,187 public charges had been deported to all countries. The various reasons these people had become public charges were described as: illness in the family, death of the breadwinner, unemployment, criminality, insanity, and the like. But the most important reason, especially during the previous few years, was "unemployment", which was "sometimes due to the inability of unwillingness of the immigrant to accept or undertake the sort of work that may be available."⁸³

The immediate pressure to deport public charges came from the municipalities. It was they who bore the brunt of relief costs, and relief costs escalated shockingly by 1930. In March of that year, representatives from a number of municipalities in the West had presented figures outlining the financial costs of high unemployment among their immigrants, in an unsuccessful effort to get the federal government to pay these costs. Winnipeg said that relief costs had risen from \$31,394 in 1927-28

to \$1,683,386 in 1930-31.⁸⁴ The federal government's alternative to assuming part of the relief costs was to order deportation of the unemployed; a directive to that effect was issued in the summer of 1930.⁸⁵

The Department of Immigration was generally sympathetic to the municipalities, even on the relatively infrequent occasions when it refused to deport particular immigrants. There is abundant evidence that municipalities, especially in the West, were routinely using deportation to cut their relief rolls. In July 1931, for instance, several cities in the West had told the Immigration Department's regional head office at Winnipeg that they had many hundreds of public charge complaints. Winnipeg was overwhelmed trying to process them. Ottawa finally agreed to allow Winnipeg to send in deports' names in batches, by nightletter telegram, so Ottawa could send back Minister's Orders to begin the deportation process. Normally at least the details of the cases would have been sent to Ottawa for perusal, then the Minister's Order for examination would have been sent out. Because of the increased workload, Ottawa had begun to approve complaints without knowing the details. The documentation was to be sent on to Ottawa after the cases had been heard by the Boards of Inquiry and the deportations ordered.⁸⁶ This was a violation of the provisions of the Immigration Act.

By 1932, wholesale deportation of immigrants who had become public charges was the rule in a number of cities, including Edmonton.⁸⁷ The same situation existed in some Eastern cities. In Montreal, for instance, there was much unemployment, and resources were scarce, relief scanty and hard to get. Large numbers of immigrants were reported destitute and on the verge of starvation. The City reported them to the Montreal Immigration Office for deportation. The Office was "filled daily" with immigrants who had become public charges and ordered deported, wanting to know when they would go. On the whole they were said to be eager to work, and only accepting deportation as a last resort.⁸⁸

If desperate measures were produced by desperate situations, then the situation in Winnipeg was desperate. By early 1932, the City had forced immigrants applying for relief to sign forms requesting to be deported, as a condition of getting relief.⁸⁹ It seems that this practice may have originated from a policy of the Department, in the early spring of 1931, when all British subject deports had been asked by the Department to sign a written request for deportation.⁹⁰ Ottawa did not react to this practice by the City of Winnipeg until the summer of 1933. It is conceivable that the Department did not know about it, as it claimed.⁹¹ The matter became a political

issue after a series of complaints culminated in a mass demonstration on 23 June 1933, organized by the Canadian Labour Defence League, the Neighbourhood Council Movement, and the Committee of the Single Unemployed.⁹² The Winnipeg office reported this to Ottawa⁹³, and shortly thereafter, apparently to rebut Ottawa's denial of the facts in the case, the Winnipeg agent picked up copies of the form from the City Relief Office.⁹⁴ The Relief Officer of the city was reportedly reluctant to discuss the situation, claiming that although it had been "generally used", the man who originated it was no longer there, and the form was not being used at that moment.⁹⁵ In the same month, the Winnipeg Commissioner of Immigration reported to Ottawa that the City of Winnipeg had been forcing all married persons applying for relief to sign a form promising to repay "on demand" the amount received. The Winnipeg Commissioner sent the information because he wanted to know if the signees would be deportable as criminals if they failed to pay what seemed to be a promissory note.⁹⁶

Deportation practices in Winnipeg were tied not only to the difficult economic situation of the City but also to the vagaries of partisan politics. For some time complaints about unemployed immigrants on relief were forwarded by City officials more or less automatically to

the Immigration Department. Then suddenly in the spring of 1933 a rush of cases were submitted all at once, by the Winnipeg City Council. There was a power struggle in the Council between radicals and conservatives, and the relief recipients were pawns in the game. The Relief Department had apparently been trying to use the Department of Immigration as a buffer between itself and some of the councillors, but the game had come to an end when some of the recipients whose names had not yet been sent in for deportation had become on the verge of acquiring domicile and thus becoming undeportable as public charges. The Council sent in the long list.⁹⁷

The disagreement within the Council over deportation of public charge immigrants culminated in a resolution passed 19 December 1933 that the City Council was opposed to the deportation of relief recipients solely because they were on relief.⁹⁸ This resolution was the outcome of a decision by the Council to adopt a policy of "passive resistance" toward their duty under the law to inform Ottawa of deportable public charge.⁹⁹ The Council demanded a declaration from the Minister of Immigration and Colonization that nobody would be deported just for being on relief. The Council also criticised the practice of making men and women become "voluntary" applicants for deportation, under threat of deportation proceed-

ings.¹⁰⁰

The controversy stirred up in Winnipeg over deportation of relief recipients led to a suggestion by the Winnipeg Commissioner of Immigration that the Department cease the practice of holding Boards of Inquiry and ordering deportations it did not intend to carry out, because this created an "unfavourable political reaction." The problem was that the Department was claiming it did not deport people solely for having become a public charge, but rather only if they were otherwise undesirables. This meant that if a relief recipient were examined and ordered deported, even if the deportation were not carried out, the deportation order labelled the prospective deport as an undesirable. In effect these people were convicted of being undesirables without ever having been properly accused or defending themselves against charges. This turned them into "centres of propaganda very unfavourable to the Government."¹⁰¹

When City Council stopped reporting, the local immigration office could no longer report to Ottawa the names of those receiving relief, and of those being investigated for deportation.¹⁰² The Minister of Immigration responded to the demand that the City Council be assured that no more people would be deported solely for receiving relief, by deciding that, since the Council

was not going to report any more cases, all deportations originating from the City of Winnipeg would no longer be processed.¹⁰³ Some of the officials from Winnipeg tried to get around this freeze: a "social worker", Mrs. Stewart-Hay, Secretary of the Social Welfare Commission of Winnipeg, tried to request deportations by calling them "repatriations."¹⁰⁴ The local Immigration office replied that the Department did not repatriate, it deported, and the railway companies that had brought in the deported immigrants must pay their fares when they were deported: the Department would not pay to send this individual home.¹⁰⁵ Moreover, no deportations could take place from Winnipeg on the grounds of public charge, at that time.¹⁰⁶ The Winnipeg office informed the Social Welfare Commission that it could do nothing unless the City Council withdrew its refusal-to-deport motion, and the complaint had to come directly from the City Relief authorities, rather than from the Social Welfare Commission.¹⁰⁷

The City Council backed down in July of 1934. It attempted to sidestep the issue by a rather convoluted compromise. Since public opinion was opposed to deporting immigrants solely as public charges, and since the local Unemployment Relief Committee thought that the unemployed should be deported in isolated cases, the Unemployment Relief Committee, the Social Welfare Commission, and

the Municipal Hospital Commission were henceforth authorised to report to the Department cases they felt should be deported, but there were to be "no cases...reported by the Relief Department except on instructions of the Relief Committee."¹⁰⁸

After a couple of months of confusion about the legitimacy of cases reported by the Relief Department without certification that they had been approved by the Relief Committee, the City Council agreed to Ottawa's request that the City Clerk sign such requests to authenticate them.¹⁰⁹

It was only at that point that Ottawa resumed investigating and deporting on request from the City of Winnipeg. At the same time, the City, in nearly disastrous financial straits, announced that there would be no more relief given to 500 families and 1,600 single men who had arrived in Canada after 1 January 1929; most of these people were Central Europeans.¹¹⁰

(It is interesting to note that City Councillors were overwhelmingly British in origin, whether they were aligned with the right- or left-wing faction on Council.¹¹¹) This action left large numbers of immigrants in Winnipeg - as in other Canadian cities - in truly desperate circumstances.

Meanwhile, the Department of Immigration at Ottawa was more concerned with justifying its actions in deporting large numbers of unemployed immigrants, than in finding real alternatives to deportation. In order to justify its actions, the Department took three main approaches. First,

it attempted to build up a case that the deports were not just the unemployed but the unemployable, due to their incapacity or unwillingness to work. Second, it attempted to create and display evidence that the majority (the figures vary) of the deports did not mind being deported and in fact were eager to get "home". These were referred to as "voluntary" deportations. Third, the Department attempted to conceal the true nature and extent of the deportation of unemployed public charges, both by misleading statements about its policy, and by publishing figures based on statistics compiled to buttress the "unemployability" and the "voluntary" claims.

The explanation for these tactics lies most likely within the realm of bureaucratic and political survival. The Department needed to make visible and display that it was doing its job fairly and competently. The Department needed also to protect itself against the storm of criticism from the press, from a variety of associations and organizations, including organized labour and the left, from foreign governments, and from Britain, about its propensity to shovel out the unemployed. At the same time it had to accede - or appear to accede - to the powerful interest groups wanting industrial and social peace at any price as long as they did not have to pay it - the employers, the corporations - and to satisfy the munici-

palties who were frantic about the costs of relief, and large numbers of angry citizens who wanted to get rid of immigrants so Canadians could have the jobs that existed.¹¹²

"I wonder if you can put your hands on any cases where Britishers or others have smashed windows or done something of that sort in order to get deported?", asked the Assistant Deputy Minister. (The answer apparently was negative).¹¹³ After a number of complaints in Britain about Canada's deportation of the unemployed, the Minister had begun a campaign to demonstrate that the deported British immigrants were only too happy to go back home. In cases where people asked or agreed to go back, officials were told to get a signed statement to that effect.¹¹⁴ At the same time that officers were supposed to get written evidence that deportations were voluntary, they had also been given clear and specific instructions to attempt to get people to say that they would refuse work if offered, and did not want to become established in Canada.¹¹⁵ By combining these techniques the Department attempted to argue that "in every case they wanted to be sent home", or, alternatively, even though the statutory cause for deportations was "becoming a public charge", the actual reason for being a public charge was "something more than unemployment."¹¹⁶ The system of having some British

immigrants sign written requests for deportation had rapidly expanded to the point where it was applied to all British subject deports.¹¹⁷ This was not what had been intended, so in May 1931 Division Commissioners were told to return to the practice of having those who had asked to be sent back give hand written statements to that effect, but no longer to require all those who had been reported by municipalities or whatever, to sign forms attesting they were voluntary deports.¹¹⁸ Yet other means were used to collect "evidence" that these people were volunteering to be deported. The instructions to Boards of Inquiry to get immigrants to say that they would not take work, did not want to become established in Canada and wanted to go home, were repeated at intervals. "These instructions were issued with a definite intent and purpose and a rather awkward situation has arisen through failure...to carry out the instructions", complained the Commissioner in November 1931.¹¹⁹ The Department was also eager to find outside confirmation for its claim that much of the unemployment among its deports was voluntary. In June 1932, Ottawa wrote on this theme to Winnipeg and investigating officers. Since deportation had continued to increase and despite the fact that there had been opportunities for work during the summer which were not available at other seasons, the Department suggested that responsibility for unemployment

should

to some extent be attached to the individual who is unwilling or refuses to accept what is available, as well as to labour conditions generally...The Department is anxious to have definite evidence... where deportation is ordered solely on the public charge ground,...which will indicate whether or not the individual concerned is prepared to accept work, or refuses to do so. 120

By 1933 the Department had begun to use statistics based on these practices to refute claims it was indiscriminately deporting the unemployed. Between 1 November 1931 and 21 August 1933, the Department said, 48% of British and 28% of foreign born deports "applied...for deportation...during the Board of Inquiry, a further 43% of British and 56% of foreign born " had asked to be sent home. 121

In another statement, the Department claimed that in fiscal 1932-33, of the 8,758 public charges deported, 41% said they wanted to go home, 23% refused to consider further employment, 8% demanded impossible wages. In a very considerable proportion of public charge cases, the individuals had been admitted to Canada to do agricultural work, and many had worked on farms only briefly and then had gone to cities for industrial work, or had never even worked on a farm at all. "In a number of these cases, the men...were anxious to join their dependents" at home and hence were glad to be deported, claimed the Department. 122

The Immigration officials told their new Minister in 1935,

"I think it is quite correct to say that at least 90% of the British public charge cases dealt with wanted to go home." This claim was based on "the fact that over a period of three years an effort has been made to determine the attitude of the individuals to deportation."¹²³ The statistics which reflected that "effort" divided cases into "desire for deportation expressed", or not. The sub-categories were "applied to be deported", "refused to consider employment", "demanded impossible wages or working conditions", "illness", "anticipated employment in native country". In the categories outside the "desire to return" columns, the subcategories were: "appeal dismissed", and "would consider employment but did not appeal."¹²⁴

Given the evidence in the records of extorted requests to be deported, of manipulative leading questions by Boards of Inquiry, and of the Department's propensity to include things like "did not appeal", as voluntary deportations, it seems likely that the statistics underlying claims that most deports were voluntary, can not be relied upon. But even if it were true that most deports were relieved to leave after being unemployed and forced to go on relief, if they were lucky enough to get it, the fact remains that it was the Department's practice during the Depression to deport the unemployed.

The Department had been caught in a vise from 1929 to 1935. If it refused to deport the unemployed,

the municipalities would have been up in arms and municipal and provincial government would have had useful weapons with which to pressure the federal government to allocate them more money. On the other hand, blatant shovelling out of the unemployed in the tradition of British Isles poor laws would have lent further support to the waves of protest that the Department and the federal government could ill have afforded to increase.

The Department responded by attempting first of all to build tight legal cases for public charge deportations and to use other statutory causes, such as medical conditions, whenever possible. The Department also attempted (mostly by sheer repetition) to create the impression that it did not deport otherwise desirable immigrants simply because they had become unemployed and received relief. It was this description that the Department attempted to promulgate to the municipalities, the transportation companies, the left, and the general public. Further, the Department attempted to create the basis for a claim that the majority of public charge deportations were "voluntary". (This was ironic, inasmuch as the Department had also shown concern that deportation not be seen as just a free trip home for lazy immigrants). The files of the Department revealed that the case for "voluntary" deportations was based on questionable evidence.

The general public did not have access to that information. Nevertheless, the practice of getting deports to sign so-called "voluntary" deportation requests, as a condition of getting relief (in the case of the City of Winnipeg), or as an almost routine part of deportation proceedings, as the Department had done at various times for British and other deports was not concealed in the files. Rather, it was widely discussed in the liberal and left press and used in propaganda. The public case built by the Department was founded on departmental statistics demonstrably fallacious only to insiders. In this respect, the case built to redefine and justify these deportations was an excellent example of the way the Department used public statistics and statements - such as the Annual Reports - to create a more-or-less technically correct but essentially false picture to justify its activities.

Another facet in the picture painted by the Department was that of itself as responding to the deportation requests from the municipalities. This was literally true. Yet what was more important was that since the 1906 Act the municipalities were supposed to report deportable immigrants. While there was little the Department could do to enforce legally this provision, it is also clear that since 1906 it had been the practice of the

Department to seek out deports, using the legal provisions for municipal reporting as a crucial part of the seeking-out mechanism.

Finally, the Department attempted to avoid being caught between conflicting interest groups by the device of suspending public charge deportations in some cases. That is, the hearings were held and the deportations ordered, but not carried out. This was in effect not so much a suspended sentence as a sentence in suspension, a sword of Damocles hanging over the heads of the would-be deports. Telling people they had been found deportable, ordered deported, but the order would not be carried out for the moment, was intended to stop protest and calm public opinion. In fact, it may have had an opposite effect in some cases. Since the Department had proclaimed it only deported the unemployed if they were undesirables, then ordering a relief deportation was tantamount to labeling someone as undesirable without allowing him or her to hear or refute the charge.

In public charge as in radical deportations, the Department acted arbitrarily when it could, and retreated behind the obfuscation of administrative proceedings when public or interest group pressure created political repercussions severe enough to threaten the ability of the Department to go about its business relatively unremarked, unobstructed, and uncontrolled.

REFERENCES

- 1 William Beeching and Phyllis Clarke, ed., Yours in the Struggle, The Reminiscences of Tim Buck, Toronto, N.C. Press, 1977, p. 161.
- 2 In 1930, \$20. a week was the absolute minimum upon which a worker's family could live with some degree of health and decency, although certainly not in comfort. See F.D. Millar, "The Origins and Development of the Ontario Labour Relations Board, 1930-1970", unpublished Ph.D. Thesis, York University, 1980, Chapter 2.
- 3 J. Petryshyn, "R.B. Bennett and the Communists", Journal of Canadian Studies, November 1974, p. 44. Typical was a "United Front" conference held in Hamilton 27 September 1931, on workers rights and anti-deportation, by fourteen "worker's organizations" in Hamilton. They wrote to protest large scale deportations of immigrant workers due to unemployment. They demanded an end to persecution for labour activities or unemployment. They demanded the repeal of the sections of the Immigration Act that were used to deport workers [Section 40 and 41]. PAC., Manuscript Group 26K, Bennett Papers, File 92730, "United Front Conference", 1931.
- 4 Petryshyn, Ibid., p. 45.
- 5 R.G. 26, Volume 16, File on "Deportation of Communist Agitators, 1931-1937".
- 6 Ibid.
- 7 J. Petryshyn, Ibid., p. 45.
- 8 Oscar Ryan, Deported! Canadian Labour Defence League, Toronto, 1932.
- 9 Ibid., p. 7.
- 10 Ibid., p. 10. This was correct. Arrests and deportation hearings conducted by the Department were

administrative, not judicial; there was no right to trial by jury. All that was necessary was to prove that the suspect belonged to the prohibited classes as defined by the Immigration Act, and he or she was then legally deportable.

11

Ibid.

12

Record Group 26, Volume 16, Ibid. For protests on her deportation, see MG 26K, File 294945, 1932, passim. See also Ibid., File 244948, 244949, 244953 and 244957. The Department had many protests about deportation but advised the Prime Minister that it had "decided to ignore such communications unless they were from responsible parties", that is, not Communist or left sources, unless there were a case of a "special nature" or a special "source which obviously should be recognized." MG26, File 244957, Ibid., Secretary of Immigration to Prime Minister's Secretary, 6 October 1932. See also Ibid., Files 92745-9 (Fall, 1931). Bennett was being assured by others that protests over deportation should be ignored. The editor of the Canadian Police Gazette wrote to him several times between 1930 and 1932 urging that the Department round up all unemployed immigrants and simply ship them out, to save relief money. He said that would rid Canada of two-thirds of the unemployed. See Ibid., Files 241142-4, especially letters of 13 July 1931 and 2 October 1931.

13

O. Ryan, Ibid., p. 10.

14

Record Group 26, Volume 16, Ibid.

15

O. Ryan, Ibid.

16

The others were: Stefan Worozoyt, Conrad Gessinger, Hans Kist, Ivan Sembaj or Sembay, John Farkas, Gottfried Zurcher, John Stahlberg (Toivo). (Spelling varied). All had appealed their deportation hearings, all appeals were dismissed by the Department. Record Group 76, File 513111, Minister of Immigration to Halifax lawyer representing Section 41 deports held at Halifax, 3 December 1932.

17

O. Ryan, Ibid., p. 9.

18

Ibid., p. 12. This is an interesting point: The Department tried to deport Malone as a public charge, rather than for political grounds. Public charge deportations required only proof that someone had become a public charge; deportation followed automatically, under the Immigration Act. There is much evidence to suggest that political deportations in Canada and in the United States were done under "public charge" or other statutory causes. See above, Chapter (), on long standing Canadian and United States practice of deporting radicals under other charges. Record Group 76, File 961162, "Reports on Conference between Ireland and Blair, Canadian Department of Immigration, and United States Commissioner of Immigration Caminetti". 24 November 1919.

19

O. Ryan, Ibid., p. 12.

20

Record Group 26, Volume 16, Ibid.

21

Ibid.

22

J. Petryshyn, Ibid., pp. 46-52.

23

K. McNaught, "Political Trials and the Canadian Political Tradition", University of Toronto Law Review, 1975, p. 151.

24

Henry Drystek, "Deportation of European Immigrants during the Administration of R.B. Bennett", unpublished M.A. essay, Carleton University, 1976, p. 45.

25

Record Group 76, File 563236, Winnipeg Commissioner of Immigration to Ottawa Commissioner, 5 September 1931.

26

Ibid., Ottawa to Winnipeg, 2 October 1931.

27

Ibid., File 817510, "Prosecutions under the Immigration Act", Winnipeg Commissioner of Immigration to Ottawa Commissioner, 3 September 1931.

- 28 Ibid.
- 29 Ibid.
- 30 Ibid., File 563236, Winnipeg to Ottawa, 30 October 1931.
- 31 Ibid., Ottawa to Winnipeg, 6 November 1931.
- 32 Record Group 26, Volume 16, Ibid.
- 33 J. Petryshyn, Ibid., p. 52.
- 34 Record Group 76, File 563236, To Minister of Immigration, 6 January 1934.
- 35 Ibid., 14 March 1934.
- 36 Ivan Avakumovic, The Communist Party in Canada, A History, McClelland and Stewart, Toronto, 1975, p. 74.
- 37 File 563236, Ibid.
- 38 Ibid., 4 May 1934 and 13 November 1934, respectively.
- 39 Ibid.
- 40 Ibid.
- 41 Ibid., Deputy Minister to Munn, 8 May 1934.
- 42 I. Avakumovic, Ibid., p. 91.
- 43 On the Finns, see also Edward Laine, "Finnish Canadian Radicalism and Canadian Politics: the First Forty Years, 1900-1940", presented at the 1979 Canadian Ethnic Studies Association Conference, Vancouver.

44 Record Group 26, Volume 16, Ibid. (My computations).

45 M. Piva, The Condition of the Working Class in Toronto, 1900-1921. University of Ottawa Press, Ottawa, 1979, p. 79.

46 Eric Hobsbawm, "The British Standard of Living", cited by M. Piva, Ibid.

47 Also known as the "Anti-loafing" or "Anti-slacker" law. F.D. Millar, "Chronology of Ontario Labour and Welfare Law, 1867-1977", unpublished, 1977.

48 Record Group 76, File 513116, Secretary of State to Commissioner of Immigration Joliffe, "Proposed cancellation of Naturalization certificates", 24 November 1931.

49 File 563236, Egan to Vernon, 19 December 1930; "Mental" and "Criminal" cases were not classified as "public charge" deportations.

50 Ibid.

51 Ibid., Montreal Gazette, 6 February 1931.

52 Ibid., "Memo on the SS Ascania deportation", 26 January 1931.

53 Ibid., Winnipeg Free Press, 12 February 1931.

54 Ibid., 14 February 1931.

55 Ibid., Minister to Ottawa Legion Headquarters, 22 June 1932.

56 Ibid., 13 February 1934.

57 Ibid., Memo discussing 1932-1933 public charge deportations, not dated but January 1934.

58

Ibid., Eastern Division Commissioner of Immigration to Mr. Munroe, 22 October 1929.

59

Ibid., Much of this unemployment was the result of the great 1929 drive to bring out British unskilled labour for farms. Most of these were city men. There was much discontent among them. They flooded Toronto and went on relief, according to the Province. Ontario Department of Labour Report, Special Paper No. 23, 1930, p. 37.

60

File 563236, Eastern Division Commissioner to Mr. Munroe, 22 October 1929.

61

Ibid., 25 October 1929.

62

Ibid., Ottawa to Division Commissioner of Immigration, Winnipeg, 27 May 1930.

63

Ibid.

64

Ibid., 10 June 1930.

65

Ibid., Memo, 2 March 1932.

66

Ibid., 20 June 1932.

67

Ibid., Memo to Minister of Immigration Crerar, 18 November 1935.

68

Ibid., Memo, not dated but probably January 1934.

69

Ibid., Memo, 23 August, 1934.

70

Ibid., Memo, 18 November 1935.

71

Record Group 26, Volume 16, File on 1930's public charge deportations, "Summary of public charge deportation".

- 72
Record Group 76, File 563236, "Deportation Work, Calendar Years 1932 and 1933", not dated.
- 73
Ibid.
- 74
Figures based on Annual Report of the Department of Immigration and Colonization, 1936.
- 75
Record Group 26, Volume 16, File on 1930's public charge deportations, "Summary of public charge deportations, 1 November 1931 to 31 January 1935", not dated.
- 76
Record Group 76, File 563236, "Immigrants deported as public charges during Calendar Years 1932 and 1933", not dated.
- 77
Record Group 26, Volume 16, File on 1930's public charge deportations.
- 78
Ibid., the total cases by nationality were; 1, 2, 1, 5, 3, 5, 1, 1, respectively following the Scots.
- 79
Record Group 76, File 563236, telegram from Egan to Charles Stewart, then at the Royal Alexander Hotel in Winnipeg, 18 June 1930.
- 80
Ibid., Memo to Mr. Little, 18 August 1930.
- 81
Ibid., File 156271, Department of Justice memo, 10 April 1933.
- 82
Ibid., 1 December 1926.
- 83
Ibid., Memo, 18 November 1935.
- 84
"Minutes of an interview of representatives from certain municipalities in Ontario, Manitoba, Alberta, Saskatchewan, and British Columbia, and of the Provincial Governments of Manitoba, Saskatchewan, Alberta and British Columbia, with the Cabinet, 26 February 1930 to 1 March 1930, Ottawa", as cited by Donald Avery, Dangerous

Foreigners, Ibid., p. 113.

85

Ibid.

86

File 563236, Winnipeg to Ottawa, 9 July 1931;
Ottawa to Winnipeg, 18 July 1931.

87

Oscar Ryan, Deported! Canadian Labour Defence League, Toronto, 1932, p. 4. The C.L.D.L. supported these claims with newspaper clippings describing these deportations, from dailies in these cities.

88

File 563236, Immigration Inspector-in-charge Langlois, Montreal, to Ottawa, 23 August 1932.

89

Ibid., Copy of form, dated "_____", 1932".

90

Ibid., Ottawa to Winnipeg Commissioner of Immigration, 1 May 1931.

91

Ibid., Ottawa to Winnipeg Commissioner of Immigration, 6 July 1933.

92

Ibid., Joint Committee of Winnipeg to Department of Immigration, 23 June 1933.

93

Ibid., 27 June 1933.

94

Ibid., Winnipeg to Ottawa, 14 July 1933.

95

Ibid.

96

Ibid., 26 July 1933.

97

Ibid., Winnipeg Commissioner of Immigration to Ottawa, See also E. Rea, "The Politics of Class: Winnipeg City Council, 1919-1943", in C. Berger and R. Cook, ed., The West and the Nation. Essays in Honour of W.L. Morton, Toronto, McClelland and Stewart, 1976.

98 File 563236, Resolution passed by City Council of Winnipeg, 19 December 1933.

99 Winnipeg Free Press, 19 December 1933.

100 Winnipeg Tribune, 19 December 1933.

101 File 563236, Winnipeg Commissioner of Immigration to Minister, 12 January 1934. On this see a letter from Winnipeg City Councillor Kennedy, a lawyer, to Minister of Immigration Gordon. Kennedy said that "almost invariably" the Board of Inquiry ordered deportation of the unemployed in Winnipeg and surrounding municipalities. Kennedy complained that the Department's public statements that it did not deport solely for unemployment but rather for undesirability, meant that those who were ordered deported were under a "shadow". He suggested holding Boards only when it really was not just a public charge deportation. The local press had made much of this practice, especially when it concerned the British. MG 26K, File 487818, Kennedy to Gordon, 12 January 1934.

102 Ibid., Winnipeg to Ottawa, 3 February 1934.

103 Ibid., Ottawa to Winnipeg Commissioner of Immigration, 9 February 1934.

104 Ibid., Social Welfare Commissioner of Winnipeg to Winnipeg Commissioner of Immigration, 15 March 1934.

105 Ibid., 16 March 1934.

106 Ibid.

107 Ibid., Winnipeg Commissioner of Immigration to Ottawa, 16 March 1934.

108 Ibid., City of Winnipeg to Department of Immigration, Ottawa, 17 July 1934.

109

Ibid., Winnipeg Commissioner of Immigration to Ottawa, 10 August 1934; Ottawa to Winnipeg City Council, 3 August 1934; City Council to Ottawa, 20 September 1934.

110

D. Avery, Dangerous Foreigners, Ibid., p. 114.

111

J.E. Rea, Ibid., pp. 234-5.

112

See Donald Avery's discussion of these conflicting interests, Dangerous Foreigners, Ibid., Chapter 4. See also File 563236, Memo, 16 February 1931.

113

Ibid., A.D.M. to Secretary, 7 December 1931.

114

Ibid., Commissioner of Immigration to Division Commissioner, 9 March 1931; Memo to Deputy Minister from Secretary, 25 February 1931. See also letter to Bennett from J.H. Thomas of the British Secretary of State for External Affairs. Thomas warns that public opinion in the UK has been aroused by the large numbers of public charge deportations from Canada, that there will be an uproar in Parliament and in the press if large numbers were to be deported in the current winter, and that this could be uncomfortable especially in view of the upcoming conference at Ottawa. MG 26K, File 150484, 2 December 1931. See also the memo from the UK government criticising deportations of Britons for problems "outside their control". If British immigrants coming to Canada in prosperous times would be deported whenever a depression occurred, said the memo, then this would seriously call into question the agreements of the Imperial Conferences of 1923 and following years. Australia, according to this memo, did not deport British relievers, but treated them as Australians. This is what the UK government wanted Canada to do. See Ibid., Files 150477-150481 inclusive.

115

RG 76, File 563236, Ibid., Commissioner to Agents and Officers Conducting Boards of Inquiry, 16 February 1931. "Becoming established" usually meant sticking it out, in the hopes that things would improve. For a description of the distress, misery, generally awful conditions and occasional starvation experienced by some of the British settlers who tried to stick it out near Tracadie, N.B. in the 1930s, see David Millar's interview with John Bruce, Sound Archives, Public Archives of Canada.

116 RG 76, File 563236, Ibid., Deputy Minister to German Consul General, 27 March 1931.

117 Ibid., Ottawa to Winnipeg Commissioner of Immigration, 9 May 1931.

118 Ibid., Copies to all Divisions. The practice persisted and was sufficiently widespread to have created protest and become an issue for the left. See the protest letter sent to the Department by the September 1931, "United Front" Conference of fourteen "workers' organizations" held in Hamilton. They demanded "that the municipalities forcing men to sign 'voluntary deportation' pledges cease". MG 26K, File 92730, 1931.

119 RG 76, File 563236, Ottawa to Toronto office, copies sent to all ports and major centres, 13 November 1931.

120 Ibid., 20 June 1932.

121 Ibid., Assistant Deputy Minister to D.I. McClintock, Toronto, 31 October 1933.

122 Ibid., Memo, not dated but January 1934.

123 Ibid., Memo to Minister, 18 November 1935.

124 Ibid., "Immigrants deported as public charges during Calendar years 1932 and 1933", not dated.

DEPORTATION POLICY IN PRACTICE:
MEDICAL WORK AT MONTREAL, 1903-1907

Government policy exists at the level of the general, establishing broad guidelines for action, and regulations for dealing with particular cases in terms of these guidelines. Policy assumes that individual cases do conform, and yet, especially in immigration work, each person is particular. The character of the on-the-ground operations of the Immigration Department did not always conform clearly and automatically to the regulations. Not only did individual cases have to be fitted in to bureaucratic categories ("desirable", "Galician", "insane", "deport") but each case had to become demonstrably properly fitted, and this process of categorising and labelling had to be seen as fair, impartial and based on objective criteria. In the case of deportation work, it was at the Montreal Agency of the Department of Immigration that most of these processes took place.

The size, functions and methods of operation of the Montreal Agency were determined by factors operating for the most part outside of Montreal. Some factors were local: Montreal was an important railroad and steamship centre, the headquarters for many transportation and other companies, and the location of the consulates of many foreign governments. Others were national or international: what the Agency did was largely a function of Canadian immigration policy which was in turn shaped by changes in the develop-

ment of the Canadian economy and state.

The decades before and after the turn of this century represented a period of transition, when Canada was transformed from a primarily agrarian and rural to a primarily industrial and urban society. This was the period when Canada effectively passed into the stage of industrial capitalism, and during which the foundations for the stage of corporate capitalism were laid. Coincidental with these profound changes in the structure and function of capitalism were the spread of the technological and bureaucratic revolution in work production and the spread of techniques to manage that work.

As well as the country's most important centre for deportation the Montreal Agency was also a government office, a workplace for the employees of the Department. A number of the ways the Department at Ottawa managed the deportation process were also reflected in the ways Ottawa* managed the Montreal Agency and its staff. Briefly described, these common characteristics included increases in attention to detail and thoroughness, control over every step of the process, arbitrariness, efficiency and disinterest in all save legalisms and paperwork.

* "Ottawa" here will be synonymous with "the Department of Immigration at Ottawa"; "Montreal" with "the Montreal Agency", and so on. The terms used to describe people and their situations are those of the Department at the time: "deports", "insanes", "TBs", "undesirables", and so on. "Act" means "Immigration Act", unless otherwise specified.

The value of a local study such as this is many-fold. Perhaps most important is to see what was actually done by real people to put into practice what the government claimed to be its policy. Further, because what the Montreal Agency did was in fact how the Department dealt with the management of deportation, changes at Montreal offer valuable insights into how this process of management actually operated. The successes and failures of the Montreal Agency's implementation of deportation policy and regulations gave Ottawa important feedback and sometimes put pressure on the political bureaucracy. This might or might not have resulted in changes in policy. More often, the imperative was simply to prevent any trouble from developing to such an extent that it could not be concealed from the public or from interest or pressure groups and somehow used, to change the status quo or threaten the hegemony of the bureaucrats or the politicians.

Montreal did not start out as the deportation centre for Canada. Its early importance was as a reception and distribution centre for immigrants staying in the city or going to parts of Quebec, Ontario and the West. It was the centre for colonization work, to try to induce French Canadians who emigrated to the States, to return to Canada and settle in the prairies.*

* Colonization work ended in the 1920s. It will not be discussed here.

Most of these functions continued, but diminished in importance as deportation work steadily grew and eventually overwhelmed every other activity of the Agency. This process was well underway by 1907, only two years after the first Montreal Detention Hospital was opened by the Department.

The early deportation work at Montreal was under the control of the medical doctors who worked for the Department. Until just before the First World War, they had some power, and a good deal of authority in deportation work, and much influence in shaping certain parts of immigration policy and legislation. By the 1920s, doctors were out of the Department, deprofessionalized, and very much controlled by the non-medical officials of the Department, not only in how they carried out their medical work, but also in the degree to which these officials would pay attention to the needs, concerns and recommendations of the doctors. The decline of the position of the medical profession in immigration matters is clearly illustrated in the events and problems at the Montreal Agency.

It was the 1902 Act that brought medical services into the management of immigration. The Act was passed mainly in response to the political and financial costs of medical neglect.

Before the 1902 Act was passed, there had been a series of uproars when trainloads of immigrants on the way

to the Northwest got scarlet fever or smallpox, and had to be quarantined near or in towns. Local residents protested to every level of government to stop this invasion by the diseased. Medical appointees in and around Winnipeg were supposed to carry out a sort of inspection and provide treatment, but the problem could only be solved by refusing admission to persons likely to cause epidemics.¹ And aside from the angry responses of immigrants and residents alike to the threat of epidemics, there had been the question of money. Controlling epidemics was expensive, if it was done after the fact. It was cheaper to prevent them. This was the point of the 1902 Act.

The intent of the 1902 Act's medical provisions was to divide immigrants into three categories: the unfit (who would be rejected before entry, or deported if sickness, injury, insanity, etc., made them unemployable after entry); the fit; and the curable sick who were otherwise fit. The latter could be rapidly and inexpensively turned into economically fit labourers; failing this, they would be returned to their homelands. The functions of the doctors were officially limited to carrying out the provisions of the 1902 Act, but medically screening immigrants to conform to the Act was an essential component of economically viable immigration. For a modern, scientific administration of this immigration policy, the government turned to professionals, and appointed medical doctors

at each port of entry.

The hiring of Alexander Drummond Stewart, M.D., in August 1903, was a direct consequence of the 1902 Act, directed at weeding out the unfit. Forty-one years old, the Toronto-born Stewart, a businessman before he took his medical training, was an established Montreal doctor. As his thirteen years of Immigration work in Montreal would show, he was both a dedicated practitioner and a hard-working administrator.

Dr. Stewart was appointed Medical Officer at Montreal on a part-time fee-for-service basis, to carry out the provisions of the Act. It was not immediately clear either to Stewart or to his superiors at Ottawa exactly what he was supposed to do, and how far his duties or authority were to extend. He was told to examine incoming immigrants, but not whether this included train passengers from the U.S.. He was to examine second class and previously unexamined steerage passengers on steamers coming upriver from the Atlantic ports.² These instructions were quickly and repeatedly modified in the first few weeks, somewhat to the confusion of all concerned. To the incoming ships' passengers were added railroad passengers, which meant several visits a day to the trains.³ As well, Stewart was told to examine certain immigrants living in the city who were "undesirable" for some reason or another (usually they were diseased or unable to earn a living) and had been ordered deported. Moreover, he was to

investigate any reports received by Ottawa or the Montreal office, that there were diseased or unfit or undesirable immigrants in the city, and order them deported if necessary.⁴ Meanwhile, on August 18, Ottawa ordered Stewart to stop inspecting the cabin passengers whom it had told him on August 7, to inspect (this would henceforth be done at Quebec). In the month of August 1903, Stewart inspected 689 persons and ordered several deported.⁵

The question of exactly what Stewart was supposed to do was rather quickly clarified when the issue of payment for his work arose. Stewart had been offered a per capita rate of about 20¢ for the inspection of train passengers. The Department had anticipated a maximum of \$100 monthly for all Stewart's work.⁶ His workload so quickly exceeded expectations that his invoices for services soon exceeded the established maximum. The Deputy Minister was not convinced that Stewart had actually done all that work, and insisted the duties be clarified. The Department had to have someone in Montreal to do the medical work. Some better system had to be arranged.⁷

The new list of Stewart's duties was to remain the basis for the work of the Medical Officers at Montreal for a number of years. The list was drawn up by Superintendent of Immigration Scott at Ottawa, based on information from Stewart and suggestions from John Hoolahan, the Montreal Agent.⁸ The Medical Officer was to examine all immigrants (but not U.S. citizens, returning Canadians, or tourists)

arriving at Montreal from Boston, Portland, New York, or other U.S. seaports, who had not been previously examined by other Canadian Medical Officers (at Quebec, Saint John, or Halifax). He was empowered to order the deportation, or return to the U.S., or to other seaports in Canada for deportation, of all immigrants arriving at Montreal destined to Canadian points, who were physically or mentally defective or diseased, unless the diseases were not contagious or infectious but of an ordinary character, and of those who were afflicted with deformities or diseases which might render them incapable of earning a fair living. If an immigrant had a mild type of a contagious disease, Stewart could order him or her put into hospital or in isolation at Montreal, to be cured. Stewart could arrange for the treatment (at the expense of the immigrant or of the transportation company) of any immigrant unfit to continue the journey, who would be under Stewart's control until receiving written permission to continue.

If the immigrant or the transport company refused to pay for treatment, Stewart was empowered to order the deportation of immigrants unfit to go on because of illness of any type. If the prospective patient were a parent, all the family would be deported; if the former accepted treatment, the family could be lodged while treatment took place, under the same financial arrangements as were made for the treatment. Stewart was to keep a record of all his cases, by name, class of disease, numbers arriving, numbers treated

and recovered and sent on, and the like, giving details of each case, which record was to be sent to the Superintendent in Ottawa each month. He also had to examine medically any immigrants who were going to the U.S. but were refused entry by U.S. authorities for physical reasons, and who were to be subject to deportation on the same terms as immigrants seeking to enter Canada. Stewart was to continue to attend sick immigrants in Montreal, and to arrange treatment or deportation for the diseased and undesirable. He was to report these cases to Ottawa, and to assure that Montreal hospital and health authorities brought such cases to the attention of the Department. He was also to report periodically on the hygienic conditions of the Immigrant Waiting Rooms in the railways stations.⁹

The delineation of Stewart's authority was no less ambiguous than of his duties. Stewart was expected to work in harmony with Agent Hoolahan, who had to certify the Medical Officer's reports of his work. All the Medical Officers were to be subject to the authority of the then senior Medical Officer, Dr. Ellis at Quebec.¹⁰ From the beginning, Stewart was involved in three lines of authority: to the senior Medical Officer of the Immigration Officers, to the local Department Agent, and to the Immigration Department at Ottawa.¹¹ Yet in all matters concerning health questions or detention or deportation cases the Agent and other staff at Montreal were supposed to obey Stewart's orders.¹²

Business was brisk at Montreal. Between 30 June 1902 and 14 March 1904, immigrants were deported for such things

as insanity, TB, cardiac disease, septicaemia, epilepsy, pulmonary disorder, chronic dysentery, convulsions, vertigo, loss of sight, insomnia, sarcoma, general debility, varicose veins, senility, cataract, pleurisy, paralysis, syphilis, hernia, rheumatism, idiocy, piles, sciatica, trachoma, favus, sclerosis, and poor physique.¹³ By the end of 1903, medical work was already an essential tool of immigration policy, and a necessary part of any inspection, rejection, admission and deportation procedure. The facilities necessary for medical work were acquired by the Department, either by construction or rental.


Montreal was no exception to this development. Montreal needed a full time Medical Officer to carry out the work. For this reason, in August 1904 the Department decided to put Stewart on a regular salary, just like Medical Officers at other Canadian ports. For \$1,000. a year, Stewart was to do all the Department's medical work in Montreal and its vicinity. Stewart's responsibilities were broadened to include overseeing the inspection work of U.S. Immigration officials in Montreal, to make sure that U.S. rejects did not get into Canada.¹⁴ Stewart's work was already "varied, onerous and important".¹⁵ The Department believed that the work at Montreal would further expand as immigration increased.

These decisions were based on a chain of events taking place outside Montreal that largely determined the extent and approach of medical involvement in immigration work for more than the next decade. When the first doctors had been appointed to the Department after 1902, there had been virtually no suitable facilities at any of the ports. One of

the first tasks of Dr. Ellis, senior Medical Officer, had been to make recommendations for establishing facilities for inspection and detention of immigrants.¹⁶ In effect, after 1902 anything related to the inspection, rejection, detention or deportation of immigrants was "scientifically" rationalized and put in the hands of the Medical Officers. They were a likely target for any criticism of the refusal or deportation of undesirable immigrants.

Criticisms were not slow in coming. In 1903 the Minister ordered an investigation into complaints about Dr. Ellis which had been raised in Parliament, apparently at the instigation of the transportation companies.¹⁷ Sifton suggested that prominent medical doctors from Ontario and Quebec be included in the enquiry. One of the appointees was Dr. Peter Bryce, a well-known reformer and at present the Secretary of the Toronto Board of Health. Toronto was reputed to be in advance of the rest of the country in public health questions; Dr. Bryce was a leader in the field.¹⁸ The scope of the enquiry was broadened to include the existing state of medical inspection facilities and procedures and the whole question of medical work in immigration.

The report went even further than the government had envisioned. It began by recommending the erection of proper buildings for the detention of immigrants at the ports, and also certain improvements in the procedures currently in use.¹⁹ The doctors also handed the Department some valuable ammunition in its fight with the transportation interests.



The report reminded the government that while it might be recruiting primarily in places such as Britain, the U.S., France, Germany and Scandinavia, transportation companies and agents would try to foist off undesirables from other "inferior places" into the country if not carefully checked. The Bryce enquiry also provided a "progressive" scientific rationale for exclusion and deportation, based on the latest eugenics ideas and medical professionalism. The doctors described the objective of the government to bring in healthy agricultural immigrants as one with which they were in full accord, and addressed themselves to the problems caused by the immigration of those who were instead likely to become parasitic, and who would increase the numbers of "criminal and defective classes in Canada, due either to heredity, environment, ignorance, and physical and moral defects".

The doctors suggested appointing Canadian medical inspectors at overseas ports (a step that was not to be taken until more than two decades later) as a humanitarian and efficient move, although they recognized that similar attempts had failed in the U.S. because of the hostility of the transportation interests. Thus, because it was probably difficult to have medical inspection at overseas ports, it was necessary to have Medical Officers at Canadian ports to inspect and treat immigrants. And for those immigrants who managed to slip in undetected, but caused trouble

later, the doctors urged the passage of a law similar to one in the U.S., that immigrants could be deported for as long as three years after their entry for criminal convictions, insanity, epilepsy, or indigence caused by chronic or hereditary disease or conditions, at the expense of the agencies that had brought the immigrants into the country.²⁰

Racist notions about desirable sending countries and classes were linked to scientific investigation of the problems of mental illness, and the resulting amalgam of two criteria was seen as a desirable determinant of immigration policies. Racial criteria were even more important than medical ones, said the doctors; they were not in favour of excluding someone strictly on account of disease. If the disease was temporary, that is, curable, there was no point in excluding from Canada someone of otherwise sound stock. Immigrants of good northern stock could be rehabilitated and remain healthy in good clean Canadian conditions, the doctors concluded. Others should be rejected. These, hereditarily incapable of becoming good agriculturalists or good Canadians, could merely transfer their "foreign customs and morals" here, herding in slums that degraded the morals and health of Canadian cities such as Montreal, Toronto, and Winnipeg.²¹ Typical of their class (the company doctor who treated workers was still rare) and the liberal professions at large, the doctors were unaware of the corporate interest in importing these "inferior" labourers. They still saw immigration as an influx of individuals

and government policy as eugenic choice. The doctors referred at some length to a paper given by the noted Dr. Charles Clarke, Superintendent of the Rockwood Asylum at Kingston, on the treatment of the criminally insane. Clarke said that the "sturdy agriculturalists" of the British Isles were very desirable immigrants, but the "mental and physical weaklings" from British urban slums were not. Still a greater menace were from South and Central Europe. "The types of degenerates...from these quarters far outrank any of the kind...from elsewhere... The Northern Races are far better equipped mentally and physically and their environment has been more fortunate..."²²

In order to remedy these problems, or at least to prevent their continued occurrence, the doctors recommended the government undertake a systematic investigation into the "results of the immigration of the last 25 years, as shown in the criminal and charitable institutions of Canada". This would show to what extent the problems caused by immigrants elsewhere had developed extensively in Canada. It would also help the Department form an estimate of how far it could go to encourage the immigration of healthy immigrants, and how far it could "imperatively prevent the defective and parasitic classes from becoming burdens to the country."²³ If their theories reflected a confusion (typical of the times) between heredity and environment, race, culture and lifestyle, there was no lack of clarity on the key point: that medical reasons were an unimpeachable

professional and scientific justification for racially based exclusion.

Pleased and impressed, the government persuaded Dr. Bryce to become Chief Medical Officer and demoted Dr. Ellis to head of medical services at St. John.²⁴ Dr. Bryce now had to find solutions for the problems discussed in this Report. One of these was the problem of the "old world degenerates" who slipped through inspections, even when they had advanced cases of "paresis and other well marked forms of mental disease" and later turned up in asylums.²⁵ Dr. Bryce consulted his colleagues, particularly Dr. Clarke, for advice on how to train the Medical Officers to spot defectives at the ports or after entry. Clarke advised Bryce that the physical signs were relatively easy to identify; it was the "moral" signs which were the more difficult to find.²⁶ Coupled with the question of how to improve inspection were two other aspects of immigration medical work: treatment of the curable, and the physical facilities within which to both inspect and cure. The solution lay in a chain of hospital-cum-detention-cum-inspection buildings at each port, where doctors could properly carry out their work.

Dr. Stewart had reached much the same conclusion at Montreal. As the number of immigrants passing through Montreal increased, so did the problems of inspection, treatment, and costs. Stewart had the power to detain immigrants for treatment, but he had sometimes had no place to put them. The practice had been to lodge patients in private homes at a per diem rate. Some cases were refused. The hospitals in Montreal had not facilities for some kinds

of diseases and would not admit them.²⁷ This became a cause célèbre in the local press on at least one occasion, when a sick immigrant child was refused admission to several hospitals because it had measles, a contagious disease they all refused to treat, including the Civic Hospital which was supposed to be responsible for contagious cases.²⁸ Whether immigrants were admitted to hospitals or boarded and nursed in private homes, this represented a considerable and sometimes unpredictable expense, as well as a political weapon for those who wished to attack the Department. The same logic of cost accounting plus political pressure that had brought about the 1902 Act pointed to the need for some kind of government treatment facility at Montreal. To have a state-run facility would enable the Department to control "expenses and inmates more effectively."²⁹ By 1904, Ottawa had decided it would be necessary to acquire what was to become the Montréal Detention Hospital.

This was far more complicated a project than it seemed. It fell to Stewart to plan, set up, and equip it, and later to manage it. By May 1905 he was spending most of his time on this work. In addition, he carried out his regular job as Medical Officer. Dr. Stewart's increased workload and increased responsibility brought him a raise and a promotion. He received an additional \$600 a year and the title of Medical Superintendent of the Hospital, at the recommendation of Dr. Bryce. Bryce believed that Montreal

would be an important centre for immigration work, because of the large numbers of immigrants coming to and through the city. He believed that the detention of immigrants was likely to diminish as medical inspection became more efficient and let slip by fewer immigrants who would later have to be deported.³⁰ Stewart's work would be preventive, rather than remedial, curative rather than purgative.

Bryce was mistaken in another part of his prediction: detention work would boom, not diminish at Montreal. Despite increased stringency at ports, undesirables continued to come in. It must have seemed as if most of them eventually ended up on Stewart's doorstep. A variety of circumstances combined to make Montreal an important detention centre. There was a fire in Quebec Detention Hospital in the spring of 1905; and the inmates were sent to Montreal because the Hospital was available.³¹ It also provided a convenient reception and distribution centre for deports from the West who were channelled through Winnipeg on their way out of Canada via eastern ports. Because the St. Lawrence ports were closed during winter, it was easier to hold deports at Montreal and arrange their shipment from there.³² For a variety of reasons, from almost the moment the Detention Hospital opened, it was virtually swamped with work.

The increased workload at Montreal was related to the detention and deport work of the Hospital. Thus the burden of this fell to Dr. Stewart. As head of the Detention

Hospital, he fought a constant battle with Ottawa to get enough staff to cope with the Hospital's load. His own duties included not only the administration of the physical plant and staff of the Hospital, but also the medical care of all the inmates. Further, it was his job to provide medical services for the immigrant sick in the city. He could rely on other medical help only when a replacement doctor was hired for his annual holidays (which he not infrequently spent at medical conferences or visiting other ports to learn more about the work).³³ Moreover, Stewart was directly or indirectly responsible for all the inspection work at Montreal, including all the train inspections at the two stations. Some of this work could be done by subordinates, under Stewart's supervision. The train work, for example, was done by two of the Detention Hospital Guards, who in 1908 were promoted and sent permanently to the border to carry on the work.³⁴ This gave Stewart some relief on one front, but it probably made little real difference. The difficulty in Stewart's work lay not without the Detention Hospital but within. By 1907, Montreal's major difference from other major ports had been established.³⁵ The activities at other ports such as Quebec or Halifax centred around immigrants and their admission. The activities at Montreal centred around "deports" (as they were called) and their detention and deportation.

REFERENCES

- 1 PAC, Record Group 76, File 1778, Memo, 14 November 1900.
- 2 File 242135, Staff Memo, not dated. See also Deputy Minister to Superintendent, 15 July 1903.
- 3 File 228124, Superintendent to Stewart, 7 August 1903.
- 4 File 242135, Stewart to Scott, 27 August 1903.
- 5 Ibid.
- 6 Ibid., Stewart to Scott, 1 September 1903.
- 7 Ibid., Scott to Stewart, 21 October 1903.
- 8 Ibid., Deputy Minister's Memo, 13 October 1910.
- 9 Ibid., Hoolahan to Deputy Minister, 28 October 1903.
- 10 Ibid., Memo, not dated, probably November 1903.
- 11 File 228124, Deputy Minister's Memo, 22 July 1903.
- 12 Ibid., Superintendent to Stewart, 7 August 1903.
- 13 File 242135, undated Memo cited in note 9 above; See Deputy Minister to Hoolahan, 22 October 1903, Hoolahan to Deputy Minister, 28 October 1903.
- 14 File 228124, Memo, 6 June 1909.
- 15 File 242135, Deputy Minister to Chief Medical Inspector Bryce, 12 August 1904; Deputy Minister to Superintendent, 26 August 1904.

- 16 Ibid., Bryce to Deputy Minister, 18 August 1904.
- 17 File 228124, Ellis' "Report on Facilities",
4 December 1902.
- 18 Ibid., Sifton to Deputy Minister, 7 August 1903.
- 19 Ibid., See Also Zlata Godler, "Doctors and the
New Immigrants", Canadian Ethnic Studies, Vol. IX, No. 1
1977.
- 20 File 228124, Preliminary Bryce Report, 29
September 1903.
- 21 Ibid., Bryce Report, 28 September 1905.
- 22 Ibid.
- 23 Ibid.
- 24 Ibid., Memo, 5 February 1904.
- 25 Ibid., Clarke to Bryce, 26 February 1904.
- 26 Ibid.
- 27 See File 1778, Hoolahan to Scott, 20 February
1902, 20 December 1902.
- 28 See Montreal Daily Witness, 9 September 1901,
in File 1778.
- 29 File 1778, Stewart to Hoolahan, 27 November 1903,
5 December 1903.
- 30 File 242135, Bryce to Deputy Minister, 13 June
1905.

- 31 File 228124, Memo, 4 May 1905.
- 32 Ibid., Memo, 2 August 1905, 23 November 1905.
- 33 File 242135, Memo, 6 July 1906.
- 34 Stewart asked for a raise, but was turned down because the anticipated establishment of U.S. border inspection was expected to diminish his workload. In fact, inspection was the lesser part of his work. File 242135, Superintendent to Deputy Minister, 23 July 1908.
- 35 File 363695, Bryce to Scott, 1 March 1907.

PRIORITIES AND PERSONALITIES IN CONFLICT:
THE CLASH OF AUTHORITY AT MONTREAL, 1908- 1914

The work at the Detention Hospital was made even more difficult by a conflict of authority between Agent Hoolahan and Dr. Stewart. The conflict was rooted in the administrative policies of Ottawa and the dual purpose of the Agency at Montreal, and the differing priorities of the doctors and the bureaucrats. It was exacerbated by the inadequacy of the facilities, the chronic shortage of staff, the nature of deport work at the Detention Hospital, and the personal clashes between the Agent and the Medical Superintendent who acted out the struggle between the medical professionals and the Ottawa functionaries.

The correspondence of Superintendent Scott shows little understanding of the conditions at Montreal, and a certain unwillingness to learn. It was Scott's opinion that the work of the Agent and the Medical Officer were separate and distinct at Montreal. Scott expected Stewart to carry out the work he had been appointed to do, and to pay no attention to the rest which was by definition outside his area of responsibility.¹ This may have seemed logical to Scott, but it was in fact contradictory and absurd. What Stewart had been appointed to do as Medical Superintendent of the Detention Hospital was to run the Hospital, supervise the staff, and care for the inmates.

Because the bulk of the work at Montreal was concerned with detention and deportation, most of what went in at the Agency was in Stewart's area of responsibility. Ottawa prescribed attention to routine: what Stewart needed was not routine but resources. Routine was all very well in the Office section of the Agency, where Hoolahan was ensconced. But what the Hospital needed was authority. The Office pushed papers; the Hospital guarded prisoners and provided medical care. To do its job, the Hospital needed a system wherein the person at the top could issue an order detailing exact activities to be carried out at the bottom, and be certain that order would be carried out as given: more like the military than the bureaucracy.

There was little room for interpretation of policy in the Hospital. There, detainees and deportees had to be completely, constantly, and fully physically controlled, to be incarcerated, treated medically in some cases, segregated from each other, from the guards and other workers, and from the public. The inmates had to be presented at designated times and places, escorted and delivered to the Detention Hospital, to the trains and boats, so that orders for their deportation could be carried out. The decision to deport was made at the top, and after that a very specific and immediate control was needed to ensure that the decision was implemented. The order to deport must go down the line, and activities generated at each point to

carry out the order. The end result of all these activities was apparently the same as in the Office's reports. Yet the specific steps that underlay reports from each side of the Agency were quite different. It is not surprising that there were constant managerial problems.

Nor is it surprising that Ottawa was not as responsive to the needs of the Detention Hospital as to those of the Office. Ottawa relied upon the same process to find out what the two parts of the Agency were doing: reporting through records. But the character of the work was essentially prison work in the Hospital, quite different from the Office. When the consequences of these differences became unavoidably clear - escapes and scandals, for instance - Ottawa acted. Yet the Hospital remained understaffed, facilities remained inadequate, and the work continued to have an almost nightmarish quality.

A properly filled out report could not communicate the day-to-day reality of the work at the Detention Hospital, yet it was with the paperwork that Ottawa was concerned. Ottawa judged the actual work at the Hospital by the reports each month. The reports listed who came into and went out of the Hospital, conditions of admission and discharge, and the like. Over the years, information requested in the reports became increasingly detailed, and forms upon which to provide this information specified. Yet despite the increase in the quantity of information, no more was revealed about exactly what underlay the reports. Ottawa did

have information about this, in the flood of letters from the Medical Superintendent to the Superintendent of Immigration, as well as from the Chief Medical Officer and others. Yet, it was primarily when "tragedies" did or would occur, incidents such as escapes, attacks, and suicides that would be discussed and criticised in the press and had potential to cause political damage to the Department and the government, that Ottawa responded to requests for repairs, more control of inmates, more staff, better equipment, and the like.

The first Detention Hospital shared the old Rodier mansion with the Office. The Hospital was crammed full of detainees and deports. Although a smaller facility than the large port hospitals, Montreal often had just as many inmates in a year. By the fall of 1907, Montreal had in fact had more patients than Quebec, although the staff at Montreal was smaller. Montreal often had up to a dozen "insanes" (as they were called) at once, consumptives being sent home to die and other cases of diseases requiring close care and supervision. Not only greater numbers but also considerable differences between the patients made the work more arduous at Montreal. Most of the patients at Quebec were merely sick.² At Montreal, they were more likely to be immigrants who had contravened the law or the Immigration Act; they were diseased as well as criminal, insane, or otherwise undesirable.

Scott sometimes seems to have believed that Stewart used this as an excuse to avoid his paperwork. If so, it was a good excuse. As Stewart explained on one occasion, he had in the Hospital 8 cases needing daily medical treatment and 24 hour nursing or guarding, out of 31 patient³ - enough work for a large staff. All Stewart had, in addition to the guards, was the Harnetts, who turned out to be a hindrance instead of a help. They had been hired to do the purchasing, run the kitchen and maintain the building. The Harnetts came to Stewart after six years at the Andrews Home, where they had been hired to replace a Janitor-Superintendent whose reputation had been besmirched by a sex scandal. Perhaps by contrast with this unfortunate man, their references from the Home apparently had been good.⁴ It is difficult to imagine why.

Under the management of the Harnetts, supplies disappeared. She made large profits on the catering. He was rude and then abusive of other staff members. First he, then she, got fired, then, lengthily and painfully, evicted from their quarters.⁵ This was Stewart's first failure as an administrator. This lengthy and unpleasant episode left injured feelings, supply shortages, and a shattered Hospital routine in its wake. It left also Dr. Stewart, now desperately in need of help.

Mrs. Blackmore must have seemed to be the answer to Stewart's problems: nurse, matron, housekeeper, caterer, staff supervisor, all in one. As Matron of the Detention Hospital,

she would embody the contradiction of the women professional: able to work like a woman but present oneself as a lady. Both were necessary. As Dr. Bryce had remarked,

We do not want a sentimental individual who could not take charge of the kitchen when there are only a few patients: on the other hand our experience goes to show that a person wholly dedicated to the kitchen is liable to neglect other very necessary work in the hospital. 6

Eliza Blackmore was exactly what they wanted. She was trained, strong, "a capable good motherly woman", widowed with grown children, aged 50 years, willing to cook for a few people if necessary, and a trained and experienced nurse. She had a strong bent for self sacrifice which was a necessary ingredient in the female professions, underpaid and undervalued as they were. A capable administrator as well as a practical woman, she was expected to tend not only to the management and supplying of the Hospital, but also to the provisioning and catering end of the operation. Stewart knew her work for other doctors, she had strong recommendations from prominent local citizens for whom she had nursed, and the standard reference from her Member of Parliament. She was hired at the end of November 1905 at a salary of \$360. a year. 7

Although Mrs. Blackmore gave great satisfaction in her job, she must have been somewhat surprised to discover how much work it involved. It appears that her superiors were surprised as well. No one anticipated how large the work at the Detention Hospital would grow. Within a few months, the anticipated few patients had become many and the staff were unable to keep up with the work. Ottawa

did not realize the seriousness of the situation, at first. After 6 months on the job, Blackmore asked for a raise. Her job was more "onerous" than anticipated. She was Matron, did nursing, had night duty as well as days, had almost constant problems with insane patients, "necessitating great vigilance on her part". She could get more money day-nursing elsewhere, and Dr. Stewart feared she might. She would be hard to replace.⁸ Montreal still had fewer inmates than the others, but argued that the workload was at least equal, as Montreal almost always had lunatics, epileptics, and so on, awaiting deportation, who gave trouble to guards and other staff - sometimes as many as four "insanes" at once. Dr. Bryce suggested that she be relieved of night work as much as possible, although he realized that "the presence of lunatics in the building" made this difficult. The guards should do more, he urged, and should be told not to wake her unless absolutely necessary. She had, he added, done an excellent job. He recognized the value of her "ability as Matron in the management of our Hospital at a minimum of expense and maximum of success in making matters run more smoothly", plus the economic value of her work as a nurse.⁹

Despite this heavy work, Blackmore was not on an equal footing with the Matrons at the other Detention Hospitals. Dr. Stewart and Dr. Bryce asked for a \$120. a year increase to raise Blackmore's salary to the level of her colleagues.¹⁰ Ottawa at first refused the raise, arguing that the smaller number of patients at Montreal

did not justify an equal salary with Quebec.¹¹ Bryce succeeded in prying an extra \$60 a year from a grudging Ottawa by arguing that Blackmore's presence had saved Montreal a great deal of money, both by her careful and honest management of supplies and food purchasing, and by doing nursing work that would cost the Department \$2.50 a day if she quit and they had to hire someone else to do it.¹² Even after her raise, Blackmore was still underpaid relative to other staff members. The male janitor and male night guard made \$84. a year more than she, and they were, theoretically, and sometimes in fact, her subordinates. Further they were -again theoretically- unskilled workers. She, on the other hand, was a trained and highly qualified professional, in a position with administrative responsibilities.¹³

By 1907, Montreal's high patient load and shortage of staff were creating serious problems for Blackmore. She was overworked and underpaid. The physical burden of extra night work and the nursing care of ill and dying inmates was too much for one person. The male guards could help somewhat but there were things they could not do, for lack of training or because they were men. Another woman ("to guard against complaints of misconduct on the part of the male employees")¹⁴ was needed to help Blackmore.¹⁵ The gap between her salary

and that of her Quebec counterpart was less justifiable, since the number of patients was by now the same at each institution. Moreover, the patients at Montreal were harder to deal with, since they included "insanes, criminals, and other immoral characters."¹⁶ Blackmore's request for another raise was refused by Scott, a pettifogging, careerist bureaucrat par excellence, who wanted to pinch pennies by taking advantage of the dedication of professionals to pay them at cut rates. Drs. Stewart and Bryce went over Scott's head and got a raise for Blackmore to \$540 a year from the Deputy Minister.¹⁷

After 1907, conditions at the Hospital were consistently difficult and not infrequently impossible. Winters were especially difficult: the other Detention Hospitals were closed for the season and bulk of their inmates transferred to Montreal.¹⁸ In December 1911 of the 30 inmates at Montreal, 5 were violent cases: 3 insanes, 1 epileptic, 1 criminal.¹⁹ When Blackmore was injured by an insame woman inmate, she still suffered the effects of this attack a year later.²⁰ The danger of injury was real for Blackmore, but more injurious in the long run was overwork. When there was night work to be done, she often was the only one to do it. For instance, in January of 1913, Dr. Stewart wrote that he was "desperate" to provide care for a dying TB case who

was to ill to move and needed 24-hour nursing. Blackmore worked 24 hours several days running.²¹ Blackmore's willingness to do her duty at any cost to herself permitted the Hospital to continue from one crisis to another until the end of 1911. By then she was exhausted and on the verge of complete collapse.

Stewart had been trying since 1907 to get permission to hire "a strong woman who is not afraid of work" to help Blackmore and guard the female patients.²² The inmates needed constant guarding because they nearly always included criminals, and more importantly, violent lunatics. One such woman needed two guards, twenty-four hours a day. At this point, a trained nurse had to be hired from outside at a cost of \$5. a day; to help Blackmore until the patient could be gotten into the Verdun Asylum which cost only \$1.25 a day. Blackmore had been up with this particular inmate for more than 24 hours, and she was only one of several. There had been a succession of "bad cases" among the female inmates that winter, and the situation was not likely to improve. Blackmore was "too valuable to be allowed to break down."²³ She earned about \$10 a week. Even Scott could see that her loss would be costly to the Department. Female guards were hired; few stayed long. Blackmore was extremely valuable to Ottawa, but not valued. Only when some crisis

made it apparent that a disaster would occur if something was not done to make things easier for her, did the bureaucrats at Ottawa make the smallest concession. Assistance for Blackmore came only in the face of crises that pointed up the physical impossibility of her continuing to do the work alone, and, more importantly, that cost the Department extra money.

Blackmore's experiences at the Detention Hospital illustrate many of the main problems of the Agency. One was inadequate physical facilities. From 1905 to 1914, the Detention Hospital was in a refitted old mansion. It was never big enough after its first year of operation. In 1914, the Agency moved to a new four storey structure built to order; it was never satisfactory from the first day. The heating system often did not work properly; some rooms were too hot, some too cold. The security was inadequate, and escapes were not difficult. The building was overcrowded from the first, and was never adequately staffed. Nor was it adequately managed. Responsibility for the building was shared between Medical Superintendent Stewart, Agent Hoolahan, the Department of Public Works, and the Department of Immigration at Ottawa. Authority over the inmates and staff was divided between Stewart and Hoolahan in such a way that nobody responded to problems before they

reached a crisis point.

Ottawa remained effectively blind to the realities at Montreal. In extreme situations, Ottawa responded by applying measures-including force- to control the situation. In situations that were not extreme, Ottawa did not see the problems of the Hospital as demanding the actions requested by the staff there. What Ottawa paid attention to was the documents it got from Montreal: reports that displayed the work of the Agency, that tabulated the number of inmates, inquiries, deportations. Constant letters and phone calls from a frantic Dr. Stewart gave Ottawa other information, but live communication did not elicit nearly as much official response, as the written documents. What Ottawa feared most were escapes, epidemics, suicides, or acts of violence which could become publicly known and create a scandal or political problem. ✓

This was the real world with which the staff at Montreal Detention Hospital had to cope. What Ottawa regarded was papers. Papers reflected what actually went on in the part of the building where the Office was housed. In the Office, that was what they did: work with papers and produce reports. The Detention Hospital section of the building produced reports as well but this

certainly was a minor part of its work. Ottawa did not recognise that difference, and attempted to treat the Montreal Agency as if it were the same as the Agencies at the other ports of entry. This despite the fact that the correspondence from the Detention Hospital was from the beginning to end a constant plea for more staff, especially more guards, to control and care for the inmates.

The guards were the backbone of the Detention Hospital staff. Their work included not only "guarding" inmates and keeping order, but cleaning the building, answering the door and phone, signing in and out visitors, registering all mail sent and received, running errands, delivering messages, typing reports and memos, receiving supplies, assisting at medical examinations, and interpreting.²⁴ (Between them, the guards at the Detention Hospital spoke fluently English, French, Italian, Greek, Arabic, Syrian, Spanish, German, all the Scandinavian languages, and could manage a bit of various others.) Each of these jobs involved a lot of exhausting and time consuming work: cleaning, for instance, meant daily sweeping and dusting of a four storey building, plus twice weekly scrubbing and mopping of floors with a strong disinfectant; daily washing of lavatories, cuspidors, and so on. Special disinfecting would have been

necessary from time to time, as some of the inmates had highly infectious diseases and conditions, such as tuberculosis and venereal and skin diseases. Guarding meant not only standing or sitting inside or outside locked areas, but restraining the ubiquitous insane inmates who were often violent and bent upon injuring themselves or others. This could exhaust several people after a few hours, yet had to be done on a 24 hour basis. Ottawa knew this, but did not respond helpfully to "prison" problems. Ottawa wished to know that expenses were minimized, the detainees cleared out, and the files closed.

Superintendent Scott was frequently exasperated by the unending succession of problems coming up from Montreal. They were increasing, overlapping, chronic, and sometimes apparently insoluble. Stewart complained of employee shortages, of over worked staff, of inadequate facilities, space, and treatment for detainees; was slow with his paperwork, and sometimes absent on inspection trips. What Scott wanted was quick and uncomplaining processing of the increasing numbers of inmates, minimum expense, and maximum efficiency. Scott was a successful civil servant, hoping perhaps for a Deputy Ministership. Stewart, on the other hand, seemed to demand nothing but more staff, more pay for

them, and higher expenditures. Moreover, Stewart's forms were often late. Stewart's priorities were his patients.²⁵ Scott liked a man with a clean desk.

The Portland inspection was the straw that finally broke the camel's back, and caused a small revolt by the Montreal Medical Officer. Ottawa had ordered Stewart in late 1907 to take responsibility for inspections in other ports of entry, notably Portland, Maine. A year later, Dr. Douglas Gurd, one of the doctors who had replaced Dr. Stewart during his annual holiday, now worked regularly at the Agency, and knew the work firsthand, protested.²⁶ Not only, expostulated his colleague, was Stewart himself being worked to exhaustion²⁷ (as Ottawa must have known for some time) but the American inspections took the Medical Officer out of Montreal for days at a time, and seriously interfered with hospital administration at Montreal. The care of patients was suffering. In 1908 there were 1,400 detainees in the Hospital. The last argument should have touched Scott in a vulnerable spot. However the flow of deportation was unaffected. It was another two years before Scott agreed to excuse Stewart from the out-of-town work, after a lengthy correspondence in which Scott "counted on" the doctor's "dedication", while

Doctors Stewart, Gurd, Bryce and eventually Stewart's Member of Parliament urged that this extra work be removed from Stewart.²⁸ Perhaps fearing Parliamentary inquiry, the Superintendent finally agreed to send Dr. Gurd to do the outside work. In a rather curt letter, he instructed Stewart that his duties - inspections as well as "the oversight of the Office and Detention Hospital under your care" - lay in Montreal.²⁹ The issue blew up again when a few months later, in full season, Ottawa instructed Stewart to carry out inspections in addition to his Montreal work, and implied he would be fired if he refused.³⁰ This time only his MP's intercession with a new Minister saved him.

The controversy reveals much about the shift in priorities, over 1902-1911, from immigrant reception to detention and deportation. Stewart's work reflected this change as well, though he never lost his concern with the welfare of his patients. In a typical report to Scott, at the end of 1911, Stewart told of 4 inmates needing daily treatment for trachoma, 1 violent "insane" with a self-inflicted head wound, 1 cancer case with a discharge that required daily changing of dressings, a patient dying of tuberculosis, and another recovering from typhoid, among thirty-one patients.

Their care, plus his administrative work, required hours of his time each day at the Hospital, part of most evenings, and Sundays. Dr. Gurd helped Stewart with the patients but not the administrative job. Although train inspections had been done by other workers since 1908, some inspection of incoming immigrants and emergency calls in Montreal still fell to Dr. Stewart, while the burden of paperworks in connection with hospital administration and inmates' records steadily increased.³¹ Finally there was continued friction between Agent Hoolahan and Dr. Stewart. By 1913, Dr. Stewart was making \$1,600 a year, compared to Agent Hoolahan's \$1200.³² Hoolahan's status was slipping. This may have introduced a certain amount of jealousy into the conflict between the two men, but the issues ran deeper than that.

Many of Stewart's problems were virtually insoluble; some were due to his own professionalism. Hoolahan was not sympathetic to the Medical Superintendent's perennial lack of resources and staff. Hoolahan was responsible for the conduct of all the staff, said Scott. Yet there were problems that could not be so easily settled by pronouncements of this sort. Did Hoolahan's authority include the right to give orders to all of the staff at the Hospital, and must these orders come direct

from Hoolahan, or had the clerks in the Office any authority?³³ These questions were of singular importance to Stewart, who, if the correspondence can be believed, suffered frequently from borrowings of Hospital staff, by the Office and apparently from interloping Office clerks who thought little of interfering in Hospital operations.

These did not seem to be important issues for Ottawa or for Hoolahan; to them, a penny spent on a deport was a penny wasted. Scott had warned in 1910 that medical treatment beyond an emergency level should be reserved for the more desirable incoming immigrants, and moreover should only be given when it would be quickly and cheaply effective.³⁴ Rejection and deportation were the preferred methods to deal with undesirables. Stewart could never quite understand that his deports were not entitled to the same level of care as were other immigrant patients.

This difference of opinion over what the Montreal Detention Hospital should be doing with its inmates was related to larger immigration policy issues. By 1909 there had been a good deal of public controversy about the poor quality of some of the immigrants including the favoured British, entering Canada. A number of groups lobbied strenuously for tightened-up immigration laws.

These groups included medical doctors, among whom Dr. Pagé, Medical Officer at the port of Quebec, was prominent. Their lobbying took place in public and in private, including within the Immigration Department itself. Dr. Pagé's views were representative. Many of the immigrants he saw were undesirables from the cities and in sedentary trades; they were weak, undersized, puny, sickly, and were not "desirable immigrants individually, and still less as progenitors who can but create degenerates."³⁵ Pagé spoke for many when he called for increased restriction, and spoke for the doctors when he emphasised the importance of medical participation in keeping Canada safe from the unfit.

According to Dr. Pagé, the prophylactic and eugenic role of the medical officer in the immigration service was analogous to that of the public health officer. Just as the former was to promote the multiplication of the fit, and to promote the "conservation and improvement of people by preventive means", the latter was supposed to control the unfit among the immigrants. In order to ensure that Canada was "peopled by a vigorous and intellectual race" it was necessary to "shut out all degenerate foreigners as rigidly as you would exclude a mad dog." This included the lower-class urban British who included many cases of TB, and insanity, as well as mental defectives. Doctors must help make policy for

the Department, not just execute it, Pagé said:

As medical officers we are not more passive instruments, but we must feel it our duty to be rather instrumental in inspiring the powers to adopt...such measures...by which the community at large will be benefitted.³⁶

These were large claims to be made by one who was, after all, a Medical Officer and Department employee, not a Deputy Minister. Fortunately for Pagé they concided with the interests of the bureaucrat, the employer, and the prejudices of many Canadians. Doctors' exclusivity, social status and power were founded upon a widespread belief in scientific research - it was only a generation since Pasteur and Lister had proved the germ theory of disease - and the undoubted progress of the art. What a medical theory joined together, no mere layperson or non-specialist dared put asunder. Doctors were more than technicians; for a century they were increasingly active as administrators and generalists. Their social prescriptions were to be treated as seriously as their medical diagnosis.³⁷

Dr. Stewart, who did not express Pagé's rigid eugenicism - at least in practice - had his full share of professional arrogance. The tensions between Agent and Medical Officer, generated over minor questions of staffing and budgeting, were exacerbated by this conflict of authority. Since much of the Agency's work centred

on deportations, the greatest part of which were for medical reasons, Stewart's claim that he was a better judge of the needs of the Hospital was a direct challenge to Hoolahan. Instructions from Ottawa muddled matters further. In 1903, Hoolahan was told he would be under Stewart's authority in health matters. After the opening of the Detention Hospital in 1905, Stewart's responsibilities in detention, deportation and inspection touched almost every activity of the Agency.

Being in charge of the Detention Hospital, I think I am in a better position to judge its needs ... than anyone in Montreal. 38

wrote Dr. Stewart huffily at the end of one battle. Yet it was the custom of the service to treat staff at every Agency as subordinates of the Agent unless they were in a separate location (as were the Detention Hospitals at Quebec and Halifax). One reason for this, explained Scott, was that the Agent was required to be always on duty while the Medical Officer was not. 39 Thus, it was Agent Hoolahan who was held responsible for the Montreal Agency.

Hoolahan, who in 1903 had seen Dr. Stewart as an aide to whom the more difficult or urgent medical cases could be assigned, saw him by 1905-08 as a rival, and by 1910-11 as an enemy. Superintendent Scott, for administrative reasons already discussed, sided with

Hoolahan in this conflict of authority.

By 1912, Superintendent Scott was writing stiff notes to Stewart to tell him that Agent Hoolahan was the chief official at Montreal, and responsible for all business conducted there. If Stewart needed to communicate with his employees, he should do so through Hoolahan, who would then contact Ottawa, if he felt it necessary. "This refers particularly to deport cases."⁴⁰ Stewart responded that he sought Hoolahan's advice about many deport cases, and he had no desire to "usurp any of the powers vested" in Hoolahan's position.⁴¹ Yet the files show that consultation with Hoolahan was not always helpful. Hoolahan was not only unsympathetic but ineffective at least in terms of running the Hospital the way Stewart thought necessary. Hoolahan could not cope with the emergencies so routine to Stewart, such as mutinies, attacks on guards, and escape attempts.⁴² When Hoolahan exercised his authority in Stewart's absence, the situation deteriorated even more than usual. On one occasion Stewart had returned from England to find that there were 75 inmates in the Hospital, which "looked more like an Italian boarding house" than a Detention Hospital. There were "people falling all over each other", and it was "impossible to keep the

place clean." Unusually high number of TB patients had not been properly segregated and were a menace to the health of the staff and the inmates. Some had been held for several weeks. Scott warned there would be a public outcry over these conditions when these deports arrived in the British Isles.⁴³ It was only this latter which would have concerned Scott, and it was Scott who had authority over both Hoolahan and Stewart.⁴⁴

Scott consistently misunderstood the conflict between Stewart and Hoolahan, nor did he understand why both Stewart and Chief Medical Officer Bryce were critical of the policy of placing the Detention Hospital under the authority of the Agent. Scott seemed to think it a question of status; he argued that he had never said that Stewart was an "employee" of Hoolahan. Scott was annoyed with the constant friction between Stewart, Hoolahan, and the staff at Montreal. Scott believed it to be a question of Stewart's personality, claiming that there was no friction between Hoolahan and the other two doctors who helped Stewart with the work. To Scott, the work of the Agent and Medical Officer was separate and distinct, and Stewart, as Medical Officer, should content himself with doing his assigned work.⁴⁵

This sounded very simple in theory, but in practice it did not work. The situation -and the work- at Montreal was simply not like that at the other ports. The problems arose in the day-to-day work. For instance, sometimes a doctor on duty needed the help of one of the guards to tend to a patient. Hoolahan consistently commandeered the guards. 16 February 1914, for instance, Doctor Gurd had called Hospital Guard Ferry to help with a dressing, but was told that Guard Ferry had been borrowed and was carrying out orders from the Agent's staff and could not assist the doctors, so the dressing had to wait. When the Agent borrowed Hospital staff at will, it created problems in caring for the inmates.⁴⁶

Assistant Agent Regimbal and Stewart attempted to work out a compromise by dividing up supervisory domains between them, so that Stewart would be in exclusive charge of three of his Hospital guards, while Regimbal, as representative of the Agent, would have immediate control over the kitchen staff as well as the general oversight of all the Agency staff.⁴⁷ But the problems went beyond the issue of the guards. Although Regimbal and Stewart could negotiate such a compromise, it was Hoolahan who would have to carry it out. He would have none of it and the conflicts continued unabated.

In the meantime, Chief Medical Officer Bryce was increasingly drawn in to the controversy. Bryce objected to the interference in running the Hospital, by Hoolahan's staff. This was an "absurdity" in Hospital management. Bryce argued for a separation in the management of the Hospital and the rest of the Agency.⁴⁸ Bryce pointed to the heart of the problem as the system of regarding Medical Superintendents as part-time employees. This system was rooted in the earliest days of the medical service, when doctors could come in and do medical inspections in brief periods of the day, and at the same time maintain a normal practice. It was also rooted in the seasonal nature of the work at several of the Canadian ports. But Montreal was different, Bryce argued. Especially there, it was necessary to have a full time permanent officer of the Department as Medical Superintendent because of the "year-round nature of the work...in handling deports", and the "often...serious" problems of handling "insane and criminal inmates." Bryce argued also on the basis of the ideology of the medical profession's reformist (and professionalist) wing, that "in order to make our hospital work progressive we must increasingly make our chief officers permanent."⁴⁹

But the Department did not want to make Stewart full time permanent staff. It was not interested in making its hospitals "progressive." It was concerned with costs. If Stewart and his Montreal colleagues became full time permanent staff, they would become eligible for pensions. Ottawa wished to avoid this.⁵⁰ Skilled at double-think, Ottawa officials reasoned that Stewart could carry on a private practice while fulfilling his immigration duties. In Stewart's case, this was patent nonsense. By 1914, Stewart was working at the Hospital seven days a week and most evenings.⁵¹

Bryce's proposal was discussed by the Minister, the Deputy Minister, and the Superintendent of Immigration. Scott was willing to concede that if there were a full time Medical Officer at Montreal, he should have full control over his own staff, but argued that the question was academic, and recommended there be no change in the terms of Stewart's appointment.⁵² Scott's argument carried the day, and Bryce's proposal was turned down.⁵³ Bryce went to the Minister for a final attempt. He argued that there was lots of evidence that Stewart's job was more than full-time—so much so that two other doctors had been hired to help him. Moreover, that job was primarily as a full time administrator of the Detention Hospital, rather than as a medical

inspector of incoming immigrants. This workload could be expected to increase even further; the new, larger facility into which the Agency moved in 1914 would alone guarantee this, plus the number of deportations was consistently rising. Bryce may have gone too far when he argued that the "whole work" at Montreal should be put under Stewart's authority, since this work was almost entirely concerned with "those unfortunates directly under his charge", the deports. Ottawa did not respond favourably to detailed descriptions of this unpalatable and degrading part of immigration work at the best of times, and could not have been expected to be receptive at this point to a suggestion that the conflict between their full-time Agent and their part-time problematic Medical Superintendent, be resolved in favour of the latter. The plan was flatly refused.⁵⁴ With this defeat, the ability of the doctors to determine policy and the way policy would be put into practice in deportation matters was greatly diminished. This was to be the beginning of the end of the influence of the medical professionals.

This overt clash in 1914 was significant, but was neither surprising nor conclusive. In effect, from 1911 to 1914, Ottawa persistently ignored the pleas of the professionals for autonomy in their own sphere,

refused necessary reforms, and tacitly encouraged Hoolahan and his staff in their arbitrary assertion of what was officially their due authority over all matters in the Agency. The professionals had been flouted, ignored, and challenged on their own ground. The pressures of war would bring a final conflict, and final defeat in the name of "efficiency" - as defined by the paperpushers at head office.

REFERENCES

- 1 PAC, Record Group 76, File 363695, Scott to Deputy Minister, 6 February 1914.
- 2 Ibid., Bryce to Deputy Minister, 10 October 1907.
- 3 File 242135, Stewart to Superintendent, 30 December 1911.
- 4 The Andrews Home was established in 1895 by a group of low church Anglicans who were angry at the Montreal Women's Protective Immigration Society's policy of caring for female immigrants of all faiths in an institution run by ladies of varied religious affiliations. The predecessor to the Harnetts got caught up in a sex scandal in which he was accused of seducing an apparently insane and otherwise rather pathetic young Englishwoman, who was sent back home pregnant. The church authorities claimed she had become so during a visit to the States, the charges were denied, and the scandal was alleged to be the work of the Ladies' Society supporters seeking to discredit the Andrews Home as a safe place for respectable female immigrants. See my "Sex, Politics, and Religion; controversies over female immigration reform work in Montreal, 1880-1919", Atlantis, A Journal of Women's studies, forthcoming.
- 5 See File 363695, Stewart to Superintendent, 17 March 1905; Deputy Minister from Chief Medical Officer, 22 September 1905; Harnett to Chief Medical Officer, 22 October 1905; Chief Medical Officer to E. Gallery, Esq., 14 November 1906.
- 6 File 363695, Bryce to Stewart, 11 November 1905.
- 7 File 228124, Bryce to Deputy Minister, 23 November 1905; Stewart to Bryce, 16 November 1905.
- 8 File 363695, Stewart to Bryce, 1 June 1906.

9

Ibid., Bryce to Stewart, 4 June 1906.

10

Ibid., Bryce to Scott, 4 June 1906. The Matron at Quebec made \$480., at Halifax, \$420. See Memo of 12 June 1906.

11

Ibid., Deputy Minister to Bryce, 20 June 1906.

12

Ibid., Bryce to Deputy Minister, 26 June 1906, Ottawa to Bryce, 6 July 1906.

13

Ibid., Memo, February 1907. Of course, the female cook made only \$180. a year; domestic servants were even more badly paid.

14

Ibid., Stewart to Scott, 24 September 1907.

15

Ibid., Stewart to Scott, 26 September 1907.

16

Ibid., Bryce to Deputy Minister, 10 October 1907.

17

Ibid., Memo, 30 October 1907.

18

File 805450, passim. See also File 363695, 22 January 1913.

19

File 363695, Stewart to Scott, 8 January 1912.

20

Ibid., Stewart to Scott, 21 March 1912.

21

Ibid., Stewart to Scott, 22 January 1913.

22

Ibid., Stewart to Scott, 28 December 1911.

23

Ibid., Stewart to Scott, 7 January 1912.

24 File 22736, 30 April 1917; File 363695, Reid Report, 3 January 1916 and passim. Descriptions of guard work are found in File 363695, in numerous memos, 1906-1914.

25 File 228124, Minister to Scott, 7 March 1910; Superintendent to Agents, 8 March 1910.

26 Ibid., Memo, 17 November 1908.

27 Ibid., Guard to Scott, 9 December 1908.

28 File 242135, Scott to Stewart, 21 November 1910.

29 Ibid., Scott to Stewart, 3 March 1911.

30 Ibid., 9 October 1911.

31 Ibid., Stewart to Scott, 10 December 1911.

32 File 22736, Memo, 13 May 1913.

33 File 363695, Stewart to Scott, 10 January 1914.

34 File 228124, Minister to Scott, 7 March 1910; Scott to all Agencies, 8 March 1910.

35 Ibid., Pagé to Scott, 12 June 1909.

36 Ibid., Pagé to a medical conference, December 1911.

37 See W.J. Reader, Professional Men. The Rise of the Professional Classes in 19th Century, England, New York, Basic, 1966.

38 File 363695, Stewart to Scott, 10 February 1910.

39 Ibid., Scott to Stewart, 5 January 1914.

40 File 242135, 15 March 1912.

41 Ibid., 17 March 1912.

42 File 363695; The inmates were the "most mutinous and ill behaved that we ever had in our Building. On several occasions the guards were assaulted", there were attempts at escape, and general uproar, wrote Stewart to Scott in an attempt to explain why he had hired an extra guard for three days. 17 January 1911.

43 The normal capacity was twenty women and twenty men.

44 Authority to hire and fire rested with Ottawa; Stewart and Hoolahan needed Scott's approval to hire, and could fire only in the most urgent circumstances or in case of flagrant offences. In these instances, Ottawa's approval was given after the fact. See File 363695 passim.

45 File 363695, Scott to Deputy Minister, 6 February 1914.

46 Ibid., Stewart to Scott, 18 February 1914.

47 Ibid., Regimbal to Scott, 26 February 1914.

48 Ibid., Bryce to Minister, 10 January 1914.

49 Ibid.

50 File 242135. See correspondence between Dr. Pagé, (By then Director of Quarantine, Immigration Health Services, Department of Health) and Scott, (then Assistant Deputy Minister of Immigration) about Stewart's ineligibility for a pension, 11 September 1925.

51 File 363695, Stewart to Scott, 10 January 1914.

52 Ibid., Scott to Deputy Minister, 4 March 1914.

53 Ibid., Deputy Minister to Bryce, 11 March 1914.

54 File 228124, Bryce to Minister, 19 March 1924. ↙

CHAPTER NINE

THE MEDICAL PROFESSIONALS AT MONTREAL:

MANAGEMENT AND DEFEAT, 1914-1920.

The move to the new Building in April 1914 was supposed to solve many of the problems at the Montreal Agency. There would be more staff, less overcrowding, adequate facilities, and therefore less friction between the employees. These hopes were to be shortlived, for within the year, all the old problems would return, redoubled. The conditions brought about by the first few months of the war were the straw that broke the camel's back; the camel in this case was Matron Blackmore who collapsed and almost died. The female guards quit more rapidly than usual, there was no heat in the building for fourteen days because of a boiler breakdown and the inevitable delay with Public Works - all this within three weeks in midwinter, against a background of wartime restrictions.

By the end of the wartime period, one of the worst scandals - the "flasher" affair - would shock official Ottawa and reveal its true attitude to deports and the whole deportation process. In the year before, 1919, a new organizational structure would finally eliminate all professional medical claims to a separate authority, and reduce Immigration doctors to mere technicians. Superintendent Scott had been on the winning

side all along. By the 1920's, doctors were reduced to tools through which the economically "unfit" and politically or racially "undesirable" could be shovelled out into the rubbish heap of history. From then on, the "clear stream" of immigration (as Dr. Bryce had once called it) would be turned on and off at the Minister's discretion.

The move to the new building in the spring of 1914 exacerbated the conflicts over control of the staff, not only in terms of personal conflicts, but in terms of doing the work. Although Hoolahan was in charge of the building and of the staff in it, it was more often Stewart who had to cope with the problems of keeping the deports and detainees alive and imprisoned within the Detention Hospital. Stewart had been dissatisfied with the security arrangements before the move, and had made several recommendations for measures such as stronger wire screening or metal bars on some of the windows. Most of these requests were ignored or refused. Stewart warned that there would be escapes. By July Stewart feared worse than escapes. He had on hand 47 men who had been there for several weeks and were close to mutiny.

Stewart feared they would overpower the guards. Overcrowding was so severe in the section that was fortified against criminals that it appeared necessary to house them in other areas of the Hospital. This would mean

hurried installation of heavy wire screens on windows. Even if they were not transferred, Stewart believed it imperative to install bars on the windows now screened, build a wall or high fence, and hire two more guards; those at present could neither keep order nor do the work.¹ Ottawa's response was to order Hoolahan to speed up the clearing out of deports, and to suggest to Stewart that if he were concerned about "accidents", he keep "insanes" away from unscreened windows. There would be no more guards, and no bars; there would - eventually - be a fence.²

The problems at the building became even more severe after August 1914, as hundreds of so-called "prisoners of war" and their guards were housed there as a favour to the Militia. Most were unemployed Slavs from the wrong side of the border between Austria and Russia, who had been brought in in their thousands (one estimate is 50,000-70,000 per year to work on the railway construction alone³). They were caught in the great depression of 1911-15, and it was a very convenient reason for "patriotic" companies to dismiss, and Canadian municipal and federal authorities to deport some 2,000 and intern at least 8,600 others as "prisoners of war." Another 70,000 were "registered" - that is kept under police supervision.⁴ In fact, they were mostly simply

unemployed, and far from being potential enemies, often had come to Canada to escape conscription. The Department was in fact shovelling out another group of jobless under another more acceptable disguise.⁵ Many of these "enemy aliens" would swell the ranks of deports as radicals under the category of "criminals" just after the War.

This arrangement had been supposed to be temporary but it dragged on for months. It placed an intolerable strain on the employees, and the facilities. It exacerbated the tensions between Hoolahan and Stewart (and their staff).⁶ The inmates wrecked the showers in the men's washrooms. The toilets stopped working. The too-light window screens were pried loose and prisoners escaped.⁷ Scott continued to discount the seriousness of the situation and paid little attention to Stewart's complaints about staff needs, working conditions, and security problems. Scott's memos and letters revealed impatience rather than concern.⁸ Scott had his mind on other things.⁹ He wrote to Hoolahan,

The constant strife and bickering going on in our Montreal office is such as would rather be expected from a bunch of irresponsible children rather than from adults in a government institution. The Department has been given more trouble of this kind in the Montreal office than from all the other offices of the Immigration Department combined.

If the staff at Montreal could not "get along together more amiably", Scott warned he would recommend "such a radical change in the staff" that the problem would be solved.¹⁰

Hoolahan insisted that Stewart was "interfering with my authority as his superior officer in control of this Agency."¹¹ The fact was that, as war choked the Detention Hospital with POWs, Hoolahan's knowledge of and control over matters in the facility, never complete, began to slip even further. Between May 10 and October 2 of that year, there were 20 escapes, some several times by the same persons. Some of these escapees were recaptured, others not. Nearly all of the escapes took place from the Men's Detention Room or the Criminal Dormitory, where Stewart had said that stronger screening and bars were needed.¹² The POWs were guarded by the military, but with insufficient guards on the regular staff, the deports and detainees had found it relatively easy to get out. This was a serious problem in itself but what made it worse was that Hoolahan had not even known about some of these escapes. Ottawa was furious. "It seems very strange", Scott said in a masterpiece of understatement, "that a prisoner would be absent from the building for over three months and you not notice it."¹³

Part of Scott's irritation was due to the fact that his own orders had led to this imbroglio. Four months earlier, he had told Stewart to communicate only through Hoolahan. He had ordered Stewart to get on with the business of the Department: paperwork. Stewart's

correspondence, Scott had been informed by the Office staff, was not properly attached to files.¹⁴ But Stewart had to do his own clerking, dispensing, and messenger work.

"Unlike my superiors on the office side", Stewart responded tartly, "I have not the good fortune to be surrounded by clerks and secretaries, and am forced to come down at night to make out reports, etc."¹⁵ Given the increased workload at the Detention Hospital, it was surprising that Stewart found time to do his reports at all. Ottawa did not realise what the workload was.

An Ottawa investigator's report would claim that Hospital employees should be fired because of declining admissions.¹⁶ By 1915 in a comparable nine-month period admissions were absolutely only 55% of the peak year of 1913; relatively, deportations had fallen all over Canada by almost a third, to 68%. But the same figures, allowing for some inexactness because of fiscal-year totals for deportations and the fact that not all admissions were for deportation, shows that Montreal was still the "Deport Capital" of Canada.

ADMISSIONS TO HOSPITAL

Year	April-Dec.	est. for full year	Deportations from Canada	Montreal Share
1913	1700	estimated 2266	1834	123%
1914	1301	1734	1734	100
1915	927	1235	1243	99
EXPRESSED AS PERCENTAGES				
	Admissions compared to 1913		Deportations compared to 1913	
1913	100%		100%	
1914	76		95	
1915	55		68	

Admissions exceeded deportations in prewar years because of short-term treatment. But in the war, Montreal's share of the deportation process had diminished only a quarter; and while "criminals" were being deported (mostly to the U.S.) within 8 days, the average length of stay for "insanes" was 261 days¹⁷ (nine months) because of the great difficulty in getting them back to Europe. Thus Ottawa's admission statistics actually concealed the increasing backlog of the most difficult of all the cases Montreal had to handle. One can only imagine the effect on Matron and guards of howling or violent lunatics, for months on end: the hope-

lessness, the lack of rest and space, the smells and sounds. In August 1914 alone there were 206 inmates, almost one and a half times normal for that year; in July 1915 there were 134, many of whom were seriously ill.¹⁸

The cause of the desperate situation at the Detention Hospital in the late summer and fall of 1914 went beyond the War. Difficult conditions had long existed; but overcrowding and shortage especially of female staff could only be tolerated to a certain point. By the fall of 1914, that breaking point had been passed. The problems and consequences of chronic overwork are well illustrated in the case of Matron Blackmore. The need for women workers had long been evident, and Stewart and Bryce had been urging the hiring of more female guards for more than four years.¹⁹ What these two doctors wanted was another paragon of virtue and self sacrifice; "a strong courageous woman of even temperament and kindly disposition," someone who would recognise the "responsibility of her duties" especially in dealing with the insanes, who were always present at the hospital.²⁰ They wanted women between 30 and 45 years of age, strictly temperate, willing to do whatever was required of them.²¹ Even when Ottawa grudgingly acceded to the recurring pleas from Montreal to be allowed to hire another female guard,

the problems were not solved. They always seemed to need day and night female workers; the latter were harder to find and even harder to keep. The guards that were hired seldom did the job properly. Given the conditions at the Hospital, this was not surprising.

Although the reasons for the difficulty in getting and keeping female guards at Montreal were quite understandable, the situation that resulted from this almost constant shortage of female staff created serious problems for the Hospital. It was Matron Blackmore who bore the major part of the burden. She had for many years worked 24 hour days at a time without adequate relief, when circumstances and Ottawa's penny-pinching had dictated. Her superiors, Stewart and Bryce, had warned for years that if pushed further, she would break down and be unable to work at all.²² She seldom protested, save for one time her nerves cracked after 60 hours on duty without relief when she threatened to resign - not because of overwork, but because she had been asked to defend herself against accusations by a rebuked subordinate that she had brought liquor into the Hospital.²³ This atmosphere of quarelling and petty intrigue was made more difficult by Blackmore's almost constant fatigue; by now in her sixties, she was not a young or a well woman.

The extra work coping with the hundreds of prisoners-of-war had been too much. Ottawa had refused to hire extra help. "The bulk of the work fell on Mrs. Blackmore... yet, she never complained, until she dropped."²⁴

In January 1915, Blackmore collapsed, vomiting blood from a hemorrhaging gastric ulcer, diagnosed as due to overwork; she had been working constant night shifts again, to replace the latest in the succession of female guards: Stewart gave free medical care, but Scott refused to pay her hospital costs. It would set a "precedent", he said. An illness like this "might happen to any of our employees", said Scott. He instead gave her paid sick leave. She could not be nursed at the Detention Hospital; nursing care was inadequate.²⁵

Blackmore's hospital care cost \$6 a day; her salary was \$45 a month.²⁶ Blackmore needed expensive nursing care for several weeks.²⁷ When she could no longer pay hospital costs, she was taken on a stretcher to her daughter's home in Prescott, near Ottawa.²⁸ Blackmore had been improved enough to return to her quarters in the Detention Hospital, but the boiler had broken down (it was about a year old) and there was no heat for two weeks.²⁹ Blackmore did not return to her post for four months.

Meanwhile, on orders from an inspector from Ottawa, one of Hoolahan's men had usurped the Matron. In January

1915, just after Blackmore's collapse, an inspector had arrived to straighten out some accounting problems with the supplies. Part of the problems stemmed from duplicate purchases made by Agent Hoolahan for the Agency Office and by Stewart and Blackmore for the Detention Hospital. The inspector decided to turn over all responsibility for supplies and stock control to the Agent. This centralisation would promote efficiency and end waste.

The stock control work was given by Hoolahan to Joseph Byrne. He had been hired in 1914 by Stewart as a caretaker for the Hostel on the upper floor of the building. Now, under Hoolahan's patronage, he took over the Hospital in the Matron's absence, and sought evidence to use against her. When he ordered the next month's supplies, he began to inspect and to weigh each item (thereby discovering several shortages) and to examine all deports' baggage, to see if they already had items the Hospital was ordering for them. At this point, someone attempted to protect the Hospital, Byrne alleged, by locking the door against him. He accused Dr. Stewart. Byrne's wife and the chef then took over the ordering of kitchen supplies.³⁰ One of the male guards saw that patients got their prescribed medication.³¹ When Blackmore returned to the Hospital, Byrne seized all the stores and shelves from the linen closet (including Blackmore's

personal supplies), and took them, lock and all, to his apartment in the building, over Stewart's protests.

This was too much. "I am afraid the Agent has gone altogether farther than I intended him to", admitted Superintendent Scott.³² Ottawa had instructed Blackmore to resume most of her old duties - except the supervision of the male guards - but her authority had been usurped.³³

"It is impossible to carry on an institution like ours without the necessary supplies", Stewart had raged to the Superintendent.³⁴ At this point, Hoolahan made his counter appeal about the extent of Blackmore's duties. Was she to continue as Matron, or simply care for patients? Byrne had been ordering her supplies for several months; would he continue?³⁵ That very day, Byrne forbade the Matron to enter the kitchen or give orders to the kitchen staff. It was part of a Matron's job to oversee the catering of meals. Blackmore could not return to work until the matter was settled.³⁶

When Scott asked Hoolahan for information, he got a long apologetic. It was necessary to have a staff member fully under his authority in charge of all supplies, the Agent stated. He had only acted on the inspector's suggestion. Byrne was capable and willing. If Ottawa insisted on restoring full power to the Matron, he washed his hands of the whole thing; "for while I have the very

highest opinion of Mrs. Blackmore's honesty and single-ness of purpose", if her former areas of responsibility were restored to the Matron, Hoolahan said, he could not control what went on in the Agency "in the way you desire." Stewart, however, would not be easily persuaded to accept the new situation.³⁷

Indeed he was not. Stewart continued to write indignantly to Ottawa, urging Scott to clarify the lines of authority. To date, Blackmore had only been told "what she is not to do." These "childish proceedings" had caused her much "worry and humiliation."³⁸

By this point, Scott must have been exasperated beyond measure by his underlings' refusal to cooperate. Perhaps he was worried about his own position as well; his superiors wanted to see the files and demanded explanations. Scott was ready to consider "drastic changes."³⁹

This conflict, as the climax of five years of squabbling at Montreal, had to be solved in a way that would not implicate Scott any further. His chance came in the fall of 1915, with the magic word, "retrenchment." The Department had decided to reduce the staff in the Immigration Service: immigration officers, clerks, stenographers and deportation officers.⁴⁰ Theoretically, this was a sensible step. However, although the number of deportations were fewer during the War, the work at Montreal remained

heavy. What was lacking in numbers was made up for by the length of stay. In December 1915 Scott sent Chief Travelling Inspector Percy Reid down to Montreal to observe and reorganize the work at the Agency, and to recommend whom to lay off.⁴¹

Reid's report was really written to fit Ottawa's prejudices. Scott had threatened "radical change" even before the War. Like all the Office people both in Ottawa and Montreal - and particularly Scott on whose word might hang promotion and pension - Reid saw the efficient completion of paperwork as the outward and visible symbol of civil service efficiency.⁴²

In those days, efficiency was already a watchword. Wartime needs threatened to cut all non-essentials. In the name of curtailment of expenditures and retrenchment, careers were about to be made or broken. Reid streamlined procedures in the Montreal Office, made efficiency (in paperwork) its new watchword, and put the doddering 74 year old Hoolahan into limbo under the watchful eye of his Assistant, who received a thumping raise.⁴³

The Hospital, however, was his chief target. Clearly it had been so intended before he left Ottawa. Ugly rumours from Hoolahan and his cronies were repeated, expanded, and given the sacred reality of the Document - rather like the process of deportation itself. And like

that process, the victims were not given the chance to contradict their accusers.

In contrast to Reid's thorough, thoughtful, and admirably clear study of the work done in the Agency Office, Reid said little insofar as the Hospital work was concerned, but that the Hospital was wastefully and inefficiently run, overstaffed, that inmates were coddled, and that the work there could be expected to decrease, thus staff should be laid off. Stewart "pampered" deports with expensive food; brandy and ale were given to "criminals and deports", and "overcoats and other luxuries" were given to "jailbirds and other undesirables who would undoubtedly consider themselves lucky in getting out of Canada without serving full sentences, and without any clothes at all." Prisoners who were ready to sail were held back by Stewart on "trivial excuses - sore throat, slight rise in temperature, etc." Stewart ordered an overcoat for one especially "vile criminal." Reid cancelled the order: a man of this character, said Reid, would be lucky to get a sweater. (This was in December.) Reid's discussion of the Hospital is clearly an attack on Stewart. Reid's tone was punitive, to say the least, and his emphasis was on controlling the inmates at the least possible cost. Deports clearly did not deserve the same quality of medical attention or clothing as other people, especially if it were to

be paid for by the government. He also held Stewart responsible for the escapes of 18 "dangerous criminals and lunatics" in the nearly two years in the new building. Reid was willing to chalk a few up to the unfinished condition of the building in the early months, but since then, attributed them to "gross mismanagement" on Stewart's part.⁴⁴

This conclusion was neither reasonable nor logical. The records reveal that Stewart had little final authority over the Hospital despite his position as nominal head. Since 1911, intermittently; and constantly since 1914, Ottawa had insisted that the management of the Agency as a whole belonged to Agent Hoolahan.⁴⁵ Stewart was to take his problems to Hoolahan, rather than to Ottawa; and Hoolahan would either fix them, or notify Ottawa.⁴⁶ Hoolahan was not effective in dealing with Stewart's problems, to say the least. Hoolahan and his staff had put inmates into the Detention Hospital without notifying Stewart, borrowed Hospital staff to do Office functions without permission, and accused Stewart of being difficult when he objected.⁴⁷ When Stewart did write to Ottawa to complain, Hoolahan was furious, accusing Stewart of making him look bad to Ottawa.⁴⁸ More specifically, Stewart had been pleading for increased guarding, heavier wire screening, and other measures to stop escapes, since before the building was

finished.⁴⁹ Most of his requests went unheeded. Hoolahan apparently remained unconvinced the problems were real. It is completely clear from memos and correspondence that it was Hoolahan who had authority over and final responsibility for the running of the Detention Hospital, according to policy handed down by Ottawa. It is also clear that Stewart became a scapegoat, in part to make it easy to fire him.

Reid's summation, like that of a hanging judge, was a masterpiece of official "balance" and decimation. An equal number would be fired from each section of the Agency: two Immigration Officers and a night cleaning woman from the Office staff, and the Medical Superintendent, Matron, and Night Nurse from the Hospital staff. Dr. Gurd could take over Stewart's "small duties" easily. Caretaker Byrne's wife could replace Matron Blackmore, and share the work of night nursing with the two female guards.⁵⁰

"Owing to the policy of retrenchment", Scott wrote those whose heads had been served up to him on the proverbial silver platter, the Department had to "dispense, for the time being, with your services." He gave them just ten days' notice to January 31, 1916.⁵¹ It had been just two months since Reid got his instructions.

The irony - or tragedy - was that this was precisely the method by which the deportation function had been carried out. The reasons given for firing Dr. Stewart, Matron Blackmore and the others were purely administrative.

Thus the professionals were to be deprofessionalized, the medical rationalizers rationalized, and the erstwhile managers managed. When Dr. Stewart demanded an "independent" inquiry by the Minister, the ineffable Scott replied that such would be justified in case of "inefficiency" or "misconduct" but never (that would be a precedent) in case of "retrenchment." The Minister and Deputy Minister declined to reopen the case.⁵²

When Stewart, through his MP, then tried to have the Reid report tabled in the House of Commons, the prudent Scott reminded the Minister that it was contrary to Department policy to release memoranda between its officers to the public. That too would be a precedent.⁵³

The MP, suggested the politic Scott, might be allowed to read the report "for his own personal information."⁵⁴ This concession, doubtless similar to that in certain deportation cases as well as in other firings would not allow Stewart to confront the evidence, with attendant questions and embarrassment.

When the question of a pension for ex-Matron Blackmore came up a year later, supported by Stewart and his MP, the egregious Scott replied that he was "puzzled." Indeed, she had suffered breakdown from overwork in 1915 (there was correspondence on the subject) but his files showed that this was due to the Militia POW overcrowding, and not attributable to his Department. Most important of all, she had never been on the permanent list. The Department could not offer pensions or retirement allowance to temporary employees, Scott assured the Deputy Minister. That would be a precedent. He was "sorry", he told the MP. Stewart's widow was given the same leaden handshake in 1926.⁵⁵

Under the 1919 Immigration Act, all the doctors were transferred to the newly-created Department of Health under Dr. Clarke.⁵⁶ Medical authority was now centralized in Ottawa, and port doctors were increasingly subordinated to the civil agents, who were told when to relax the rules when there was greater economic need for immigration, at the Minister's discretion.⁵⁷ Henceforward, the doctors were no longer policymakers or even independent professionals in their relations to the Immigration Department.

Ottawa's reaction during these past years had been aimed at avoiding scandal, rather than ameliorating conditions. One instance of the kind to which Ottawa

responded with alacrity took place in 1920. In early / December, Ottawa received a complaint from Canadian General Electric that the "conduct of persons detained in the building is detrimental to the morals of employees of CGE." The company demanded immediate action. Moreover, prisoners held incommunicado were lowering strings out windows and getting letters, parcels, and escape equipment from friends and relatives below. The Hospital was bulging with these people, who were held while their appeals against rejection or deportation were being processed. Most of them were Jews from Eastern Europe especially Poland. They were desperate to avoid going back. If deported, many would go back to Sikorski's pogroms. Most of them were refused by the U.S., and the Canadian government claimed there was already unemployment in the occupations represented by these people.⁵⁸ The conditions in the Hospital were horrific; squalid and depressing at most times, and at the moment a nightmare of overcrowding, filth, neglect, and sometimes brutality. Guards sometimes came in drunk and sometimes abused prisoners.⁵⁹ There were almost always cases of insanity, often violent; people with contagious diseases in advanced states, such as VD, TB and so on. Inmates often had parasites. There was no systematic programme of enforced

hygiene; one infected inmate could pass on lice to the rest. Criminals, including the violent or dangerous, were sometimes locked in with ordinary deports. The shortage of guards exposed inmates to dangers from each other.

The response of the locked up Jewish refugees to this situation may have signified boredom, or anarchic rebellion. More likely it was simply an act of contempt, disgust, and desperation. They were flashing their genitals and making "rude gestures" to observers outside, including the CGE workers whose windows overlooked theirs.⁶⁰ Twenty-four hour guards in the crowded detention rooms failed to stop these actions. Ottawa's final solution was to install stopblocks on each window, allowing it to be opened sufficiently for ventilation but nothing else and to paint white lead on the windows to make them opaque. The prisoners were then totally cut off from the outside world. For most, their fates were sealed. Ottawa's response to their plight had been to ignore it; Ottawa's reaction to their pathetic gesture was to conceal further from the outside world what the Department was doing, particularly to these prisoners at the Montreal Detention Hospital. As Bertold Brecht said, "Some there are who live in darkness, while others live in light; we see those who live in daylight, those

in darkness, out of sight."

The way Ottawa dealt with the "flashing" scandal was consistent with its management of the deportation work at Montreal: to keep it hidden from view and removed from comment. There was no one to intervene or interfere.

REFERENCES

- 1 PAC, Record Group 76, File 281230, Stewart to Scott, 27 July 1914.
- 2 Ibid., Scott to Stewart, 28 July 1914.
- 3 D. Avery, Dangerous Foreigners, Ibid., p. 27.
- 4 Ibid., p. 66.
- 5 Ibid., Chapter 3, passim. In the labour shortage of 1917, the government decided many of these "enemy aliens" were trustworthy to work after all, and released them to the control of big corporations. See also A.R. McCormack, Reformers, Rebels and Revolutionaries, Ibid. For an example of rounding up these "enemy aliens" in 1914, see David Rees and Martin Bauer interviews, 1969, by David Millar, Public Archives of Canada, Sound Division.
- 6 File 281230 Regimbal to Scott, 24 November 1914; Scott to Regimbal, Ibid.
- 7 File 242135, Stewart to Scott, 31 July 1914.
- 8 Ibid., and also File 363695, passim, for July and August 1914.
- 9 File 242135, Scott to Stewart, 6 August 1914.
- 10 Ibid., 363695, Scott to Hoolahan, 13 August 1914.
- 11 Ibid., Hoolahan to Scott, 15 August 1914.
- 12 File 281230, Stewart to Hoolahan, 6 November 1914.

- 13 Ibid., Scott to Hoolahan, 10 November 1914.
- 14 File 242135, Scott to Stewart, 31 July 1914.
- 15 Ibid., Stewart to Scott, 5 August 1914.
- 16 Calculations based on the Report of Chief Travelling Inspector, Percy Reid, (hereafter Reid Report), File 363695, 3 January 1916.
- 17 Ibid.
- 18 File 363695, Blackmore to Scott, 29 September 1914; Byrne to Scott, 24 July 1915.
- 19 Ibid., passim. Stewart to Scott, 10 February 1910, for example.
- 20 Ibid., Stewart to Scott, 21 December 1914.
- 21 Ibid., Stewart to Scott, 24 November 1912.
- 22 Bryce to Scott, 4 June 1906.
- 23 Ibid., Scott to Hoolahan, 16 September 1914; Blackmore to Scott, 29 September 1914.
- 24 Ibid., Stewart to Bryce, 14 January 1915.
- 25 Ibid., Bryce to Scott, 15 January 1915.
- 26 Ibid., Scott to Stewart, 15 January 1915.
- 27 Ibid., Stewart to Scott, 18 January 1915.
- 28 Ibid., Stewart to Scott, 1 February 1915.

29 Ibid., Stewart to Scott, 1 February 1915.

30 File 242135, Stewart to Scott, 14 February 1915; File 363695, Byrne to Hoolahan, 30 April 1915.

31 Ibid., Stewart to Scott, 20 April 1915.

32 Ibid., Scott to Stewart, 12 May 1915.

33 Ibid., 22 April 1915.

34 Ibid., Stewart to Scott.

35 Ibid., Hoolahan to Scott, 23 April 1915.

36 Ibid., Stewart to Scott, 24 April 1915.

37 Ibid., Hoolahan to Scott, 30 April 1915.

38 Ibid., Stewart to Scott, 3 May 1915.

39 Ibid., Scott to Deputy Minister, 12 May 1915.

40 Ibid., Scott to Immigration Secretary, 25 November 1915.

41 Ibid., Scott to Agent, 25 November 1915.

42 For Reed's streamlining of the Agency Office, see below.

43 File 22736. Regimbal was raised to \$2000. by 1917, to \$2750. by 1922. He had been raised to \$1800 in 1914; Hoolahan was then at \$1400., where he remained.

- 44 File 363695, Reid Report, Ibid.
- 45 File 242135, for example, correspondence between Stewart and Scott, 15 and 17 March 1912.
- 46 Ibid., Scott to Stewart, 31 July 1914.
- 47 File 363695, passim, 1911-1916.
- 48 Ibid., Hoolahan to Stewart, 15 August 1914.
- 49 File 281230, 1914 passim, culminating in Stewart to Hoolahan; Stewart to Scott, 27 July 1914.
- 50 File 363695, Reid Report, Ibid.
- 51 File 242135, Scott to Stewart, 21 January 1916.
- 52 Ibid., Scott to Deputy Minister, 28 January 1916.
- 53 File 363695, Scott to Minister, 21 February 1916.
- 54 Ibid., Emphasis is Scott's.
- 55 Ibid., Scott to Deputy Minister, 9 January 1917; File 242135, Department memo, 9 September 1925; Department to Royal Trust, 8 October 1926.
- 56 File 228124, Memo, Superintendent of Emigration for Canada in London, 17 December 1920.
- 57 See File 228124, passim. This was in marked contrast to their position in early years. The American Dillingham Commission commented on this. In 1910, it found, the Canadian Medical Officer exercised "absolute authority" in matters of health, "and his functions as an administrative officer of the government extend even beyond this. In short, the duties of the Canadian

Medical Officer are administrative as well as professional, while the U.S. Medical Officer serves merely in an advisory capacity". The Commission's description of what is meant by a merely advisory capacity would apply very well to what Canadian Medical Officers were confined to by the 1920s. "It will be observed that the authority of the United States Medical Officer does not extend beyond the mere certification of the physical and mental condition of immigrants, their admission or exclusion being entirely in the hands of Immigration Officers, Boards of Special Inquiry, and The Secretary of Commerce and Labor, except in cases where rejection is mandatory under the law". The Immigration Commission, The Immigration Situation in Canada, presented by Mr. Dillingham, 61st Congress, 2nd Session, Senate Document No. 469, Washington, Government Printing Office, 1910, p. 57.

58

File 281230, Minister of Immigration to Minister of Marine and Fisheries, 23 September 1920. See correspondence on these prisoners, passim, summer 1920 - summer 1921.

59

See for instance File 363695, Scott to Secretary, 14 December 1915, case of Guard Ferry, who had threatened to beat a prisoner "so much that he would not be recognized by his family".

60

File 281230, 3 December 1920. Most of them were sent back. See I. Abella's and H. Troper's book on similar responses to Jewish refugees in the 1930s, forthcoming.

THE MYTH OF MEDICAL QUALITY CONTROL IN THE 1920's.

The work of the Montreal Immigration Agency had three components. First, to administer properly the legislation concerning immigration, by translating it into actions, into dealings with immigrants (usually detainees or deports). Secondly, to show that they were doing this, to make visible their proper actions. Thirdly, to take real live individual immigrants, and transform them, work them up into documents.

In the everyday world, Montreal processed immigrants. In the bureaucratic world, Montreal created a documentary reality, a reality that often superseded the everyday world insofar as Ottawa was concerned. At the same time that Montreal turned individual immigrants into records, into cases displayable and investigatable over time, Montreal turned itself into a case, created its own activities as a documentary reality displayed in records. It was primarily through these records that Ottawa knew what was being done at Montreal. It was on the basis of these records that Ottawa controlled the work at Montreal.

After 1905, as has been indicated already, the Montreal Agency consisted of two sections; the Detention Hospital, which was in many ways a prison in disguise, and the Office.¹ Each section confronted different situations, and thus, different problems. Each generated reports, created a documentary

reality, but the activities that underlay those documentary realities were different for each section. In fact, different types of organizational structures were needed for the two, but in practice they were seen as manageable in the same way by Ottawa. The consequences of these conflicting needs and of Ottawa's misapprehension about them, included severe and prolonged conflict between the administrators of the sections, which eventually made it impossible to manage the Hospital end of the agency. They also included, as has been said, the physical breakdown and near death of the Hospital Matron, and the eventual firing in early 1916, on terms that amounted to a purge, of the Matron and of her superior, the Medical Superintendent of the Detention Hospital. After the purge, the administration of the medical end of the Agency was simpler in theory; the remaining doctors became technicians and paperworkers, and the Hospital was run by the chief Agent from the Office.² In practice, however, many of the same problems remained.

All of these particulars about who did what to whom at the Montreal Agency must be seen in the context of the position of the Immigration Department as both literally and figuratively the agent of the immigration policy of the government of Canada. This policy was in a state of flux. As it developed and changed, so in

response did the organization of the work at the Montreal Agency.

The Montreal Agency from the very earliest years of the century was constantly being reorganized in response to changing conditions. The pace of change became more marked just before and during the First World War. By the middle of the war years, there was much evidence of this reorganization, in such matters as purchasing supplies and hiring staff. During the War, the Agency was required to fill out requisitions for everything, get them approved by Ottawa, and ask for bids from would-be suppliers.³ This was efficient, and democratic, and could be made visible as such. By then the practice of hiring employees through a civil service commission, after openings were advertised and a competition held, had replaced the local M.P. as a personnel agency. Visibility, fairness, and efficiency were important features of the new methods of management as they appeared in government bureaucracy.⁴ These new methods were also reflected in the physical organization of the Agency: the increased separation of function, and the increased division of labour.

Just as the Department was streamlined in the interests of managerial efficiency, so were its functions in relation to the economy. The terrible postwar depression

and the usual cries for "stringency" in admission of immigrants⁵ coincided with the new immigration regulations⁶, developed in the climate of the 1919 Red Scare. The demand for increased selectivity in immigration was a motherhood issue to which everyone paid lip service. The Department attempted to improve selection by urging its Agents abroad and the transportation companies to screen would-be immigrants more rigidly and send over only those who were suitable; by distributing information about standards to immigrants themselves, who were supposed to self-select, and by tightening up on the medical inspections at entry.

Canada does not want a lot of borderline cases, whether mentally, physically, or morally questionable. We would rather discourage five good members of a family than take in one who is subnormal. 7

Before the first World War, policy had aimed at agriculturalists, yet, as has been shown, substantial and increasing numbers of industrial workers were admitted. The 1919 Act stated clearly that resource development was also a goal, and the device of discretion allowed the Department to let in anyone it -or other influential interests - wanted. Policy was embodied in not only the Acts, regulations, and orders in council, but in the dictates of officials at Ottawa over whom there was little public control, despite considerable outcry. The stream of immigration could be turned on or off at the discretion of the Minister.⁸ People excludable on me-

dical grounds under the Act might well have been, and in fact often were, desirable and welcomed under the sometimes but not always unwritten provisions of the immigration regulations that were intended to meet the labour needs of capitalist enterprises. Admission decisions could be seen at times to correspond directly to those needs, rather than to what was apparently immigration policy. The Immigration officers were told by Ottawa to admit or not depending on the latest demand for classes of labour, or whatever.⁹

By late 1918, officials had been told they could relax the continuous journey regulations for those of the British, Irish, Belgian, Scandinavian, Dutch, or Swiss "races", who seemed otherwise acceptable and likely to get a job at their destination.¹⁰ In 1919 suspected "Bolshevists" were specifically warned against and reporting suspects was made mandatory.¹¹ By the early 1920's, almost anyone could be excluded at the discretion of the Minister, as represented by the immigration officials, on a wide variety of grounds, including mental, physical, moral, political, economic, religious, and racial characteristics, tendencies, practices, or intentions.¹² By sending out circulars to local inspectors and agents, Ottawa could order relaxation or nonapplication or increased strictness of the mass of laws governing immigration.

By monitoring detailed reports sent in describing and tabulating every entry application, every immigrant encounter, Ottawa could see that these orders were being followed. From this detailed monitoring of supply and demand was to result a new "managed" immigration flow. Nor were employees of the Department itself exempt from stricter discipline, division of labour and centralized control.

In order to "manage" the flow of immigration and the employees of the Department, it was necessary to have a greater degree of standardisation. This was made possible by the use of a form introduced as a consequence of the 1919 Act. Form 30A consisted of information obtained by declaration by the immigrant, and by inspection by medical and civil officers. The immigrant was required to declare information about his or her personal particulars, occupation, religion, former presence in Canada, money on hand, destination, relatives in Canada and in the Old Country, and answer questions related to Section 3 of the new Act. Section 3 detailed the prohibited classes. The immigrant had to say if he or she had ever had TB, been mentally or physically defective, or been an anarchist, etc. No one could land without completing these forms. The immigrant was medically examined, sometimes abroad, and usually in Canada concerning these

and other questions. The medical officer would note his findings on the certificate, which was then sent on to the civil inspector, who would make the decision about admissability.

Rather than the mass production of medical inspection of incoming immigrants, the work of the doctors at Montreal was mainly concerned with the mass production of detention and deportation. Inspection played a minor albeit demanding part of their work. By 1924, they were inspecting 77 ships a year, an increase of 34 from the previous year. Sometimes there were as few as 5 or 6 passengers in each vessel; still, the dock area in Montreal covered ten or twelve miles and the doctors had to cover a huge area to do their work. Companies did not notify the doctors in advance of the arrival time or status of passengers. This situation was made more difficult by the demands of the major part of their work, at the Detention Hospital. There, they were responsible for all medical treatment of the inmates, and for giving medical reports to deportation Boards of Inquiry in certain cases. The inconveniences and difficulties of their inspection work paled beside the problems of working in the Detention Hospital.¹³

The problems at dockside they could do something about. The Medical Officers at Montreal asked to have

their hours and methods of working reorganized. They wanted clearly defined hours for medical examinations of immigrants, and all immigrants in groups smaller than 10 persons to be examined at the Immigration Building, rather than having the Medical Officers go to the ships. They asked for assured advance notice of arrivals in order to have prompt examinations; they had to stay on call unnecessarily, especially on the weekends.¹⁴ The Health Department agreed to these requests, although the Department of Immigration did not take any official action at this time. By the end of the summer, the Agent at Montreal wrote that the situation was improved; there was much better advance notice, although the doctors still had to go to the ships for inspections. Shortly thereafter, in response to increased pressure, Ottawa ordered that medical inspection would take place only between 9 a.m. and 6 p.m. The doctors were told they would still have to go to the ships, although the improved system of advance notice should have solved the problem of excessive time wasted in the process.¹⁵

The conditions at the Detention Hospital were not so easy to change. Dr. Gurd, the senior Medical Officer at Montreal, after Stewart's dismissal, tried for years to get Ottawa to fix the heating in his examining room so he could carry out proper examinations. It was often

so cold there he could see his breath; this was not only uncomfortable but dangerous for patients who were ill.¹⁶ The work was heavy. Montreal was still the deportation clearing-house. There were detainees sent from other ports for medical treatment or deportation; stowaways awaiting transport back, and immigrants being held for U.S. authorities.¹⁷ Some inmates were cured and subsequently admitted to Canada, some cured and deported, and some deported without treatment or cure.¹⁸ In the mid-twenties, over 90% of those held were eventually deported.¹⁹

Whatever the case, the Medical Officers still had a heavy workload, and problems associated with working in what amounted to an inadequately staffed prison hospital. It appears that they were left alone to do their jobs far more than in Dr. Stewart's time. The personal tensions between Hoolahan and Stewart had ended when Stewart, and then Hoolahan, departed. Still, it could not have been pleasant for Dr. Gurd, for example. His pleas for adequate heating in the examining room indicated his powerlessness to get the facilities he needed to do his work. In fact, the building as a whole was dirty and dilapidated, in constant need of repair during the twenties. The repairs were seldom done thoroughly, even when they concerned matters of health and

security. There were the scandals: vermin, escapes, and indecent exposure, a drunken Agent. Although the role of the Medical Officer in the management and labour processes of the Detention Hospital had changed considerably since the advent of Dr. Stewart just after the turn of the century, many of the same problems would remain, as long as Montreal continued to serve its unique function as the dumping ground for the refuse of the Canadian immigration service.

It would be logical to assume that by the 1920's there should have been very little deportation. There was a three-level system of medical inspection to screen out undesirables. Yet deportation remained high - as high as in the 1914 depression, despite stricter and more standardised medical inspection. The Department suggested that it was not efficient enough. The system was based on inspections by both Canadian medical inspectors working for the Department of Health at Canadian facilities, and on inspection of immigrants by civilian doctors overseas, whether private or in the employ of Boards of Trade, ports, or transportation companies. This structure could have provided for greater efficiency and thoroughness. There were measures in the immigration laws to see that it did. For instance, if an immigrant who had been inspected by a doctor overseas and passed as suitable to land, arrived at a Canadian port and was then found un-

suitable, the Medical Officer had to give information to the Canadian civil officials as to whether or not the problem should have been detected by a careful examination overseas. If so, then the transportation company who had brought over the immigrant was liable for a fine. The follow-up medical inspection here made it possible for the Canadian Agent to compare the two diagnoses and decide if a fine were applicable.²⁰

The system overseas seemed impressive. By the mid 1920's, under the provisions of the Empire Settlement Act, (through which large numbers of family and female settlers came over from the British Isles) each applicant was checked by a doctor listed on a "roster", which had been made up by a referral system based on recommendations from doctors known to Canadian Officials. The immigrant got a medical certificate. His or her application was then sent to the Canadian office at London, and sometimes the applicant would be examined by a Canadian Medical Officer there. There also existed a limited system of "roster" doctors for some continental immigrants, who could obtain certificates in special cases. At the ports of embarkation in the UK, all passengers were examined in an "on line" inspection (e.g., they were lined up and walked past the doctor who would look at each of them). This might be cursory, or it could be somewhat more thorough. These doctors were either Board of Trade or port doctors or

ships' surgeons. (If obviously ill or mentally or physically diseased or defective immigrants were spotted, they were not allowed to board, because their appearance at a port of entry could cost the offending company a \$200 fine plus a refund of the immigrant's westbound train fare plus a free trip back home.) Next, the ship's doctor would check immigrants during the voyage. Finally, the arrival at the port of entry in Canada would bring another inspection, on line, by Medical Officers working for the Canadian Department of Health. Thus, the system overseas was part of a network that ended at the Canadian port. How could defectives or undesirables possibly slip through such a net?²¹ Many did. The favoured solution was to try tighten the net by making it still more efficient. Dr. Pagé, formerly Medical Officer of the Department of Immigration, now in charge of immigration work for the new Department of Health, had long been a proponent of stricter inspection. Part of his job was to go around giving doctors on-the-job training at Canadian ports. Pagé had proposed as early as 1911 a system of inspection by ships' surgeons.²² The 1919 Act required more detailed information from surgeons on passengers. Pagé intended to see that the transportation companies fulfilled this requirement.²³ Pagé also set up meetings between Department of Health Medical Officers and the transportation company, port, and Board of Trade doctors overseas, to clarify the medical provisions in the Canadian Immigration Act.²⁴

Dr. Pagé was not alone in his determination to keep out the "prohibited classes" and get rid of "undesirables." Numerous petitions urging greater selectivity were received by the Department of Immigration. In January 1921, The Canadian Council of Immigration of Women, a quasi-government advisory body made up of representatives from various women's organizations which had long been working as volunteers in the management of female immigration, wrote to support a resolution by Dr. Clarke, of the Canadian Committee on Mental Hygiene. He suggested that all immigrants, especially children, be detained long enough to have a rigid mental and physical inspection, before being allowed to proceed to their destinations.²⁵ The Board of Trade wrote suggesting measures to increase selectivity while decreasing problems desirable immigrants. The Board advocated stricter overseas medical inspection.²⁶ By this time, other Dominions had official overseas inspection, notably Australia which sent its officer to select healthy British workers in desired occupations. But the Department of Immigration preferred to continue the system of working through non-governmental doctors overseas.²⁷

The Department offered a number of arguments against the establishment of official overseas inspection. There were too many ports of embarkation. There were problems of jurisdiction; under present laws, Canada could not prevent persons from sailing from foreign ports. But the

main excuse was the lack of facilities. There was no place to house and care for passengers during inspection. By the time they arrived at the port they had already taken perhaps irreversible steps; sold goods, and so on. They were probably excited and impatient. In Canadian ports there were large facilities to examine the mental and physical and moral fitness of immigrants. Thorough examinations necessitated delays. This could be done easily here because of facilities, but not abroad. There was not even a minimal system for such obvious necessities as delousing for continental immigrants, save at Antwerp and Hamburg, but even this was not effective because it was so hard to tell who needed such a service and who did not. Lacking facilities such as existed in Canada, even the most rudimentary sorts of segregation of immigrants was impossible, claimed top Immigration officials.²⁸

The existing system was ineffective. Complaints were common. In one particularly blatant case, the Commissioner of Saskatchewan for Immigration complained about a female domestic who had arrived under an assisted passage scheme 3 May, fell sick shortly thereafter, and would "become a mother" 20 June. This he saw as evidence that almost no attention was paid to screening people. He was furious and demanded indignantly that something be done to "protect this province from persons mentally and physically unfit."²⁹ Clearly the system of voluntary

overseas inspection was not working.³⁰ No matter how hard Pagé tried to improve the system abroad and at home, the unfit and the undesirable kept slipping through it.

The apparent failure of stricter medical inspection to keep out the unfit gave credence to another interpretation of the problem: the degenerates in Canada came from the inferior foreign races. If the undesirables could not be kept out on the basis of individual screening, perhaps racial restrictions were the solution. This notion found widespread support. Medical Officers in the immigration service were as a rule in favour of strict entry prohibitions however ineffective their screening seemed to be on occasion. In this they were joined by their medical colleagues and a variety of other reform-oriented organizations. Medical journals argued before and after the First World War that foreign immigrants (sometimes synonymous with defective and diseased) were a menace to Canada, and to the public health. Undesirable immigrants were blamed for Canada's social problems.³¹ Articles appeared claiming that the foreign population of Canada contributed a disproportionate share of mental defectives, for instance.³² Medical associations rejoiced at the tough new American law of 1924 which established quotas, and urged a similar act in Canada. The U.S. Act was based on medical arguments similar to those current in Canada. Canadian medical journals argued, about 1925, strongly for the restriction of immigrants other than

those from Britain, the U.S., and the Nordic races, and they did not like urban slum dwellers from anywhere.³³

Other organizations, those with a strong medical bias and those without, protested from time to time against the entry of unsuitable or unfit immigrants and called for stronger regulations or stronger enforcement of existing regulations. Protesters included city councils, Boards of Health, the Canadian Mental Health Association, the Canadian TB Association, women's groups, and other reformist organizations, as well as groups of doctors.³⁴

For example, in 1925, the Toronto School Board submitted a report to the Departments of Immigration and of Health about numbers of mental defectives in the Toronto schools. A large proportion were of foreign origin. The School Board expressed much concern over the admission to Canada of mentally defective immigrants who would produce mentally defective children with whom the schools would have to cope. The board urged greater care be taken with medical inspections.³⁵ Usually, the complaints originated from a charitable organization or institution or municipality upon which the immigrant had become a public charge. Sometimes the complaints were from provincial officials. The immigrant was seen as a menace to public health, or to the improvement of public health.³⁶ The Administrator of Estates of the Mentally Incompetent at Regina complained about an immigrant women in hospital, saying that it was not just a question of the cost, but

"also the menace in the future to this country from the progeny of such persons...who will in due time...carry through from generation to generation the taint of insanity...and there is no saying to what extent this may spread or what damage may be done to the country in the future".³⁷

Even the most rabid exclusionist groups could not have objected to the public statements of the Medical Officers. The Department of Immigration Chief Medical Officer Bryce's Annual Reports from 1906 to 1919 reflected the eugenics orthodoxy of the progressive medical elements of the time. The Department of Health not only continued but virtually trumpeted this tradition. The Medical Officers working in immigration were eager to keep out the unfit.³⁸ Yet deportation continued unabated. Deportation appeared to be the result of the failure of the medical inspection system.

The Department chose to emphasize this line of analysis, disguising the problem by looking every direction but the right one. The public outcry and eugenics debate simply muddied the issue. The more palatable explanations were that overseas and ship surgeon inspections were a failure because they were influenced by the interests of the transportation companies and other groups such as Boards of Trade, Port of entry inspections failed because the workload was too great, the facilities inadequate, and some of the conditions were concealed by wily immigrants.

Moreover, even the apparently healthy foreigners from the inferior races were likely to turn out to be (or produce) degenerates and defectives.

The failure of inspections at Canadian ports to keep out those who would later end up in asylums or on relief and have to be deported was due not to laxness or sudden lapses into sentimentality on the part of the Medical Officers. All the evidence shows that they were on the side of strictness. Rather the problem was the Immigration Inspectors opened the flood gates on demand to give the companies cheap labour. The deportees were the ones the companies could not use, did not want, or no longer needed; the injured, incapable, radicals, unemployed.³⁹

By the 1920's the part played by the Medical Officer in the decision to admit or exclude an immigrant was minor. The Medical Officer had a clear list of what kind of persons or conditions were acceptable as immigrants, and was told to examine immigrants to see if he could detect any physical mental or moral defects or problems that might be relevant to the entry criteria. His findings were to be noted on a designated form. In this sense the Medical Officer was a quality control technician on an assembly line, checking the products passing in front of him for a specific set of defects. He was not a decision maker.⁴⁰ He could not remove a defective immigrant from the line to be rejected. All he could do was pass on the forms to the Immigration Inspector.

The civil inspector would then question the immigrant, and decide whether or not he or she should be admitted. The decision to admit or not was based on a variety of factors, especially in borderline cases.⁴¹

Finally it rested on the opinion of the civil inspector as to the ability of the immigrant to earn a living. The notation by the medical inspectors of impairments or possible contraventions under the Act was only to assist the civil inspector in the determination. The medical certificates and forms in the records of the Department for the early 1920's show that in numerous cases, immigrants with defects were admitted on this basis.⁴²

Sometimes the civil inspectors admitted medically unfit cases because they did not understand the medical terminology on the inspection forms, and could not distinguish between something that was a serious impairment, and something inconsequential. The Department of Health attempted to set up a system of on-the-job training of civil inspectors by the Medical Officers in medical terms.⁴³ This was not successful. At the beginning of 1927, Medical Officers were told to use a system of notation supplementary to their medical reporting spaces on the form, to tell civil inspectors to come and talk to the medical inspector before making a decision on the case in question. This system did not work out well either. The Department of Immigration returned to the old system, leaving it up to the discretion of the individual civil inspector to seek consultation if he wished.⁴⁴

The problem was not that medical criteria were not properly understood, but that, beyond a certain point, they were unimportant. What mattered was that an immigrant's condition would not impair his or her ability to earn a living. Beyond that, the important point was occupation. Officially, that meant an open door for domestics and agriculturalists. In practice, that meant a wide range of cheap industrial labour, some of whom were nominally agriculturalists, some not.⁴⁵ The civil inspectors were told when to enforce the regulations strictly, and when to forget them.⁴⁶ The system was not perfect. Sometimes the inspectors made mistakes. When the tap was not turned off quickly enough, the companies laid off these workers, accident, or other misfortune struck, the system broke down. The immigrant unemployed and unfit became visible, were identified, and whenever possible, were deported. Deportation was not only retroactive rejection. Deportation made it unnecessary to maintain those who were not immediately productive and self supporting. Deportation made it unnecessary to provide long term institutional care for those immigrants who were disruptive to or casualties of our capitalist political, social, and labour practices.⁴⁷

REFERENCES

- 1 The third section was added in 1914, a Hostel in which desirable immigrants in transit could stay. The Hostel is not relevant here and will not be discussed.
- 2 PAC., Record Group 76, File 228124, Dr. Pagé to Halifax Agent, 5 December 1919; Ibid., passim, for lists and discussions.
- 3 File 363695, passim. See correspondence, 1918-1920.
- 4 On the importance of visibility, see File 281230, Ottawa to Montreal, regarding Board of Inquiry procedures, 17 August 1922, on personnel, see File 363695.
- 5 See File 228124, Board of Trade Memo, 8 March 1921.
- 6 File 947852, 21 November 1919.
- 7 File 228124, Memo, Superintendent of Emigration for Canada in London, 17 December 1919.
- 8 For instance, File 281230, Ottawa to Halifax and Montreal, 30 November 1921, concerning Polish Jews.
- 9 File 228124, Memo, 7 June 1926, 4 March 1927, and 30 September 1928, for example.
- 10 File 947852, Scott to Deputy Minister.
- 11 Ibid., Circular No. 10, 21 November 1919.
- 12 Ibid., Circular No. 3, 9 August 1922.

- 13 File 228124, Medical Officers Gurd and Beauchamp to Department of Health, 14 April 1924.
- 14 Ibid.
- 15 File 281230, Ottawa to Agent, 26 August 1924.
- 16 See File C1599, passim, 1920s for Gurd's complaints.
- 17 File 281230, Memo, 16 May 1925.
- 18 Ibid., 15 June 1925.
- 19 Ibid., Memo, 23 May 1925.
- 20 Ibid., Ottawa to Agents, 11 March 1924.
- 21 File 228124, Ottawa to Brantford City Council, 5 May 1926.
- 22 Ibid., Pagé to a medical conference, December 11. The Bryce Report of 1905 had advocated the same thing.
- 23 Ibid., Pagé to Halifax Agent, 5 December 1919.
- 24 Ibid., Memo, Superintendent of Emigration for Canada in London, 17 December 1919.
- 25 Ibid., to Minister, 31 January 1921. A 1925 study of 800 women who had been clients of the Toronto General Hospital's Social Service Department showed that 15.6% were immigrants brought over as Barnado girls. Of these, almost 22% were mentally deficient, nearly 29% were prostitutes, 22% had VD., 14% had two or more illegitimate children. Using these and other statistics, the Committee argued throughout the 1920s for increasing stringency in

screening immigrants. See Suzann Buckley, "The Impact of World War I Upon Canadian Public Health Reform", unpublished paper presented to the Conference of the Canadian Association for American Studies, October 1977, McMaster University.

26

File 228124, to Minister, 8 March 1921.

27

1921. Ibid., Scott to Board of Trade, 21 March

28

Ibid.

29

1921. Ibid., Commissioner to Immigration, 16 June

30

Ibid., Ottawa to Commissioner, 18 June 1921.

31

Zlata Godler, Ibid., p. 11.

32

Ibid., p. 12.

33

Ibid., p. 14-15.

34

On eugenics in Canada, see Carol Bacchi, Liberation deferred, The ideas of the English-Canadian Suffragists, 1877-1918, unpublished Ph.D. thesis, McGill University, 1976, pp. 257-280. Most women reformers were euthenists rather than strict eugenicists. The Canadian eugenicists in general seem not to have been doctrinaire, in that they often saw eugenics and euthenics as complementary rather than exclusive.

35

The report claimed that of 1,737 mentally defective children in the schools, 581 were of Canadian born parents, while 143 were born here but of parents born elsewhere, and 313 had been born outside of Canada. File 228124, 11 November 1925, The Department of Health challenged the validity of the statistics of this report. Ibid., Health to Immigration, 20 November 1925.

36

See for example, the Brantford City Council's complaint about a tubercular woman immigrant, File 281230, 13 April 1926.

37

File 228124, Immigration to Health, 2 May 1926.

38

See the Annual Reports of the Department of the Interior, 1892-1919; Department of Immigration and Colonization, 1919-1935; Department of Health, 1919-1935, passim. Bryce's second Annual Report referred to a US study of alien inmates of institutions. Bryce advocated stricter inspection and exclusion to keep out those alien unfit who might try to enter Canada. (US border inspection was formally established in 1908). He also advocated deportation of long-term residents on medical grounds: "the fact that 60% of the pauperism, insanity and crime is in aliens who have been more than 10 years in the US fully confirms the far reaching result" of the entry of the unfit. Many of Bryce's recommendations for inspection and legislation were in fact adopted over time. "Annual Report of the Chief Medical Officer", in Annual Report of the Department of the Interior, 1905. See also Peter Bryce's "Social Ethics as Influenced by Immigration", Papers and Reports of the American Public Health Association, Vol. XXXIII, Part I, 1908.

39

The uproar about "insanes" and "mental defectives" was probably in part a product of this situation. Poverty and suffering are not conducive to mental health. Moreover, even the Medical Officers said some of the "mental defectives" could work competently under proper conditions and could contribute benefits to Canada. Further, as the doctors pointed out, fear, "culture shock", can make people appear unintelligent. See File 228124, Department of Health to Department of Immigration, 20 November 1925.

40

File 228124, Assistant Deputy Minister of Health to Secretary of Immigration, 30 December 1919.

41

File 281230, passim, for cases in the early 1920s.

42

See also File 228124, for such cases, passim, 1920s.

43 Ibid., passim, numerous memos, 1920-1925.

44 Ibid., Memos, 4 March 1927; 27 March 1927.

45 See Donald Avery, Dangerous Foreigners,
Ibid., Chapter I, passim.

46 See File 947852, "Instructions to Immigration Officers, 1909-1942", passim.

47 See Michael Katz, "Origins of the Institutional State", Marxist Perspectives, Winter, 1978.

MODERN MANAGEMENT VERSUS DECREPITUDE

AT MONTREAL, 1905-1934.

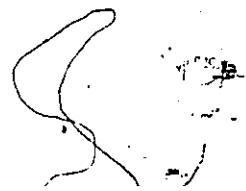
The Montreal Agency Office was much easier to manage - scientifically or otherwise - than the Agency Detention Hospital.

The work at Montreal by the time of the First World War consisted of carrying out Ottawa's immigration policy by applying it to immigrants; to make visible this application, and to do this by creating records of these actions. To put it another way, the creation of records was how Montreal processed immigrants; the work process consisted of creating records about immigrants. These records concealed qualitative and quantitative differences in the actual everyday work of the Agency's Office as opposed to the Agency's Detention Hospital. As has been explained the former had brief contacts with immigrants or the public on a one to one basis, for purposes of recording or creating information. The latter had constant and prolonged contact with immigrants who were being incarcerated for treatment and usually deportation. Physically controlling these deports involved a good deal more work than creating records about their movements. Scientific management apparently touched prison work - for that was what detention and deportation were - much less than

office work.¹ Both created a documentary reality, but Ottawa attended to the Office more than the Hospital.

The division between the Office and the Hospital in the Montreal Agency was blurred in the early days. This was due in part to the physical facilities they shared, and in part to the use of staff attached to one section to do the work of the other. Chronic staff shortages had necessitated using workers on the Hospital side in different jobs than their own. Staff shortages on the office side led to borrowing Hospital workers for tasks taking them away from their own jobs, usually as guards, and created much bad feeling in the Hospital. By the time of the First War, there was a clearer division between the Office and the Hospital, a division partly physical, but mainly administrative, in nature. The Hospital was what made Montreal important as a deport centre. Yet Hospital workers were relatively worse off than Office workers, in working conditions, rates of pay, and job advancement. This was probably in large part a reflection of the changes in the nature and status of clerical work during these years.

The practice of utilising staff members who had been hired to do one job, to do another had been widespread before the time of the Reid enquiry. This practice had several advantages. The Agency was chronically short of



staff, and the more versatile the staff, the more easily they could be used to fill in when the need arose, if the official interpreter, for instance, was unavailable or could not do something.

This problem of the right person being unavailable to do a job when needed was probably intensified because Agent Hoolahan habitually pulled his workers off one job before it was finished, and sent them off to do something else.² On the other hand, the work to be done was so varied and required such a wide range of skills that it must have been difficult to get it done any other way. This was particularly evident in the case of the interpreting work. From the earliest days, the immigrants with whom the staff had to deal spoke a wide variety of languages. Officially, there were usually two interpreters attached to the staff, and of these, Wong Ham, was actually more a consultant. He worked full time at his own business in the city, and was called in when needed for Chinese work. The other interpreter was skilled at Scandinavian and northern European languages.

This was John Kuhlman, age 51 in 1916, who had come to Canada in 1892 and had begun work at the Agency in 1903, as an interpreter at a salary of \$600 a year. He had been educated at the Stockholm gymnasium; he spoke and wrote English, Swedish, German, Norwegian, Danish,

and Finnish.³ In his earlier years at the Agency, Kuhlman had performed a rather wide variety of tasks. He had interpreted in dealings with Scandinavian immigrants under investigation, interrogated them, and written reports on his findings. He had also acted as a deport officer, escorted deports to their steamers in Montreal and handed them over to the steamship company, or escorted them on train trips to other ports and there handed them over to steamship company officials or to other officers of the Immigration Service.⁴

Although Kuhlman was the official full time interpreter, others had done this work too. Joseph Stahl, for instance, was Swedish, spoke "4 or 5 languages" and could do "a bit of gardening." He had been hired in 1906 as a janitor at about \$500 a year.⁵ His work surpassed cleaning and maintenance tasks; he acted also as guard and interpreter, and, presumably, tended the grounds when he had time.⁶ When he fell ill in early 1907, he was replaced by a temporary guard called George Smith, at a rate equal to \$360 a year. "Smith" was 21 years old, spoke English, French, Italian and Greek.⁷ His language skills were considered to be especially valuable, although they were not part of the job requirements, nor did they win him higher pay.

If workers with these skills had been easy to come by, they were not always easy to hang on to or deploy. During Smith's time at the Agency a grand reshuffle in the staff took place. Stewart had been pleading for an Italian interpreter to help with the medical inspection of immigrants entering Montreal on the trains, and asked Ottawa if he could so utilise Arturo Pansera, who had helped with the interpreting work in the hospital on several occasions. Though naturalized, Pansera had been born in 1883 at Cairo, Egypt of Italian parents. He had been hired as a guard in 1903 at \$360 a year, and almost immediately thereafter had begun to act also as an interpreter.⁸ Meanwhile, Stahl recovered from his illness and quit his job at the Agency to work for the Allan Line as an interpreter. Hearing that there might be an opening at the Agency again that would be slightly more desirable than his former job, he applied, and was eventually rehired.⁹ The pressures of guarding violently insane inmates at the Hospital day and night had necessitated the addition of more guards to the staff.¹⁰ Stewart wanted to keep Pansera, but felt that his linguistic abilities - Italian, French, English, Greek, Arabic, Syrian, and Spanish "fluently and a little German" - made him "too valuable a man to act as a guard and sweep and scrub."¹¹ Instead, Stewart proposed to hire them both permanently, and use Pansera and Stahl for train inspection work..

Stahl began to go inspect immigrants at the train stations, and after a few weeks, Ottawa decided it would be better to have the train inspector board the trains and ride them a short distance to do the inspection en route into town.¹² His initial salary as an inspector was \$480, then shortly raised to \$540 a year. Pansera did essentially the same tasks. The facilities at the stations were not adequate for proper medical inspections, so civil inspections on board were to be supplemented by singling out immigrants who aroused the suspicions of the train inspectors and bringing these people in to town for medical inspections.¹³ By 1908, the only solution to the problems of immigrants who evaded inspection seemed to be to move the inspection point to the border. Stahl was appointed Border Inspector at St Albans, Vermont, and Pansera at Malone, New York, each at \$900 a year.¹⁴ Changes in the methods of inspection work, plus the removal of these men from the Detention Hospital and into the inspection part of the work, had been of great benefit to Stahl and Pansera. Their careers in this period illustrate some of the possibilities for upward mobility in the Immigration Service. Meanwhile, Smith continued to perform a wide variety of tasks at the Agency. He kept the register of incoming and outgoing people and mail; answered the door and phone and dealt with callers,

ran errands, delivered messages, typed memos and letters for Stewart, and made out weekly and other reports of the work at the Hospital. In his unoccupied time, he filled in as interpreter and guard.¹⁵ This work was shared by another man on the main floor of the building who was also responsible for taking care of the back door, receiving deliveries of supplies, and cleaning. This latter was heavy work, including the daily sweeping and dusting of corridors and bedrooms, twice weekly washing of floors with a strong disinfectant, daily cleaning of lavatories, cuspidors, and so on, plus unspecified other cleaning. The cleaner was also expected to "keep order" and watch deports during the day.¹⁶ This range of tasks implied that the staff were versatile and flexible; so they were, but they were also badly overworked. The correspondence makes it clear that the work grew faster than the staff. It must have been impossible to get everything done properly. Added to the general overload of work were the problems arising from the particular type of institution in which they performed all of the foregoing tasks. What went on in the Hospital necessarily affected the whole Agency, in the former mansion which served as Agency from 1905 to 1914. Insane or other violent inmates could require constant day and night supervision, and sometimes had to be physically restrained. This was not only unpleasant but dangerous, to

both the inmates and staff. The doctor in charge of the Immigration Branch Medical Service, worried about the likelihood of a "tragedy" due to the short staff and inadequate facilities.¹⁷ The tasks specified above were at best liable to constant interruption, at worst simply not performed, when the work involved in "guarding" became demanding.

The move to the new building in 1914 meant far greater physical separation between the Hospital and Office sections of the Agency. It also increased the differentiation between the tasks of the workers in each section. By 1915, there were thirty-four employees at the Agency, about equally divided between the two sections.

Of the seventeen employees in the Detention Hospital, three were doctors (one absent on military service), and one Hospital Matron. Seven workers were guards: five males (two were night guards), two females (one day, one night). There were two janitorial employees; one listed as a cleaner, one a caretaker. The remainder were kitchen workers (a male cook and assistant cook, and a female kitchen maid) and a laundress.

In the office, the seventeen included the part-time Chinese interpreter. Most important were the Agent and Assistant Agent. Next in order of importance were the two Immigration Officers. There were seven clerical workers:

four male clerks, three male stenographers (one on military service). There was a messenger, and a full time interpreter. Finally, on the lower end of the scale, there were three deportation officers, two of whom were women.

By 1916, it was no longer common to find employees routinely working in both of the two sections of the Agency. One of the Office workers who had more contact than most with the deports was John Kuhlman. Still listed as an interpreter, by 1916 he had three main areas of responsibility: interpreting, investigating "undesirables", and escorting deports. As a part of his interpreting work, he helped large numbers of Scandinavian immigrants to find jobs, primarily as mechanics, railroad labourers, and farmhands. A good part of his workday was spent on this work. His linguistic abilities were also very useful for investigation work, as he could act as his own interpreter. Many of his investigations entailed work before 8 a.m., or after 8 p.m., so that he could find persons being investigated before or after they went to work. The deport work involved not only providing physical escort, but also a variety of paperwork: writing receipts for deports and their belongings, getting Steamship tickets, filling out necessary forms for shipping deports, labelling, processing, and checking deports' baggage, and so on. Paperwork was an important

part of his investigation work, as well. Each investigation had to be reported on in full detail. These reports were of particular importance because they served not only as a record of work done at the Agency, but could be the basis for a Board of Inquiry. In this sense they were documents subject to the requirement of the production of legal evidence, and much care had to be taken to prepare them so that they could be so used.

The work of some of the clerks in the office was also varied, and far from mechanical by 1916. It was also not badly paid. Clerk Gaston Deville earned \$1,400 per year, in 1916 at age 27. He had been trained at Ottawa College and hired in 1911.¹⁸ He was in charge of the filing system, he did bookkeeping. He had tasks in several areas. In deportation work, he communicated with the steamship companies, got railroad tickets, interviewed foreign consuls, arranged for the accompaniment of deports, cabled the London or other continental office about their arrival times, made up receipts for deport business and transmitted them to Ottawa and to the U.S. Commissioner of Immigration where necessary, and filled out the "reports of action" cards used by Ottawa to keep track of each case, and sent them on to the head office. For Chinese immigration control, he received "Chinamen's" declarations for exchange of their immigration certifi-

cates, and forwarded them to Ottawa, he collected head tax, and received declarations relating to the head tax from new arrivals. He collected fees and issued permits for Chinese going abroad. He checked Chinese ships' crews and sent crew lists to Ottawa. He prepared and sent to head office monthly reports of Chinese immigration. He handled the paperwork for seamen: letters of identification for those going to Great Britain, reports on desertions, examinations of seamen for admission to Canada. He was responsible for filing and registering all correspondence received at the office, and this he distributed as directed by the Assistant Agent. He had to note and deliver files when they were wanted on a certain date, and to collect and put away files each day. He had charge of certain accounts, received and deposited money, made travel and other advances to officials, paid office accounts, bought some supplies such as postage stamps and streetcar tickets. He received and took care of the valuables belonging to deports held in the Detention Hospital. He checked and classified all officers' accounts, and checked all accounts sent to Ottawa. He prepared a monthly statement for all expenses of the office, and a monthly statement on all accounts. Finally, he took the photos of all deports on their arrival at the Agency.¹⁹

The work in the Office part of the Agency was better paid. Working conditions were far more pleasant, the jobs were less dangerous and disgusting, and the workplace was probably much less confusing a place to be. Offices are generally more comfortable than prisons, and this must have been especially so at Montreal. In the Hospital there were raging insanes, advanced cases of TB and VD, criminals, and just plain pathetic people to deal with; to guard, to feed, and to clean up after. In the Office, there were occasionally individual deports brought in to interview, but these were closely escorted while they were in the Office. Mostly, there were members of the public: immigrants or others seeking information. Especially, there were papers; a mass of files, reports, cards, forms, ledgers. Still, this work was not without its problems.

The War increased and changed the work of the Montreal Agency Office; so much so that they stayed open until 10 p.m., then later until 8 p.m. including weekends. Not until September 1917 did they begin again to close weekdays at 6 p.m. and all weekends.²⁰ The Immigration Service had a number of additional responsibilities, such as issuing passport-like documents called "Letters of Identification" to Canadian residents travelling to the British Isles. A photographic machine was used to take identification pictures for these documents. A

clerk would then note the date, personal information, destination, and other pertinent data. Deports were photographed as well.

A further source of increased inspection work was the Chinese influx. During the war, there was an increase in the numbers of steamers coming into the port of Montreal. Many of these were chartered by the British government, with Chinese crews. There was also the more usual type of Chinese immigration work, including applications for head tax exemptions, and the exchanging of old certificates for new ones, necessitated by changes in status or regulations. There was also the inspection of people coming in from the U.S. for theatrical performances of various types. There were 27 theatres in Montreal which were importing performers, often of the "cheap burlesque type." This practice created numerous inspection problems, and required vigilance to see that the performers all left afterwards. Hoolahan's men also kept a watch on the managers of the theatres to see that they did nothing that violated their contracts. This would require visits to the theatrical district.²¹ They also checked prostitutes to see that they were not immigrants, and immigrants to see they were not prostitutes.²²

There was also an increase in questions asked by the public; wanting information about new regulations, shipping conditions and so on. This too added to the

paperwork, as records were kept of all enquiries. As well, the Office staff spent a good deal of time trying to find work for the unemployed immigrants in the city. Most were placed in factories, some at farm work or domestic service. Four hundred, including many deports who could not otherwise be shipped home, were found jobs as tenders on steamers carrying horses from Canada to Britain for the war effort.

Another major responsibility of the Montreal Office was investigation work. The ordinary workload of investigations of possible deports had long been heavy, because of the number assigned to Montreal by Ottawa. Investigations that appeared simple jobs became complicated because of the size of the city. Montreal had in 1916 an area of more than 41 square miles and a population of over 600,000. This included 72,000 people classified by the Immigration Office as "foreigners": there were 30,000 Jews, 15,000 Italians, 7,000 Slavs, and 20,000 other "foreigners", together with thousands of immigrants from the British Isles. Many of these people lived in outlying areas of the city. It might take an officer an hour to get to the end of the street-car line nearest the quarter of the city in which the object of the investigation lived, then it might be necessary to walk a further 2 to 4 more miles, often on streets without sidewalks. Even finding the person

to be investigated could be a difficult task, requiring 2 or 3 visits to their home, often at hours outside the normal workday. Montreal had at this time 1,336 streets open to traffic and other unnumbered streets in the outskirts of the city, some 5 to 10 miles long. Along these streets lived 1/10 of the total population of the country. It was sometimes necessary to bring along an interpreter. The discussions with the person would take even longer, especially with Russian Jews or Greeks, Percy Reid believed, "because it is well known that these two nationalities are exceptionally hard to obtain correct information from." Sometimes the persons investigated would insist on calling in lawyers, and that would delay the investigations even further. The problems accompanying investigation increased, as the work itself increased. The problems of investigation work were multiplied by the way it was organized, which was anything but efficiently.

This was characteristic: at a time when the increased work of the Office required maximum use of resources, there was widespread inefficiency in carrying out the work and in keeping records of its performance. There was, for instance, no record kept of staff attendance. Work was not clearly assigned to those best suited to do it. Highly skilled workers were used to do work that those with lesser skills could

perform, and at that, they were often interrupted in the midst of important investigations to do some routine task. The system for holding Boards of Inquiry entailed a great waste of time. In early 1916 there were 5 members on each Board plus a secretary. Thus, holding an Inquiry meant that nearly all office work must be suspended for the duration of the hearing, ranging from several hours to several days. Correspondence was opened late, improperly processed. Tasks resulting from it were dealt with as badly as were the others. Agent Hoolahan wanted to open all mail himself, and since he did not come down to the office much before 10 a.m., this delay in the opening and processing of the mail caused much waste of time. A further problem in the Office was John Hoolahan, himself. Although Hoolahan had worked hard for the Immigration Service for years, and had been conscientious and faithful, he was now at the period of his life when he could not properly oversee and manage such a large staff, as Percy Reid tactfully phrased it. Hoolahan, never a very good administrator at the best of times, was in his 70's and becoming senile.

Reid's reaction to the situation he found at the Agency is instructive. Reid found serious problems in both the Hospital and the Office. His solution for the difficulties at the Hospital had been to dismiss Blackmore

and Stewart. The rest of it, he left more or less alone. His solution for the difficulties in the Office was more complex. He did dismiss two people: a 68 year old clerk whose job had been immigrant farm worker placement, who because he was a unilingual francophone was unable to do most other work; and a 40 year old former Irish schoolteacher with six years experience as a Montreal Police Officer, who habitually showed up drunk for his job as a deportation officer. But Reid's emphasis was on reorganization. He made three major changes.²³

Reid identified the major stumbling block to Office efficiency as poor bumbling Hoolahan. Reid arranged Hoolahan's duties to remove any real authority or responsibility from him, and turned over the control of the new management procedures to Regimbal, the Assistant Agent. John Hoolahan had started work for the Department in 1882, had become Agent in 1892; he became a figure-head in 1916, at age 74. Alphonse Regimbal had started in the civil service in 1881, and worked for Immigration in 1892, when he began as a messenger at \$1 a day. Through "merit alone", according to Reid, Regimbal had risen through the ranks. At the time of Reid's visit, Regimbal was Controller of Chinese Immigration as well as Assistant Agent at Montreal; he was for all practical purposes the manager of the Agency, after Reid's visit.

The responsibilities that Reid assigned to Regimbal included the supervision of a whole new set of procedures for the Office. Under the new system, all mail would be opened immediately upon receipt, sorted, filed, and given to Regimbal for distribution to those responsible for dealing with it. All the correspondence leaving the office was to be signed by Hoolahan, and initialed by Regimbal. All supplies were to be checked by Regimbal. All accounts were to be checked and initialed by him before leaving the Agency. An attendance book for the staff, now mandatory, was to be in the charge of Regimbal who would give it to the night guard at the end of the day. Thus Regimbal would have complete knowledge and a record of the comings and going of all of the staff. Finally, all duties, hours and conditions of work for the staff were to be assigned by Regimbal.²⁴

Reid also reorganized the investigation work. The most significant change was to use only the best qualified officers for this work, and to use the lesser qualified strictly for deportation work. The best two for the former were Lomer Beard and Joseph Sevigny. The latter had been classified as an Immigration Officer. The former who was classified as a clerk, had also done an exceptionally good job at investigations. (He retained his clerical classification although his work changed for the moment) Reid also reduced the size of Boards

of Inquiry, and constituted Regimbal, Sevigny and Beard as a permanent Board of Inquiry at Montreal, to be supplemented by others depending on the nature of the case.²⁵

Not all of Reid's changes stuck. Two years later, Ottawa was still scolding Montreal staff for failing to sign the attendance register, and ordering a speed-up on the investigations.²⁶ Nonetheless, Reid represented the intrusion of efficiency into the Agency. With efficiency came other trends; most notably increased differentiation of jobs.

By 1922, the size of the staff had changed little, but specification was more apparent. The staff lists for 1915 showed more general job categories. In the Office, for instance, there were four "clerks" and three "stenos" listed. In 1922, there were two "senior clerks" (one was Beard who was by then an Assistant Agent at \$2,180, the other was Gaston Deville at \$1,680), a "senior accounting clerk" (whose salary had gone up from \$600 to \$1,500 in six years), a "senior clerk steno" (making \$1,500). There were four women who occupied the lower echelons of clerical work, under the titles "clerk steno" (\$1,020) and "temporary clerk steno" (those at \$900). Next there were two "investigating officers" (\$1,800 and \$1,560), two "immigration inspectors" (\$1,800 and \$1,320), and an interpreter (at \$1,200). Then there was a "conductress", (that is, an escort for female immi-

grants, paid \$1,200). Next came two female "deportation officers" (\$1,080 and \$900) followed by a male "deportation officer" (at \$840 - a rare exception to the rule that women made less than men). The latter was the lowest paid member of the Office staff.²⁷ By contrast, the female Hospital workers made from \$360 - \$780, the men from \$540 to \$1,200. The lowest salaries in every case were to temporary workers. The permanent women began at \$420, the men at \$840. There are two clear differentials: Office paid better than Hospital; men made more than women. The total of Hospital salaries was \$8,880, the average \$555. The total Office salaries amounted to \$24,190, the average \$1,343. Total female salaries were \$10,200; the female average was \$784. The male total was \$25,390, the male average \$1,209.²⁸ If the sex breakdown is further divided between Office and Hospital, the gap widens: the female Hospital total was \$3,120, the average \$520. The male Hospital total was \$8,820, male average \$882. The female Office total was \$7,080, average \$1,011. Office total for the male workers was \$18,130, average \$1,648. The hierarchy developed, then, both along Hospital/Office and sex lines. It is possible that education may have been pertinent. In 1916, of the seven Office clerks, three had at least some post-high school education. The two Investigating

Officers too had at least some college education, as did two of the three deportation officers. In the Hospital, of seven guards, one had a B.A. (and spoke eight languages fluently, plus several others less well), one had at least some college, and one was a graduate nurse with post graduate training in two specialties.²⁹

Probably more significant were the differences in occupation. Clerical work had offered upward mobility, for the men, and in several cases had led to supervisory or lower level management jobs. Women did not enter clerical jobs at Montreal until after the War. They occupied the lower rungs of clerical positions and were paid less than their male fellows (even taking seniority into account).

The growth of clerical work was the single most striking change in the composition of the labour force during the decades after the turn of the century.³⁰

The place of the clerk in early industrial enterprises was semi-managerial.³¹ Clerks were male. When women first entered clerking, in Britain, the process of the "deprofessionalisation" of clerical work was just underway.³²

In 1900, in the U.S., three-quarters of all clerical workers were male. In Canada, in 1901, of 1,782,832 workers listed as gainfully employed in the census, 57,231 were clerical workers. Of these, 44,571 were male, 12,660 female. By the end of the 1920's, of 3,908,117 workers,

260,564 were clerical workers, 142,951 were male, 117,613 female. Females shortly came to dominate numerically at the same time that clerical work lost most of its advantages of pay, status, and mobility.³³ In 1922, the early stages of this process were visible in the Office at Montreal.

At the same time that the work in the Agency became more differentiated administratively, it also became more physically separate. In 1921, for example, changes were made to increase the segregation between male and female inmates, and segregate medical detainees from the others.³⁴ By 1922, the Office was becoming increasingly subdivided; clerks concerned with shipping and seamen worked in one room, for instance, while investigating officers had a separate large room in which to conduct their numerous interviews.³⁵ The accounting staff worked in a separate room, where the files were also kept.³⁶ In 1923 the Agent installed a lock on his door and a system of call bells to notify particular staff members that they were wanted.³⁷ In 1925, the Agent requested a rearrangement of doors and office space so all callers could be screened by the Assistant Agent and referred to the appropriate Department.³⁸ In 1926 and 1927, there was a general shuffling and rearrangement of various rooms and areas of the building,

with three aims: to separate the types of work by areas of specialisation; to segregate the people doing these different types of work; and to make physical changes to improve employees' working areas (such as increased lighting for clerks, more filing cabinets or desks, and the like).³⁹

Each of these changes in the Office was connected to more efficient production of documents. Efficiency was related to the management of paper, not of people. The work at the building increased both in terms of numbers of people handled and numbers of documents produced. By 1930, old files were so numerous that they were kept in heaps on the floor. A special room had finally to be fitted out with shelves to store them.⁴⁰ At the same time, the longstanding physical deterioration of the building, and increasing overcrowding, had produced extremely bad conditions for staff and inmates of the Detention Hospital.⁴¹ The Medical Officer was "doing the impossible as well as it can be done", in a situation which was "not a credit to the Service or to anyone connected with it." It seemed as if there was "no guiding hand at work" and the whole place needed "immediate and thorough reorganization in accordance with Canadian ideals of kindness and efficiency." Earlier that year, Agent Moquin had been suspended for six weeks, evicted from his quarters

in the building, and warned for the last time, for drunkenness on the job and absence from duty without leave.⁴²

The Agency had sunk into a state of decrepitude and decay during the 1920s. Needed repairs were rarely made. The Office areas of the building were often dirty and ill maintained, but it was the areas that housed the Detention Hospital that were the worst. They got more wear and tear because of the large number of inmates passing through. Minor repairs were made, and cleaning and painting done from time to time, but the overall condition of the building in the 1920s ranged from barely passable to extremely poor. By 1928, for instance, the verandah in which male deports were kept during the summer months had screens so light and floors so rotten the men could cut through them. These inmates were "often of a bad character and are annoying neighbours around the yard through indecent exposure." The women's verandah was no better; they too escaped.⁴³ Ottawa refused to replace the too-weak wire screens, and instead ordered Montreal to use "proper supervision" to keep the deports secure and behaving properly.⁴⁴ This same state of affairs lasted until 1930, when Montreal complained that by then the floor in the men's verandah was so weak they could not allow the deports on it. Moreover, deports could easily lift up floor boards with their hands and climb out. Minor

repairs were finally made that summer.⁴⁵ After 1930, the Depression and the new restrictive immigration laws cut off immigration. These same conditions promoted deportation.

Business at Montréal boomed, as those pauperised in Canada were shipped out.⁴⁶ The Detention Hospital was often staffed to overflowing with unhappy wretches, and there were scandals in the press and elsewhere about dirty words on the walls, locked fire escapes, filth, vermin, and bad treatment.⁴⁷ Ottawa even considered building a larger facility to handle the load,⁴⁸ but the same reluctance to spend money that had led to these conditions prevailed, and the idea was abandoned.⁴⁹ Through the early 1930's, the Detention Hospital was not infrequently in a "disgusting" state: walls and floors so engrimed by age that they could not be properly cleaned, rickety fire escapes that threatened to fall down, loose floor boards through which inmates could make their escape, and the sights, smells and sounds of rooms full of criminals, sick, poor, old and young often mixed together, of insane cases shrieking from their cells.⁵⁰

When the building had been planned in 1913 and 1914, it had not been anticipated that it would be put to such a use. It was set up with an Immigration Office for the Agency, with hospital quarters for detainees, a small hostel for immigrants in transit, and a temporary

detention for a small number of deports. As it turned out, it had been used "almost wholly" for a detention and clearing house for deports

of all classes and conditions; deports being collected practically from all over Canada and sent to Montreal for either embarkation or for transmission to the port of embarkation.

Even the Department admitted in its internal memos that it was too small to house all the deports, that the detention quarters were often overcrowded, and accommodation was poor. Insane and infectious cases were not adequately isolated, nor were criminals properly segregated from ordinary public-charge deports.⁵¹ Yet the consistently increasing deportation was most often treated by Ottawa as "a passing phase of our work."⁵² With these bad conditions, Ottawa knew that it would

unquestionably have some complaints from deports, but I believe we can better face this than justify heavy capital expenditures at this time. 53

Money was necessary to improve conditions. Before the Thirties, public and political scandal had usually moved the Department to act, however belatedly and partially. By the worst of the Depression, even this was ineffective. Lice and other horrors were seen as somehow unavoidable, and the "class of people" coming in as deports were blamed for the appalling conditions in the building.⁵⁴ The conditions of the early Thirties were different only in degree from the deteriorated norms of the 1920's.

After 1934, deportations began to decline. Conditions remained dreadful at Montreal.⁵⁵ Ottawa had given up all but a pretense of managing the Detention Hospital; as long as the staff did their jobs efficiently and did not badly abuse or physically attack the inmates, then the Hospital could be said to be operating properly. As long as the reports came in on time from the Agency, Ottawa was not eager to inquire too closely into the admittedly unpleasant everyday reality.

REFERENCES

- 1 See Graham Lowe, "The Administrative Revolution. The Growth of the Clerical Occupations and the Development of the Modern Office in Canada, 1911-1931", unpublished Ph.D. thesis, University of Toronto, 1979.
- 2 PAC Record Group 76, File 363695, Reid Report, Ibid. Unless otherwise indicated, all the material up to 1917 in this chapter is from the Reid Report and may not be specifically cited.
- 3 File 22736, Memo, 30 April 1917.
- 4 File 363695, Stewart to Bryce, 26 May 1906.
- 5 Ibid., Memo, not dated, February 1907.
- 6 Ibid., Stewart to Scott, 27 March 1910.
- 7 Ibid., not dated, October 1909.
- 8 Ibid., Stahl to Scott, 7 June 1907, Stewart to Bryce, 6 July 1907; Stewart to Scott, 24 July 1907.
- 9 Ibid., Stewart to Scott, 5 April 1907.
- 10 Ibid.
- 11 Ibid., 24 July 1907.
- 12 Ibid., Stewart to Bryce, 6 July 1907.
- 13 Ibid., Stewart to Scott, 20 July 1908.
- 14 Ibid., Stewart to Scott, 10 February 1910.

15 Ibid., Guard Bergen to Stewart, 28 November 1911.

16 Ibid., Stewart to Scott, 31 January 1912, for example.

17 File 22736, Staff List for 30 April 1917.

18 File 363695, Reid Report, Ibid. Details provided by Deville.

19 Ibid., Regimbal to Scott, 4 September 1917.

20 What a fate for the Montreal Agency's crack investigators. One can almost picture them sitting bolt upright in the burlesque theatre, veritable basilisks of Canadian puritanism.

21 They were ordered to stop this "Red Light Crusade" in 1918. File 363695, Assistant Agent's Report to Agent, 25 April 1918.

22 File 363695, Reid Report. Ibid.

23 Ibid., Scott to Hoolahan, 30 December 1915.

24 This meant that Beard and Sevigny would be sitting as judges in cases where they had acted as investigators: a not uncommon situation.

25 Ibid., Beard to Regimbal, 25 April 1918.

26 File 22736, Staff list, 1 April 1922.

27 My calculations, based on Ibid. There were 13 female and 21 male employees. None of the foregoing include the part time Chinese interpreter.

28 File 363695, Reid Report, Ibid. No information was given in nearly half the cases. This may, nor may not reflect level of education.

- 29 Sylvia Ostry, The Occupational Composition of the Canadian Labour Force, 1961 census monograph, Dominion Bureau of Statistics, Ottawa, 1967.
- 30 David Lockwood, The Blackcoated Worker. A Study in Class Consciousness, London, 1958, as cited by Braverman, Ibid., p. 294.
- 31 See Lee Holcombe, Victorian Ladies at Work; Middle Class Working Women in England and Wales, 1850-1914, Hamden Press, Archon, Connecticut, 1973.
- 32 On this, see Graham Lowe, Ibid., and Harry Braverman, Labor and Monopoly Capital. The Degradation of Work in the Twentieth Century. New York, Monthly Review Press, 1974.
- 33 File C1599, Department of Public Works Architect to Deputy Ministers of Immigration and Health, 22 June 1921.
- 34 Ibid., passim, 1922.
- 35 Ibid., Regimbal to Commissioner, 6 November 1923.
- 36 Ibid., Agent Moquin to Commissioner, 2 June 1923.
- 37 Ibid., Moquin to Commissioner, 17 June 1925. This took six months to get approved and done. See memo, 29 January 1926.
- 38 Ibid., passim, 1926-1927.
- 39 Ibid., Acting Agent Beard to Commissioner, 20 November 1930.
- 40 Ibid., Dr. Helen MacMurchy to Chief, Division of Child Welfare, Department of Health, and to Miss Burnham, Supervisor, Women's Branch of the Department of Immigration, 18 December 1930.

- 41 Ibid., Commissioner to Assistant Deputy Minister, 4 February 1930. He was reinstated several more times then apparently fired in November or December 1930.
- 42 Ibid., Moquin to Commissioner, 5 April 1928.
- 43 Ibid., Ottawa to Moquin, 29 May 1928.
- 44 Ibid., Acting Agent Beard to Commissioner, 22 May 1930; Commissioner to Department of Public Works, 2 June 1930.
- 45 Ibid., Commissioner to Deputy Minister, 31 July 1931.
- 46 Ibid., Deputy Minister to Assistant Deputy Minister, 10 April 1930; Immigrant to Deputy Minister, 28 May 1930; Page of Department of Health to Commissioner, 7 January 1931; Burnham to Deputy Minister, 17 November 1932; Commissioner to Assistant Deputy Minister, 3 January 1932, to cite a few examples.
- 47 Ibid., Commissioner to Deputy Minister, 28 August 1931.
- 48 Ibid.
- 49 Ibid., passim. See extensive correspondence about overcrowding, bad conditions, and needed repairs, 1928-1933.
- 50 Ibid., Commissioner to Deputy Minister, 31 July 1931.
- 51 Ibid., Commissioner to Deputy Minister, 28 August 1931.
- 52 Ibid., This was the view of the Minister.
- 53 Ibid., Commissioner to Assistant Deputy Minister. 4 January 1932.

54 Ibid., See report of Travelling Immigration
Inspector, 25 May 1934.

55 Ibid., passim, through 1936.

THE HIDDEN FUNCTIONS OF DEPORTATION

Deportation helped to give relief to 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 (in much the same way as had emigration been used by English parishes in the early 19th century), thereby reducing relief and other costs of maintenance. Deportation got rid of workers when they became useless, surplus, or obstreperous. It helped the state to reduce costs of maintaining some of its non-producing members, by deferring these costs to the economies of the sending countries. It also served some function of social and political control by getting rid of some social protesters. Deportation was a necessary albeit unsavoury part of immigration, the equivalent of the sewage system of cities. It 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 turbid streams"¹ of the immigrant unfit, unemployed, and unprofitable.

Deportation of the economically unfit is a practice going back to the early days of English poor relief. Eligibility for relief was based on the right of settlement, akin to domicile or citizenship. Settlement was acquired through birth; women took their husband's settlement upon marriage. By the mid-19th century, settlement could be gained in some circumstances by 5 years residence.²

Parishes could and did - not always legally³ - get rid of paupers or prospective paupers who did not have "settlement" by a process called "removal". Legally, removal was done from the parish where the person lived but did not have settlement, to the parish of settlement. Removal was carried out by an Overseer of the removing parish. When done legally, it was a costly process. Less expensive alternatives were popular. One was to cause the person to be arrested for vagrancy. This was so common as to cause one scholar to comment that vagrancy laws were "the penal side of the poor law". The vagrant could simply be sent on by cart from constable to constable until he or she reached the home parish. The minimal costs were paid by the parishes through which the vagrant moved. In some cases the vagrant would be punished by whipping or imprisonment or both, before being sent away.⁴ Another similar cheap method was used against pregnant women who did have settlement. If their child were born in a given parish, there it would have settlement; thus even non-pauper pregnant women represented a potential cost to the parish. Single women were vulnerable to such removals, but so were married women who may have been settled by birth, but lost their own settlement when they married a man from another parish. Sometimes parishes tried to smuggle such women over the line into the next parish, quite late in the pregnancy. Substantial numbers of pregnant women became vagrants because they were expelled from parishes for this reason. The practices employed were often "bereft

of both humanity and decency".⁵ The powers of the parish to remove were increased by the Act of Settlement of 1662, which defined categories of removables. As a rule, if people did not apply for relief, they might be left alone - unless it seemed likely that they would become public charges. If they did apply for relief, however, their removal was quite likely.⁶ The 1834 Poor Law Report recommended some reform in this area, notably that the practice of removing pregnant women cease, and that a child born outside of marriage take its mother's settlement, regardless of where it was born.⁷

The parallels between poor law removal and deportation are numerous, and striking chiefly in several respects. First, in most cases persons were safe from such expulsion if they had settlement, in one case, or domicile, in the other. Second, such expulsion was usually contingent upon becoming a public charge. Persons who did not apply for relief were generally untouched. Third, legal removal or deportation was used to pass on paupers and relief costs to the place of origin, at which they could not be deferred or refused. Finally, to follow the legal procedures laid out in the legislation was costly to the removing parish or to Ottawa: attempts were frequently made to cut down the expenses: by sending vagrants away in carts and getting the in-transit parishes to pay, in the one case, or getting the transportation companies to pay, in the other. That deportation was intimately connected to poor relief in Canada is

also clear. The Department stated on numerous occasions (and the law made it so) that deportation was a relief to the municipalities and provinces. Canadian transportation companies seem to have concurred in this view, as CPR Passenger Agent made clear in his complaint that the CPR was being asked by Ottawa to help municipalities shovel out their paupers. "Municipalities should take care of their own poor", he said; "there is no reason that I can see why private corporations should participate in a matter of this kind anymore than any other tax payer."⁸

This assumption that deportation was a form of pauper removal was widespread in the years before and after the turn of this century. The Deputy Minister of Agriculture testified in 1877 that

All countries which receive large numbers of immigrants naturally adopt a rule of this nature; I notice in the report of the New York Immigration Commissioners, very considerable sums for a service of this kind, even in prosperous years.⁹

States often "repatriated" foreign paupers. New York State alone removed 1672 public charges between 1923 and 1928, and removed 177 insanes in 1928, and 197 in 1929. This was in addition to the bulk of deportation, which was carried out legally (at least in theory) by the US federal government.¹⁰ Canada too "repatriated" immigrants; this was indisputably demonstrated by the Department's internal statistics on problems with British female domestics. "Repatriation", whether by federal or local government, constituted an informal and extralegal system of deportation. Both informal

and legal systems of deportation played an important role in Canadian immigration policy. 444

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;¹¹ these permanent settlers would often be forced into wage labour, either in the short-term to accumulate the capital to start farming their own land, or in the long term to supplement inadequate farm earnings.¹² 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 be claimed to be farmers, even potentially. As Donald Avery has shown, Canada's immigration policy promoted the recruitment of a large body of unskilled industrial workers who would function (and likely remain) as an industrial proletariat.¹³ 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 sector of the economy, one thing was clear: they were supposed to remain here and become (somehow) Canadians (of some kind or another). Even the severest critics of Canadian immigration policy tended to accept the claim that it was a permanent population Canada was trying to attract. Attempts by corporate interests to import temporarily large numbers of contract workers were refused by the government. As Avery points out, Scott and

other Departmental officials "time after time refused to allow industrial workers into the country on temporary permits".¹⁴ If these workers entered, it was on the same legal terms as the highly-prized legitimate agriculturalists on whose work of building the nation it was much more politically sound to focus: 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 concealing part of the myth that disguised a politically devastating truth: "many of the European who came to Canada were in effect guest-workers, who met the needs of Canadian industry and agriculture and then went home".¹⁵ In fact, by 1920 the federal government systematically determined how many harvesters would be needed and encouraged and sometimes directly supervised their importation from the US and the British Isles.¹⁶ "The Annual harvest migrations to the Prairie Provinces led to no considerable permanent movements of population", George Haythorne (later Assistant Deputy Minister of Labour) explained in 1933.¹⁷

Agriculture's seasonality makes it easy to detect this stream of migrant labour thinly concealed within the flow of those who were ostensibly and legally would-be permanent settlers. Yet other industries were in fact equally if not more dependent upon this type of work force. This was parti-

cularly true of lumbering, mining, and railway construction.¹⁸

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."¹⁹ 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 American Dillingham Commission had put it in 1910.²⁰ All the Department could do was to

refuse to issue temporary work permits.²¹ This was not a problem for the employers: so 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 latter status offered a number of advantages to the employer, in part because it was unregulated.

As Michael Burawoy has pointed out, one of the invariant characteristics of a migrant work force is that the functions of maintenance and reproduction of the work force 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.²² 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 lower wages paid to the migrant worker, but in terms of other costs of maintenance of the work force. Migrant workers can be kept in camps, fed en masse, and provided only with minimal welfare services. Moreover, if these workers are injured, incapacitated, or incapable, neither the employee nor the state is obliged to take care of them in the long term. Because under this system these workers have no claim on the resources of the receiving country or the employee, they can be sent back "home" when their usefulness is at end.²³ 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 rights²⁴ if not much economically.²⁵

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 under discussion here. For instance, in South African mine work, tasks were differentiated by race. Workers were housed in barracks in isolated camps, and paid just enough to keep themselves going and send a bit home, but not enough so they could save a large enough amount to stop

wage work.²⁶ This latter unfulfilled hope may have figured in their original decision to leave their families and enter such work, or they may have been forced to do so by the imposition of cash taxes or other political devices, or simply by the threat of starvation.²⁷ In Canada there was also a system of occupational segregation and subordination based on ethnicity; many workers were housed and fed in isolated camps, often at very low standards.²⁸

Sojourners who came to Canada in boom times might succeed in realising their dream to return home a rich man - 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 the depression, imprisoned in internment camps during the war, and released to the big companies when the demand for their labour again became acute.

The likely alternatives for many of these immigrants (if not the majority) probably were: to continue working in Canada, taking (or hoping to take) long visits back home; to become an agricultural settler, often on land so expensive to put into production or so marginal, that continued seasonal wage work was necessary; to join the permanent industrial proletariat. But deciding to remain in Canada permanently was no guarantee that someone would actually stay. Unless immigrants lived here continuously long enough to get domicile, and ideally got 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, which would then report the immigrant to the Department and set in motion the legal deportation process. Alternatively, the municipality could refuse to grant relief. In many cases, this would leave the immigrant 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.²⁹

There was much less incentive to give poor relief to immigrants in Canada than in some other places. In the British Isles in the eighteenth century,³⁰ and in parts of the US in the twentieth, 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.³¹ 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 labour in times of economic expansion, and the desire to cut welfare costs 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 got rid of. Deportation deferred some of the costs of maintaining and reproducing the labour force, into the sending country and economy. Deportation was an unsung 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 stated policy was that immigrants were to be permanent settlers.³² 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.

REFERENCES

1 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, Ryerson, 1920, p. 226.

2 Pat Thane, "Women and the Poor Law in Victorian and Edwardian England", History Workshop Journal, No. 6, Autumn 1978, p. 36. In Scotland, the situation was more or less similar. On this, see George Nicholls, A History of the Scotch Poor Law In Connexion With The Condition Of The People, London, Murray, 1856.

3 Nicholls, Ibid. The Commission of Inquiry reported in 1844 that removals were not legal but did take place. The 1845 Act to Change the Poor Law followed the Commission's recommendation that the removal of English and Irish paupers from Scotland be made legal, that settlement take seven years to acquire, and that it be restricted to Scots.

4 Dorothy George, London Life Before The Eighteenth Century, Evanston, Illinois, Harper and Row, (1925), 1964, p. 151.

5 Dorothy Marshall, The English Poor Law In The Eighteenth Century, London, Routledge and Kegan Paul, (1926), 1969, p. 213.

6 Ibid., passim. See also Geoffrey Oxley, Poor Relief in England and Wales, 1601-1834, London, David and Charles, 1974.

7 See "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, Gregg, 1973, p. 475.

8 PAC, Record Group 76, File 837, McNicholls to Department, 3 September 1895.

9 Ibid., Lowe's Testimony before The Select Standing Committee on Immigration and Colonization, 1877 Session; cited in Boardman to Fortier, 19 October 1894.

10 Jane Perry Clark, Ibid., pp. 132-3.

11 See E. Gibbon Wakefield, Letters From Sydney and Other Writings, London, Dent., 1929; Gary Teeple, "Land, Labour and Capital in Pre-Confederation Canada", in Capitalism and the National Question in Canada, Toronto, University of Toronto Press, 1972; see also the British House of Commons Report on Agricultural Settlements in British Colonies, 1906, British Parliamentary Papers (2978) LXXVI, 533.

12 See S.D. Clark, The Position of the French-Speaking Population in the Northern Industrial Community, 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 Labour System in The Political Economy of South Africa", in A. Idris-Soven, E. Idris-Soven, and M. Vaughan, The World as a Company Town. Multinational Corporations and Social Change, The Hague, Mouton, 1978, p. 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, Harvard University Press, 1960, pp. 22-32, 42. (At the time of this study, Haythorne was Canadian Assistant Deputy Minister of Labour). See also his "Harvest Labor in Western Canada. An Episode in Economic Planning", Quarterly Journal of Economics, Vol. XLVII, August 1933.

13 Donald Avery, "Canadian Immigration Policy and the "Foreign" Navvy, 1896-1916", Canadian Historical Association's, Historical Papers, 1972; and Dangerous Foreigners, Ibid., p. 9.

14 D. Avery, Dangerous Foreigners, Ibid., p. 12.

15

Ibid., See also Robert Harney, "Men Without Women: Italian Immigrants in Canada, 1885-1930", The Italian Immigrant Women in North America, Toronto, Multicultural History Society of Ontario, 1978, p. 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."

16

George Haythorne, "Harvest Labor in Western Canada: An Episode in Economic Planning", Ibid., pp. 536-7. The majority of harvesters were Canadian but others constituted an important reserve.

17

Ibid., p. 542. In 1928, 90% of the British workers imported (in a particularly disastrous scheme involving unemployed industrial workers) returned home after the harvest was in.

18

D. Avery, Ibid., pp. 30-2.

19

Ibid., p. 29.

20

Cited by D. Avery, Ibid., p. 12.

21

Ibid., p. 9.

22

Michael Burawoy, "The Functions and Reproduction of Migrant Labour: Comparative Material From South Africa and the United States", American Journal of Sociology, Vol. 81, No. 5, March 1976, p. 1053.

23

Ibid., passim. See also S. Castles and G. Kosack, Immigrant Workers and Class Structure in Western Europe, London, Oxford University Press, 1973.

24

Burawoy, Ibid., p. 1076; (Citing Castles and Kosack, Chapter II) "in contrast to all other European countries, Britain has until recently awarded full citizenship rights 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".

25

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 against women). 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) - eg., becoming an immigrant instead of migrant ("sojourner") brought with it an economic improvement. The Canadian case may offer fuel for the debate on the relationship between political and economic status in migrant / immigrant / domestic labour systems. See Burawoy on this, Ibid., p. 1076.

26

Ibid., pp. 1052-1063. See also P.C. Lloyd, Africa In Social Change. Changing Traditional Societies in the Modern World, Harmondsworth Penguin, 1967, p. 94. "Migration does not create a wealthier category of men in the village".

27

Y.M. Ivanov, Agrarian Reforms and Hired Labour in Africa, Moscow, Progress Publishers, English translation, 1979, pp. 10-32.

28

See for example, Edmund Bradwin, The Bunkhouse Man, A Study of Work and Pay in The Camps of Canada 1903-1914, Toronto, University of Toronto Press, 1972. See also I. Abella and D. Millar, The Canadian Worker in the Twentieth Century, Toronto, Oxford, 1978.

29

Donald Avery, Personal communication, 4 February 1980.

30

E.P. Thompson, The Making of the English Working Class, Harmondsworth, Penguin, 1968, pp. 243-4.

31

Burawoy, Ibid., p. 1069.

32

Donald Avery, Personal communication, 4 February 1980.

CHAPTER THIRTEEN

"PURELY ADMINISTRATIVE PROCEEDINGS"

The Department of Immigration was arbitrary in the management of its employees and of its deports. Curbs on this arbitrariness were few and ineffective. Internally, the Department was limited in its personnel management practices by the constraints of the Civil Service. Until about the time of the First World War, jobs with the Department, especially at Montreal, were likely to be gotten by patronage.¹ The Civil Service was reorganised and the Civil Service Act "virtually rewritten" in 1918. The elimination of patronage was an important concomitant of the principles of efficiency, the new system of job classification, and the strong Civil Service Commission as the purveyor of jobs.² This 1918 reorganization strengthened the hierarchical and authoritarian structures of the Civil Service to which the Immigration Department was no exception.³

The public employee had from the beginning been subject to the vagaries of whim and partisan politics.

For years, the authoritarian structure of the bureaucracy, the dehumanized approach to employees grouped in rigidly defined classes, and the autocratic control granted the head of the department... all combined to leave the civil servant at the mercy of arbitrary managerial decisions.⁴

After 1918, an employee who believed he or she had been mistreated or wrongfully dismissed could appeal to the Civil Service Commission, although, as Hodgetts points out, a formal system of appeal was not set up until the 1930s. Before 1918, even that slight protection did not exist. The Department fired at will those it no longer wanted or needed. Dr. Stewart had tried to reverse his and Matron Blackmore's dismissals by appealing to Parliament. The Department had blocked this attempt by claiming the evidence Stewart wanted his MP to see - a copy of the Reid Report - was in fact an internal memo and therefore not suitable for or subject to scrutiny in the public domain. The firing and the "evidence upon which it was based were purely administrative proceedings; there were no charges, thus no defense.

Hodgetts' comment about the invisibility of what goes on within the public bureaucracy of today says much about the Department during the years it was developing into a mature bureaucratic structure:

There is a paradox in the fact that the administrative branch of government is by far the largest of our public and private institutions and yet, even to the informed members of the general public, it is the least visible.⁵

If the internal staff management policies of the Department were not visible to, and therefore, not controllable by, outsiders, its immigration and deportation practices were even less so. A 1940 study by C.F. Fraser,

"Sometime Fellow in Law, Harvard University, ... Assistant Professor of Law, Northeastern University", comparing deportation in the UK, Ireland, Northern Ireland, Canada, Australia, New Zealand and South Africa, concluded that 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.⁶

The two likeliest sources of outside control over the practices of the Department in management of deportation were the Parliament and the courts.⁷ Parliament was consistently uninformed or misinformed, and judicial review was severely limited by the Immigration Act. Neither chose to test the limits set upon their sphere of inquiry. Even during the recurring and sometimes protracted debates in the 1920s about the repeal of the extraordinary powers added to Section 41 in 1919, both Houses revealed massive ignorance, and almost equally massive indifference on these questions. The mere expediency (rather than the principle) of the law was at issue, and Ministerial responsibility easily shrugged off. This was especially evident in the Senate, which made it clear that it did not disapprove of arbitrary proceedings against "agitators". Fraser's comment is pertinent here:

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...the executive branch of the government, in its haste to carry out this policy...displayed a marked disregard for the niceties of procedure .8

A system of overt discrimination had been set up by executive fiat in 1910, without benefit of Parliamentary debate, admitted the Department eighteen years later. Deputy Minister Egan's 1928 testimony to the House Committee on Agriculture and Colonization makes it clear that the Department routinely made arbitrary decisions about admissions as well as deportations. Departmental correspondence showed that discrimination against the immigrants from Southern and Eastern European countries had been in practice "all the time". Since 1910, the Minister had decided to admit people from "preferred" countries; this system was set up by executive order, not by Parliament. In 1922, an amendment to the legislation established a system of admission based on occupations. Egan described how the Department evaded the legislation; for instance, orders-in-council establishing money or passport requirements.

Q. "How could the Minister go behind the order-in-council?"

A. "It was a practice in vogue, and he did it, and not in any isolated cases at all, but in hundreds of cases it was done all the time."

Before the occupationally-based system of preference was set up in 1922, landing-money, continuous voyage, and passport technicalities established by orders-in-council were supposed to exclude the unwanted and ill-equipped. Unfortunately, some attractive immigrants from preferred countries

did not meet these requirements. In these cases, Egan said, the practice had been "to disregard the money test sometimes, or the passport regulations, particularly in connection with the countries of Northern Europe". One of the explanations given for this double-faced system was that these things were done by Ministerial action "on account of the desire not to mention in any order-in-council that one country was preferred to another". This course of action had been decided at a conference with the transportation companies. Decisions of this sort determined who was admitted and who was deported. As Egan testified, these particular practices had been in effect for at least eighteen years. Parliament had known nothing about this powerful extra-legal system that went beyond the legislated limits and procedures of Departmental actions. In reality, these decisions had neither been made, controlled, nor implemented by Parliament.⁹

The Senate also displayed a marked tolerance for contradictory and unsupported information from those responsible for the management of deportation. Tory Senator Robertson who as Minister of Labour had been instrumental in breaking the Winnipeg Strike, insisted in 1920 that the added (Section 41) powers had been used to clean out so many dissidents that they were now superfluous. In subsequent years, others were to claim that these powers,

or even the original Section had never been misused.

Following further Winnipeg Strike revelations in 1926, Senator Calder, who had been Minister of Immigration in 1919, and could be assumed to have known what went on in his own Department, further obscured the issue by claiming that the deportation powers of the Department were neither arbitrarily nor summarily exercised. Internal Department correspondence gave him the lie: as Secretary Blair promptly assured Bruce Walker, Director of European Emigration in London, Calder's statement was

absolutely incorrect as a matter of law and the section as it stands does exactly what Mr. Calder said no Government would do, viz, put into the hands of any Board of Inquiry, even of one person, the power to order deportation .10

Like their counterparts in Cabinet, Senators speaking on behalf of legislation the Department wanted passed, were often little more than mouthpieces. In 1926, for instance, Senator Dandurand's presentation and discussion of proposed amendments to the Immigration Act followed almost verbatim the brief prepared for him by the Department.¹¹ Even the most detailed such memo tended to emphasize legal points and present arguments favourable to the Department's interests, rather than afford a glimpse into the conditions surrounding deportation. The debate was focussed on policy rather than practice, on legalisms rather than reality.

The debate in the House was only slightly more critical, and not much better informed. Even those who pressed

for reform in the deportation policies of the Department were uninformed and naive about what went on. For instance, Woodsworth's 1920s campaign to repeal the extended 1919 powers of Section 41 was based on the complaint that these extended powers allowed deportation for political offences without trial by jury. In fact, jury trials had never been a part of deportation proceedings. The only circumstance under which trial by a deport's peers played a part in deportation was in the case of deportation after criminal conviction, but the deportation proceedings were separate and apart from the criminal proceedings. The latter took place in a court of law, and the accused had recourse to certain rights and a certain protection under that law, at least in theory. Deportation proceedings were conducted by a closed administrative tribunal. The Department was eager that there be as little as possible "purely technical and unwarrantable interference by pettifogging lawyers."¹² Woodsworth and others in both Houses of Parliament for the most part remained apparently unaware not only of such practices but of such attitudes. It was Parliament which passed the laws relating to deportation, but the records of the Department make it clear that Parliament neither made those laws, nor knew, nor controlled how these laws were carried out.

As for the courts, their power to intervene in deportation matters was virtually nonexistent under the

Immigration Act. The Act provided that "all matters pertaining to the detention and deportation of any rejected immigrant should be dealt with by the executive and not the judicial branch of the Government", as Mr. Justice Irwing explained.¹³ The Department had been careful to preserve its immunity from interference by the courts, arguing that the rights of deports were not jeopardised by such an exclusion. If the Department exceeded the law, then the courts could intervene; that was sufficient.¹⁴ The Department did not deny its powers were increasingly broad, even before the overrated 6 June 1919 amendments. It argued that it should be trusted with these powers. Minister Calder on 14 May 1919 wrote in this vein to the Canadian Jewish Congress.

The Act ... undoubtedly places large discretionary powers in the hands of the executive and its administrative officers... I need scarcely assure you that every effort will be made to see that these powers are exercised sanely and reasonably. 15

This claim was not borne out by earlier or subsequent events. Given the exclusion of the judiciary from deportation matters, there was little the deport could do when the Department's efforts to follow the path of sanity and reason failed. This was not as infrequently as might be hoped. C.F. Fraser's study of 121 selected cases led him to comment that in Canada,

The earlier cases show a casual and unintentional rather than intentional disregard for the judiciary. The later cases indicated a

premeditated intent to deprive the alien...
of his right to judicial protection. 16

There was almost no dissent from the courts.

Typical was Mr. Judge Gibson's comment that Parliament intended and provided that all such questions should be dealt with

exclusively by the machinery of the Department of Immigration...subject only to an appeal to the Minister, and without any powers of review or control by the courts.

He referred to Section 23 of the Act which said no court has jurisdiction to review, quash, reverse, restrain or interfere with any proceeding, decision, or order of the Minister, Board of Inquiry, or Officer-in-charge, concerning detention or deportation, "upon any ground whatsoever", except in the case of Canadian citizens or domiciled immigrants. He argued against the use of certiorari that the courts could not interfere with Boards of Inquiry even in cases of misunderstanding or misinterpretation of the law or regulations, or of illegal evidence, error, informality, or omission, "which may fairly be classed as a matter of procedure, or of departmental regulation".¹⁷

Such a position was not unusual; Canadian courts on the whole acquiesced to this informal and extralegal system of justice operated by the Department. So long as the Department did not get caught exceeding the law or not following procedures laid down in the Act and regulations governing deportation, it had a virtual free hand, insofar

as the courts were concerned. As Mr. Justice Mathers of Manitoba held,

Proceedings under the Immigration Act for the deportation of an undesirable alien are in no sense criminal and a person arrested and detained for such purpose is not committed for any crime... .¹⁸

Judicial apathy, or unwillingness to challenge this star chamber system, was made clear in some cases: because deportation was not a criminal proceeding, the deport did not have the right to bail, to a speedy and fair trial by a jury of his or her peers, to know the evidence against him or her, or to confront his or her accuser, according to a series of Canadian court decisions.¹⁹ As a result of appeals by a group of radicals detained in Halifax awaiting deportation, the Supreme Court of Canada confirmed this point of view: deportation was not a subject for the courts; it was "a purely administrative proceeding".²⁰ In the words of Fraser, whose legal experience lends the opinion considerable weight,

most remarkable feature of the cases is that nowhere does there appear to be any appreciation on the part of judges of just how far their jurisdiction has been infringed by the executive without any apparent legislative authority for such infringement.²¹

Although the acquiescence of the courts in the withholding of due process from deports may have been extreme in comparison to other Commonwealth countries, it was not so in relation to the situation south of the border. Preston's study of American practices shows marked similarities. In the US, the Supreme Court established in 1893

that the Congress could hand over the power to deport to administrative agencies, and that the courts could be forbidden by legislation to interfere in such cases. Deportation was held not to be punishment for crime, so a deport was not entitled to the same protection as a criminal.²²

A 1932 study by Van Vleck, Dean of the George Washington University Law School, argued thus:

There is a striking similarity in fact between the purposes and results of the expulsion process and those of a criminal trial. The courts have said, however, again and again that they are in legal theory entirely dissimilar.²³

One striking dissimilarity was that of the burden of proof. A criminal, under both US and Canadian law, was presumed innocent and it was up to the prosecution to establish the guilt of the accused. But a deport was presumed guilty, and it was up to him or her to show why deportation should not take place.²⁴

Some US judges argued against this interpretation. A dissenting opinion in the 1893 US Supreme Court case argued that deportation was punishment, involving arrest, removal, and forcible expulsion from the country. Punishment implied a trial; due process required a hearing before condemnation, according to common law. The US Immigration Act, in this opinion, "inflicts punishment without a judicial trial. It is, in effect, a legislative sentence of banishment".²⁵

Another criticism along this line was argued by the American scholar Roscoe Pound. He described the development of admi-

nistrative law as stemming from "delegated legislation", in a manner analogous to the interpretation offered by C.F. Fraser's study of the British Commonwealth equivalent. Pound believed the American Immigration Bureau to epitomise this tendency to, in effect make law by administrative fiat. According to him, the US courts "have confined within narrow limits the scope of their review of the administrative decision of immigration officials". The protests about the actions of these officials came not from Congress or the courts but from "lawyers and humanitarians".²⁶ Such questions as these had become of even greater importance by the 1920s, when, according to the US Commissioner General of Immigration, deportation was "rapidly becoming one of the most important functions of the Immigration Service".²⁷

The similarities between the American and Canadian approach were striking. Lest it be thought that the US was more arbitrary and more extreme, the somewhat wistful comment of the Dillingham Commission is worth considering:

The most striking feature of the Canadian immigration law, and the one in which it differs most widely from the United States law, is its flexibility, or adaptability to emergencies or changed conditions. The Canadian law confers almost unlimited power on the governor general in council in matters respecting immigration. In fact, it would seem under the terms of the law that the administration could, if deemed desirable, not only prohibit any particular class of immigration, but practically prohibit all immigration to Canada .28

This comment was based on the Canadian 1910 Act, which remained the legal basis of Canadian Immigration practice until after the Second World War. The 1919 Act merely increased ministerial discretion and thus increased flexibility.

After 1919, whatever legal power to act arbitrarily was already possessed by the Department, was increased in degree, rather than modified in kind - even taking into account the much-attacked 6 June amendments. The question was not of legality, but of practice. So long as deportation management remained an administrative matter, and Department practice remained concealed from the public or Parliamentary eye, there was very little check on the power of the Department to do what it deemed appropriate. Efficiency, modernization, and rationalization of its procedures went hand in hand with increased arbitrariness and authoritarianism, both in the management of the Department and the management of deportation.

REFERENCES

- 1 See PAC, Record Group 76, Files 837/563236, 1004, 22736, *passim*, on personnel.
- 2 J.F. Hodgetts, The Canadian Public Service. A Physiology of Government, 1867-1970, Toronto, University of Toronto Press, 1973, pp. 24-25.
- 3 Ibid., p. 311.
- 4 Ibid., p. 320.
- 5 Ibid., p. 341.
- 6 C.F. Fraser, Control of Aliens in the British Commonwealth of Nations, London, Hogarth, 1940. See pp. 104, 106, 111, 114.
- 7 The third, and least likely, was public opinion. The invisibility of what the Department did was an important barrier against public opinion. Only in isolated instances did public opinion prove influential - partly because the Department masked its practices so well, and partly, as Hodgetts points out (in the context of staff management and other internal concerns) because ministers and cabinets have protected their flanks, and partly due to complexity. Other reasons will be discussed below.
- 8 C.F. Fraser, Ibid., p. 114.
- 9 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. Testimony of Deputy Minister Egan. 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", Maclean's, Vol. 78, 19 June 1965. Blair Fraser says, "Canadian immigration policies and practice are a monument to Canadian hypocrisy".

10

File 653, 17 June 1926. The power to deport had been given to Boards of Inquiry, or to one officer acting as a Board, by the 1906 Act. Subsequent changes had merely increased the paperwork, rather than decreased the power, of such Boards or officers.

11

Ibid., Blair to Dandurand, 14 June 1926. (Compare this with the Senate Debates). See also, "Memo prepared for the Minister to use in the House", File 653, 29 April 1926.

12

Ibid., Percy Reid to Cory, 19 December 1918.

13

In re: Munshi Singh, 1914, cited by C.F. Fraser, Ibid., p. 100.

14

File 653, Reid to Cory, 19 December 1918.

15

File 653.

16

C.F. Fraser, Ibid., p. 114.

17

File 563236, Law Reports of Quebec, Mr. Justice Gibson, Quebec, Mr. Justice Gibson, Quebec Superior Court, commenting on re: Tershinsky vs. Moquin, 1928.

18

Case of Rex vs. Almazoff, 1919, in Manitoba Superior Court, cited by C.F. Fraser, Ibid., p. 102.

19

Cited in Ibid., Rex vs. Almazoff, p. 102; Arvo Vaaro case, p. 109. See also File 513116, on Vaaro, and File 513111; on Dan Chomicki, for information on their case in the Nova Scotia courts and their ultimate deportations.

20

Cited by C.F. Fraser, Ibid., p. 109. For the case, see 1933 Dominion Law Reports, Second Volume, p. 348.

- 21 C.F. Fraser, Ibid., p. 114.
- 22 M.R. Konvitz, Civil Rights in Immigration, Ithaca, Cornell University Press, 1953, pp. 97-98.
- 23 William VanVleck, The Administrative Control of Aliens. A Study in Administrative Law and Procedure, New York, The Commonwealth Fund, 1932, p. 206.
- 24 VanVleck, Ibid., pp. 48-49.
- 25 On the US side, see Jane Perry Clark's clear description of US law and practice, in Deportation of Aliens From the United States to Europe, New York, AMS Press, (1931) 1968, p. 116. This was done as part of their excellent Columbia University Studies in the Social Sciences Series (number 351). For Canada, see File 653, passim.
- 26 Roscoe Pound, "Social and economic problems of the law", Annals of the American Society of Political and Social Science, Volume 137, Number 225, March 1928. See pp. 6-9.
- 27 Cited by Perry Clark, Ibid., p. 30.
- 28 See the report of the Immigration Commission, The Immigration Situation in Canada, Washington, Government Printing Office, 1910, p. 45. See also William Preston, Aliens and Dissenters, Ibid.; John Higham, Strangers In the Land. Patterns of American Nationalism, 1860-1925. New York, Atheneum, 1971; and especially VanVleck, Ibid., on judicial review, pp. 149-207.

BIBLIOGRAPHYPRIMARY SOURCESPUBLIC ARCHIVES OF CANADA, OTTAWAA. Interviews:

Bauer, Martin, F.D. Millar, Sound Division.

Bruce, John, F.D. Millar, Sound Division.

Rees, David, F.D. Millar, Sound Division.

B. Manuscripts:

R.B. Bennett, Papers, MG 26K.

Young Women's Christian Association, Papers,
MG 28I.

C. Public Records:

Department of Justice, RG 13.

Department of Interior, Department of Immigration
and Colonization, RG 76.

Department of Citizenship and Immigration, RG 26.

PUBLISHED REPORTS

A. Canada: Department of Interior, Annual Reports,
1892-1919.

*Department of Immigration and Coloniza-
tion, Annual Reports, 1919-1935.

House of Commons Debates, 1900-1938.

Senates Debates, 1900-1938.

House of Commons, Sessional Papers,
1900-1935.

B. Ontario: Department of Labour, Report, Special
Paper, 23, 1930.

C. Great Britain: Parliamentary Papers.

- D. United States: The Immigration Commission, The Immigration Situation in Canada, presented by Mr. Dillingham, 61st Congress, 2d Session, Senate Document No. 469, Washington. US. Government Printing Office, 1910.

NEWSPAPERS

Montreal Gazette, 1922-31, Ottawa Evening Journal, 1922, Winnipeg Free Press, 1931-33, Winnipeg Tribune, 1933.

PUBLISHED ARTICLES

BRYCE, Peter, "Social Ethics As Influenced by Immigration", Papers and Reports of the American Public Health Association, Vol. XXXIII, Part I,

FRASER, Blair, "The Built-In-Lie Behind Canada's Search for Immigrants", MacLean's, Vol. 78, 19 June 1965.

HAYTHORNE, George, "Harvest Labor in Western Canada.. An Episode In Economic Planning", Quarterly Journal of Economics, Vol. XLVII, August 1973.

POUND, Roscoe, "Social and Economic Problems of the Law", Annals of the American Society of Political and Social Sciences, Volume 137, Number 225, March 1928, pp. 6-9.

PUBLISHED BOOKS

ABELLA, Irving, and David MILLAR, eds., The Canadian Worker in The Twentieth Century, Toronto, Oxford, 1978.

BEECHING, William, and Phyllis CLARKE, eds., Yours in the Struggle. The Reminiscences of Tim Buck, Toronto, N.C. Press, 1977.

BLAIS, Hervé, Les tendances eugenistes au Canada, Montréal, l'Institut familial, 1942.

- BRADWIN, Edmund, The Bunkhouse Man. A Study of Work and Pay in The Camps of Canada, 1903-1914, Toronto, University of Toronto Press, 1972.
- CLARK, Jane Perry, Deportation of Aliens From The United States to Europe, New York, AMS Press, (1931), 1968, p. 116.
- COATS, E.W., ed., Poverty In The Victorian Age. Debates on the Issue From 19th Century Critical Journals, Vol. II, English Poor Laws, 1834-70, London, Gregg, 1973.
- FRASER, C.F., Control of Aliens in The British Commonwealth of Nations, London, Hogarth, 1940.
- HAYTHORNE, George and L.C. MARSH, Land and Labour. A Social Survey of Agriculture and the Farm Labour Market in Central Canada, Toronto, Oxford, 1941.
- MAGRATH, C.A., Canada's Growth and Some Problems Affecting It. Ottawa, Mortimer, 1910.
- National Council of Women of Canada, Report of the International Congress of Women, Toronto, June 24-30, 1909, Volume II, Toronto, National Council of Women, 1910.
- NICHOLLS, George, A History of The Irish Poor Law, New York, Augustus Kelley, 1967. (London, John Murray, 1856).
- NICHOLLS, George, A History of The Scotch Poor Law In Connexion With The Condition Of The People, London, Murray, 1856.
- SMITH, W.G., A Study In Canadian Immigration, Toronto, Ryerson, 1920.
- VANVLECK, William, The Administrative Control Of Aliens, A Study In Administrative Law and Procedure, New York, The Commonwealth Fund, 1932.
- WAKEFIELD, E. Gibbon, Letters From Sydney and Other Writings, London, Dent, 1929.
- Young Women's Christian Association, "Our Unfolding Purpose". Report Of The World's Y.W.C.A., Stockholm, Y.W.C.A., 1914.

SECONDARY SOURCESUnpublished Graduate Theses and Essays:

BACCHI, Carol, "Liberation Deferred. The Ideas Of English Canadian Suffragists, 1877-1918" Unpublished Ph.D. Thesis, McGill University, 1976.

DRYSTECK, Henry, "Deportation of European Immigrants During The Administration of R.B. Bennett", Unpublished M.A. Essay, Carleton University, 1976.

LOWE, Graham, "The Administrative Revolution. The Growth Of The Clerical Occupations and the Development Of The Modern Office in Canada, 1911-1931", Unpublished Ph.D. Thesis, University of Toronto, 1979.

MILLAR, Frederick, David, "The Origins and Development Of The Ontario Labour Relations Board, 1930-1970", Unpublished Ph.D. Thesis, York University, 1980.

MILLAR, Frederick, David, "The Winnipeg General Strike, 1919: A Reinterpretation In The Light Of Oral History and Pictorial Evidence", unpublished M.A. Thesis, Carleton University, 1970.

Unpublished Articles:

BUCKLEY, Suzann, "The Impact of World War I Upon Canadian Public Health Reform", Paper presented to The Conference of the Canadian Association for American Studies, October 1977, McMaster University.

LAINE, Edward, "Finnish Canadian Radicalism And Canadian Politics: The First Forty Years, 1900-1940" Paper presented to The Canadian Ethnic Studies Conference, Vancouver, 1979.

MILLAR, Frederick, David, "Chronology of Labour and Welfare Law in Ontario, 1867-1977", not published, 1977.

Published Articles:

AVERY, Donald, "Canadian Immigration Policy and The "Foreign" Navy, 1896-1916", Canadian Historical Association, Historical Papers, 1972.

AVERY, Donald, "Continental European Immigrant Workers in Canada, 1896-1919: from "Stalwart Peasants" to Radical Proletariat", Canadian Review of Sociology and Anthropology, Vol. 12, 1975.

- AVERY, Donald, "Sam Scarlett", Canadian Ethnic Studies, Vol. 10., No. 2, 1978.
- BURAWOY, Michael, "The Functions and Reproduction of Migrant Labour: Comparative Material From South Africa and The United States", American Journal of Sociology, Vol. 81, No. 5, March 1976.
- GODLER, Zlata, "Doctors and The New Immigrants", Canadian Ethnic Studies, Vol. IX, No. 1, 1977.
- KATZ, Leslie, "Some Legal Consequences of the Winnipeg General Strike", Manitoba Law Journal, Vol. 4, 1970.
- KATZ, Michael, "Origins of The Institutional State", Marxist Perspectives, Winter, 1978.
- MACKENZIE, J.B., "Section 98, Criminal Code and Freedom of Expression in Canada", Queen's Law Journal, Vol. 4, No. 11, 1972.
- McNAUGHT, Kenneth, "Political Trials and The Canadian Political Tradition", University of Toronto Law Review, 1975.
- MORTON, Desmond, "Sir William Otter and Internment Operations in Canada During The First World War", Canadian Historical Review, March 1974.
- PETRYSHYN, J., "R.B. Bennett and The Communists", Journal of Canadian Studies, November 1974.
- ROBERTS, Barbara Ann, "A Limited Partnership: Canadian Immigration Reformers, Big Business, and The State, 1880-1920", Women's Studies International Quarterly, forthcoming.
- ROBERTS, Barbara Ann, "Sex, Politics and Religion: Controversies in Female Immigration Work in Montreal, 1880-1920", Atlantis, A Journal of Women's Studies, forthcoming.
- SMITH, Dorothy, "The Social Construction of Documentary Reality", Sociological Inquiry, Vol. IV, No. 4, 1975.
- THANE, Pat., "Women and the Poor Law in Victorian and Edwardian England", History Workshop Journal, No. 6, Autumn 1978.

Published Books:

- AVAKUMOVIC, Ivan, The Communist Party in Canada, A History, Toronto, McClelland and Stewart, 1975.
- AVERY, Donald, "Dangerous Foreigners", European Immigrant Workers and Labour Radicalism in Canada, 1896-1932, Toronto, McClelland and Stewart, 1979.
- BERCUSON, David, Confrontation At Winnipeg: Labour, Industrial Relations, and The General Strike, Montreal, McGill-Queen's, 1974.
- BERCUSON, David, Fools and Wise Men. The Rise And Fall Of The One Big Union, Toronto, McGraw Hill Ryerson, 1978.
- BERGER, Carl, and R. Cook, eds., The West And The Nation. Essays in Honour of W.L. Morton, Toronto, McClelland and Stewart, 1976.
- BRAVERMAN, Harry, Labor and Monopoly Capital, The Degradation of Work in the Twentieth Century, New York, Monthly Review Press, 1974.
- CASTLES, S. and KOSACK, G., Immigrant Workers and Class Structures in Western Europe, London, Oxford University Press, 1973.
- CLARK, S.D., The Position of The French-Speaking Population In The Northern Industrial Community, Report to the Royal Commission on Bilingualism and Biculturalism, 1966.
- GEORGE, Dorothy, London Life Before The Eighteenth Century, Evanston, Illinois, Harper and Row, (1925) 1964.
- GRAHAM, Roger, Arthur Meighen. Volume I. The Door Of Opportunity. Toronto, Clarke Irwin, 1960.
- HARNEY, Robert, et. al., eds., The Italian Immigrant Woman in North America, Toronto, Multicultural History Society of Ontario, 1978.
- HAYTHORNE, George, Labor in Canadian Agriculture, Cambridge, Harvard University Press, 1960.
- HODGETTS, J.F., The Canadian Public Service. A Physiology of Government, 1867-1970, Toronto, University of Toronto Press, 1973.

- IDRIS-SOVEN, A., IDRIS-SOVEN E, and M. VAUGHAN, The World As Company Town. Multinational Corporations and Social Change, The Hague, Mouton, 1978.
- IVANOV, Y.M. Agrarian Reforms and Hired Labour in Africa, Moscow, Progress Publishers, 1979.
- KEALEY, Linda, ed., A Not Unreasonable Claim: Women and Reform In Canada, 1880s-1920s. Toronto, Women's Press, 1979.
- KONVITZ, M.R., Civil Rights In Immigration, Ithaca, Cornell University Press, 1953..
- The LABOUR COLLECTIVE, Women At Work, Ontario, 1850-1930, Toronto, Women's Press, 1974.
- LLOYD, P.C. Africa in Social Change. Changing Traditional Societies in The Modern World, Harmondsworth, Penguin, 1967.
- LOCKWOOD, David, The Blackcoated Worker: Middle-Class Working Women in England and Wales, 1850-1914, Achon, Connecticut, Hamden Press, 1973.
- MARSHALL, Dorothy, The English Poor Law In the Eighteenth Century, London, Routledge and Kegan Paul, (1926), 1969.
- MCCORMACK, A.R., Reformers, Rebels, and Revolutionaries, The Western Canadian Radical Movements, 1899-1919. Toronto, University of Toronto Press, 1979.
- MORTON, J. In The Sea of Sterile Mountains: A History of the Chinese in British Columbia, Vancouver, J.J. Douglas, 1974.
- NELSON, Daniel, Managers and Workers. Origins of The New Factory System and The United States, 1880-1920. Madison, University of Wisconsin Press, 1975.
- OSTRY, Sylvia, The Occupational Composition of the Canadian Labour Force, 1961 Census Monograph, Ottawa, Dominion Bureau of Statistics, 1967.
- OXLEY, Geoffrey, Poor Relief in England and Wales, 1601-1834, London, David and Charles, 1974.

PALMER, Bryan, A Culture In Conflict. Skilled Workers and Industrial Capitalism in Hamilton Ontario, 1860-1914. Montreal, McGill-Queen's, 1979.

PIVA, Michael. The Condition of the Working Class in Toronto, 1900-1921. Ottawa, University of Ottawa Press, 1979.

PRESTON, William. Aliens and Dissenters. Federal Suppression of Radicals, 1903-1933. New York, Harper, 1963.

READER, W.J. Professional Men. The Rise of the Professional Classes in 19th Century England. New York, Basic, 1966.

TEEPLE, Gary, ed., Capitalism And The National Question in Canada. Toronto, University of Toronto Press, 1972.

THERBORN, Goran, What Does The Ruling Class Do When It Rules? State Apparatuses and State Power Under Feudalism, Capitalism and Socialism, London, N.L.B., 1978.

THOMPSON, E.P., The Making of the English Working Class, Harmondsworth, Penguin, 1968.

ABSTRACT

This thesis is a study of the management of Canadian deportation by the Department of Immigration. It examines deportation policy formulation and legislative development. It analyses official statistics published by the Department. These statistics are misleading; they are reworked checked against other published reports of the Department, to reveal more about what the Department was actually doing. In addition, unpublished papers, internal memos and Departmental correspondence are used to develop an administrative history of the activities of the Department in carrying out deportation.

This analysis on the level of policy is combined with a detailed local study of the policy put into practice by the employees of the Department at the Montreal Agency. Montreal was the deportation centre of the country, the Agency where deportees were collected, incarcerated, and processed, and finally sent out to return to their place of origin. This study examines not only how these deportees were handled, but how the employees of the Department were managed by the local Department officials. The Agency is studied as a workplace. As well, the relationship between the head office at Ottawa and the subordinate Agency at Montreal is studied, to reveal further the discrepancies between policy and practice.

The thesis discusses some of the hidden functions of deportation. These include shovelling out the poor, the unemployed, the incapacitated, and social protesters. This was helpful to employers, municipalities and the state. Deportation helped to support a hidden system of migrant labour that was concealed within Canadian immigration policy aimed at admitting permanent settlers. This system of migrant labour helped to provide cheap labour for Canadian industries, and helped to keep down labour unrest.

The Department of Immigration was arbitrary in its management of its own employees and of the deportees. Deportation took place outside of the control of the courts, so deportees had not the civil rights of criminals. Parliament seldom knew what the Department was doing in deportation work, so deportees had little recourse there. Deportation was defined as "purely administrative proceedings" so long as the Department followed the procedures set out in the Immigration Act, it was free to do as it liked. Taking this thirty-five year period as a whole, the Department's power increased and its tendency to use deportation in ways referred to above increased as well. This was both concealed and justified by the development of expertise in building and presenting solid and convincing cases which withstood all but the most powerful thrusts of public opinion.