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## **Keeping Professors Out: The Immigration Department and the Idea of Academic Freedom, 1945-90**

### *Introduction: The Security System and Immigration*

What happened to professors who wanted to immigrate to Canada between 1945 and 1990 is a subset of the general history of the Cold War and its aftermath and how this intertwined with the developing idea of rights and freedoms for Canadians within a legal framework. It is also a segment of the history of the development of Canadian immigration policy after the Second World War. It is as well part of the history of academic freedom in Canada in that it reveals the views of successive federal governments concerning the entry of dissenting professors. This history suggests the power of the federal bureaucracy during the fifties and sixties both to get its own way and to insist on the secrecy which is essential to bureaucratic manoeuvring. Policy changed in the seventies, but for reasons that will be discussed, it is not clear whether that change is permanent.

Professor Reg Whitaker has written of the development of Canadian immigration policy in the period of the Cold War and has touched on some of the academic cases involved.<sup>1</sup> I have tried to amplify this account and to indicate how the circumstances changed over the past forty-five years. I have used the files of the Canadian Association of University Teachers.<sup>2</sup> Some of the cases are public, but many did not become so. Where I have been able to trace the individuals and secure their permission, I use their names. Otherwise I do not. I have used the files of the federal government where I have secured access, and I have interviewed some of the individuals concerned. I have also used the press and parliamentary accounts where cases became public. I should also note that in the latter part of this history I am a participant observer since I have been executive secretary of CAUT since 1973.<sup>3</sup>

The cabinet first discussed screening in 1946. Formal security screening of individuals was introduced in 1947, but circular #4 was not issued until 1948. *The Immigration Act* of 1952 fully articulated who could and who could not enter Canada. Of relevance to foreign professors was Section 5 of the Act, which dealt with prohibited classes. In particular, subsection (1) was to prove a major problem:

Persons who are or have been, at any time before or after the commencement of this Act, members of or associated with any organization, group or body of any kind concerning which there are reasonable grounds for believing that it promotes or advocates or at the time of such membership or association promoted or advocated subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada, except persons who satisfy the Minister that they have ceased to be members of or associated with such organizations, groups or bodies and whose admission would not be detrimental to the security of Canada.<sup>4</sup>

Equally significant was Section 39 of the Act, which gave the Minister of Citizenship and Immigration full discretionary powers. That is, the Minister could quash any decision made by the Immigration Appeal Board, and no court had jurisdiction to interfere with any decision. Furthermore the immigration authorities and the RCMP took the view that anyone who had ever had any association with a Communist organization or government should be automatically excluded. The rigidity of this view became apparent in 1956 when the then minister, Jack Pickersgill, was advised to exclude all Hungarian refugees, even though they had fought against the Russians, because they had necessarily been associated with Communist organizations or the Communist state in Hungary. Pickersgill refused to accept this advice.<sup>5</sup>

It should be noted that the RCMP, which was responsible for screening prospective immigrants for the Immigration Department, was normally not allowed to conduct investigations in foreign countries. They had, therefore, to rely on information provided by foreign intelligence and security services. These sources, so the RCMP argued, could not be compromised, and consequently the information provided could not be made public. In other words, persons who were denied entry for security reasons were not told the reasons why they had been refused.<sup>6</sup>

The RCMP also took the view that they did not have to prove that a person was a communist in order to secure exclusion. In April 1964, in a memorandum to the Minister of Immigration, the Deputy Minister

noted that there were many applications for the admission of foreign faculty members. Much of this memorandum was taken up with procedural matters, but one paragraph deserves quoting:

You have intimated that the R.C.M.P. reports are unsubstantial or largely circumstantial. This is quite true: but the R.C.M.P. simply cannot be required to prove that an applicant is a Communist. They readily admit that the information they can secure is often fragmentary but their position, supported by the Government, is that any doubts with respect to an immigrant's adherence to a subversive ideology must be resolved in Canada's favour.<sup>7</sup>

During this period the RCMP security service argued that they did not have to supply any positive evidence in their possession to decision-makers, and that they had only to answer questions with the minimum information required by the precise and literal wording of the question, even if the answers were thereby made misleading. This was raised to a fine art in drafting responses for ministers in reply to questions in the House of Commons, but it also affected academic cases as a memorandum in 1970 indicated. This was from the director of the Home Services Branch to the Assistant Deputy Minister:

Recently it has been brought to my attention that in some cases (professors x and y are two cases that come to mind) the R.C.M.P. have information on file in addition to that presented to the Committee [the interdepartmental security committee formed in 1961] which could have a bearing on the Committee's review. There is no suggestion that the R.C.M.P. are deliberately withholding details from the Committee but it appears that unless the correct questions are asked by the members the additional information is not volunteered. I do not think that this is entirely fair to the Committee members nor to the officers who have to make decisions on the Committee recommendations.<sup>8</sup>

The interdepartmental committee referred to above was established in 1961. The function of the committee was to review the adverse security reports provided by the RCMP on individuals who had been denied entry or landed status. The committee was usually composed of representatives from the RCMP, External Affairs, the Immigration Department, and the Privy Council. The committee discussed the contents of the adverse security report, and then made a recommendation to the Minister based solely upon the security aspects of the case. In other words, there was no consideration given to humanitarian or compassionate grounds. The Minister could then either accept or reject the recommendations of the committee.

All these administrative arrangements were, of course, generally unknown to the Canadian academic community at the time. What was known, however, was the close collaboration between the RCMP and the FBI on security matters. Officials and ministers routinely denied that their actions were dictated by information supplied by the FBI. This was no doubt technically true, but many in the universities believed that the reality was otherwise and that the RCMP was, in effect, a junior league for the FBI. At the time many Canadian critics focused on the CIA, not understanding that it was the FBI which was responsible for domestic security operations within the United States.

*The Apogee of the Cold War: 1945-70*

This structure of law, regulation and practice was put in place to detect Communists and left-wing sympathizers, but it became a way of excluding radicals, socialists and other critics, however democratic their views and however far they were removed from the Communist Party. This naturally flowed from the gradual shift of emphasis from detecting spies to uncovering subversion. Subversion, as the McDonald Royal Commission showed, was a remarkably elastic conception which could be and was, from time to time, extended to refer to anyone who wished significant changes in the status quo. The government had been enormously influenced by the increasing intensity of the Cold War and by the Gouzenko case. The allegations of Igor Gouzenko and the subsequent royal commission had an important impact on academe because a number of scientists and university professors had been charged. Professor Raymond Boyer of McGill University had been convicted. Professor Israel Halperin of Queen's University had been acquitted, but there was considerable pressure at the university to fire him nevertheless.<sup>9</sup> Both had been charged with disclosing secret information to agents of the Soviet Union during World War II. The RCMP seems to have been particularly concerned about the political views and activities of physicists and mathematicians, no doubt because of the importance of these disciplines in the development of the atomic bomb and the subsequent publicity surrounding the atom bomb spies.

The effect could be seen in the case of Professor Leopold Infeld of the University of Toronto. Infeld was a Polish-born theoretical physicist and a colleague of Einstein. He had become a Canadian citizen, and in 1950 he requested a leave of absence so that he could visit several European countries, including Poland. At first the university

agreed to his request. However, his travel plans became highly publicized when the federal leader of the opposition, George Drew, suggested in the House that Infeld was going to pass atomic secrets to the Polish authorities. Although it was evident that Infeld was not privy to atomic military secrets, the university reconsidered its original decision and informed Infeld that if he went to Poland, his post at the university would not be waiting for him when he returned. Infeld resigned and went to live in Poland and was subsequently denaturalized.<sup>10</sup>

These Cold War dramas took place in a Canadian university system that had only a rather shaky commitment to academic freedom and little or no institutional structures to deal with such situations, at least until the nineteen sixties and early seventies when legally enforceable tenure arrangements became more general. The tribulations of Frank Underhill, Eugene Forsey, Frank Scott, and others in the thirties and forties amply demonstrate this.

The first phase of the development of policy and practice regarding the immigration of professors was roughly from 1945 to 1970. It was a period of enormous expansion, particularly in the sixties, of Canadian universities and a consequent demand for the hiring of foreign academics. It was also a time of dramatic unrest in the United States, first of all over McCarthyism. Then came the opposition to the Vietnam War and the rise of the civil rights movement. Some of these American critics chose to move to Canada rather than remain in their home country. The response of the Canadian government was inconsistent. This arose from the ambiguity of Ottawa in regard to McCarthyism and the division between hawks and doves in the security establishment. Official Ottawa generally disapproved of McCarthyism, regarding the senator as crude and vulgar. But officialdom was also firmly convinced of the reality of the Cold War and of the Russian menace. When this ambiguity and division was married to a generally decentralized system where Ottawa was reluctant to override the decisions of its field officers, it seems largely a matter of luck whether one was accepted or not. It is clear, for instance, from Ellen Schrecker's account of McCarthyism in United States' universities that a number of high profile victims such as Professor Chandler Davis (Toronto), Lee Lorch (York), and Louis Weisner (UNB) secured entry.<sup>11</sup> Others did not.

In some cases individuals benefitted from incompetence. For example in July 1953 the Canadian Embassy in Rome granted a visa to Professor Beniamino Segre, a mathematician at the University of

Rome, so that he could attend a meeting of the Canadian Mathematical Congress at McGill University. He managed to secure his visa despite his unsuccessful candidature as a Communist Party candidate in a recent Italian election. The department vowed that it would not make this mistake a second time.<sup>12</sup>

There were, however, others who did not get in. These involved both those seeking landed status and those who were visitors. How many there were is impossible to determine since most presumably would see little future in a dispute with the Canadian government. Nor had the Canadian Association of University Teachers (CAUT) or anyone else become a vehicle for channelling protests and argument. Indeed CAUT itself had only been formed in 1951 and first began considering grievances from its own members inside Canada at the end of the decade. There are nevertheless some ten cases recorded in the CAUT files prior to 1970. Most were handled privately and most were lost.

In this period there were two major public cases in which the professors concerned won. They are worth examining because they undoubtedly persuaded the government to centralize the handling of academic cases rather than allow crises over them to develop in the field. Initially this was not a move in a liberal direction but to ensure that these cases would be handled with more sophistication and thus do less damage to the credibility of the government. However, it meant that in the seventies the government could and did use this centralized decision-making process to alter the handling of academic cases.

The first of these cases involved Professor Irene Rebrin. She was a lecturer in Slavic Studies at the University of British Columbia. She had come to Canada on a visitor's permit, and subsequently attempted to change her status to that of landed immigrant in 1960. Her application was rejected, and she was ordered deported.

The Toronto *Telegram* then ran a story concerning her immigration troubles, and alleged that she was a spy, and that this was the reason for her deportation order.<sup>13</sup> It was fairly obvious that the RCMP had leaked the file to the *Telegram*. Nevertheless practically every fact in the story that can be checked against the public record is wrong. Two weeks later the Minister of Citizenship and Immigration, Ellen F. Fairclough, announced in the House that "...on the basis of classified information available to us, we are satisfied on security grounds that the deportation order should not be interfered with."<sup>14</sup> Rebrin appealed this decision, eventually taking her case before the Supreme Court which held that her rights had not been infringed under the Diefenbaker Bill of Rights. She had powerful friends in British

Columbia, among them members of the Farris family, Judge Masdon, and Larry MacKenzie, the President of UBC and others. CAUT contributed to her legal fund and made representations on her behalf, demanding that the government make public the particulars of their case.<sup>15</sup> There was a great deal of discussion in the media, and most of the editorials came out strongly in her favor. Even so, she lost all her appeals, formal and informal, and the deportation order stood. It appears that although some of the cabinet were sympathetic to Rebrin, the Prime Minister considered that the department should be defended and that any change in policy in the case would mean a significant loss of face for the Minister.

Rebrin was never deported, however; she won on a technicality. That may have been poetic justice, but it did not signify any change in policy. First of all she sued the Toronto *Telegram* for libel, and she was allowed to remain in the country while the case was being heard. The case was eventually settled by the *Telegram* out of court. More important, though, was the fact that she had entered Canada on a stateless persons passport, issued in Brazil. This passport had a two-year limit and when it expired, the Brazilian authorities would not renew it. Consequently there was no place to which Canada could deport her, particularly since the government had stated that its official policy was not to deport individuals to communist countries. In a confidential letter from Fairclough to Diefenbaker, she suggested that the government make the best of the situation and allow Rebrin to stay. This would be interpreted "...as an act of magnanimity, even though in fact our action would derive from our inability to find a country to which Miss Rebrin could be deported."<sup>16</sup> The new Liberal government granted her landed immigrant status in 1964.

The initial institutional response of CAUT to this and other cases in the fifties was timorous. It set up a committee to review the functioning of the *Immigration Act* in relation to professors. It was composed of André Desgagné, George F. W. Inrig, Otto E. Lang, and Albert S. Abel as Chair. It met with the Minister in November 1961 and then reported that the situation was on the whole quite satisfactory. It argued that the cases in the CAUT files were anomalies which arose from misunderstandings and a failure of communication.<sup>17</sup> The executive secretary of CAUT, J. H. Stewart Reid, was disappointed with these conclusions and even more so with a meeting he had with the Minister and the Deputy Minister. They told him that there was little likelihood of any changes being made to the Act, "...and even if and when they do come there is absolutely no inclination to touch the

discretionary power of the Minister or to consider the possibility of machinery for appeal and/or review.”<sup>18</sup> The Minister also stated that CAUT had no right to concern itself about immigration problems until the person involved had become a member of a teaching staff and thus a member of CAUT. A catch-22 arrangement if ever there was one.

However, in the next few years CAUT policy became a great deal more activist. This reflected the influence of Bora Laskin as professor of law at Toronto and as a member of the executive and later president of CAUT. He persuaded CAUT to take a leading role in the debate over security and the role of the RCMP on the campus. Laskin became president of CAUT in 1963 and concluded a general agreement with Lester Pearson, the purpose of which was to limit the activities of the RCMP in the universities. Laskin had, among other ideas, the view that there should be rules and definitions as well as proper appeal mechanisms in security cases even if they would have to vary somewhat from conventional grievance arrangements. This general position inevitably propelled CAUT into a more public and more active role in immigration cases. The 1960s was also the decade when CAUT articulated for domestic purposes its policies on academic freedom and tenure. The security and immigration cases raised by CAUT should, therefore, be seen in terms of a more general commitment to due process and natural justice for all university faculty.

This became apparent in the case of Professor Mulford Q. Sibley, a political scientist at the University of Minnesota. It was a case in which the government sank into a bog of idiocy from which it could only be rescued by the Prime Minister himself. Could there have been a more symbolic and innocent liberal than Professor Sibley? He was a Quaker. He favored free speech, and he had publicly stated that the university should be open to all views including free love and communism. He was a pacifist, a member of the miniscule American Socialist Party and opposed to nuclear arms. He had been denounced by the American Legion and the John Birch Society. In short he was the perfect test case.

He was invited in March of 1965 to speak to the Voice of Women at the University of Winnipeg. When he arrived at Winnipeg airport, he was refused entry and sent back to Minneapolis. It became an immediate public issue, both in the press and in the House of Commons. How did the Immigration Department know which of the thousands of Americans who came to Canada were to be questioned for subversion? J. S. Cross, the Western Region Director of Immigration, was



incautious enough to reply: "Our officials develop a certain knack how to detect these people after they have worked on the border for a while." J. R. Nicholson was the Minister. He noted that his officials had learned about Sibley from the newspapers and that Cross had consulted with him the night before Sibley's arrival. He went on to explain that Sibley's published views noted above made his admissibility open to question under section 5 of the Act. Since doubts had been raised, the Minister contended that he had no choice but to follow the letter of the law and refuse Sibley entry.<sup>19</sup>

CAUT viewed things differently, and sent the following telegram to Prime Minister Lester B. Pearson:

[CAUT] regards as totally unsatisfactory the statement made in the House of Commons by the Minister of Citizenship and Immigration on the incident involving Professor Sibley...the Minister's exposition of the law on the subject is completely unacceptable. There is nothing in law that compels the course of action followed by the Immigration authorities...<sup>20</sup>

The next day, the Minister informed the House of Commons that he would exercise his ministerial discretion and permit Sibley to enter Canada, although he would not admit that the initial decision to bar him was made on the basis of poor information. Lester Pearson was, however, prepared to admit that mistakes had been made. He wrote to CAUT noting that the original decision had been "...made on inadequate information, but I do not think we can reasonably expect those responsible to be free of all mistakes when the law is such a difficult one to administer."<sup>21</sup> Pearson also wrote Sibley's lawyer stating: "I am sure that Professor Sibley will draw some consolation, as I do, from the fact that this incident has underlined the need to amend the law and meantime, to administer it with a lively sense of the importance of avoiding official action which conflicts with the rights of the individual and the requirements of free speech."<sup>22</sup> Nothing was done to amend the law. However, Sibley did have a large audience when he returned to Winnipeg.

Two years later, CAUT submitted a brief to the Mackenzie Royal Commission on security. Part of the brief dealt with immigration matters. It called on the government to ensure that members of the international university community be given a clear statement of reasons for exclusion from Canada and an opportunity to refute them. The final published report of the Commission did not even refer to the

question. In general it supported tightening up immigration regulations, especially those dealing with issues of national security.<sup>23</sup>

Between 1968 and 1970 there developed a case in a Maritime university which showed, despite the victories of Rebrin and Sibley, that the ministry was unchanged either in its views or its administrative practices. The professor involved was born in Finland, had become a naturalized American and was a prominent geologist. In August 1968 he was granted a minister's permit. In 1969 he was ordered to leave the country but managed to get the permit extended, first to May 1970 and then to August 1970. The university granted tenure in June of that year. The Immigration Minister, Allan J. MacEachen, contacted the president of the university and put pressure on to have the tenure arrangements revoked.<sup>24</sup>

The professor appealed to CAUT which discussed the case with immigration authorities, the results of which were quite revealing. CAUT informed the professor:

The authorities were not prepared to offer any reasons for their decision to proceed against you. This, regrettably, is their usual stand in such cases. However, they did agree that they would cease putting pressure on...[the] University to secure from you an agreement abrogating your tenure and that they would, henceforward, deal with you directly.<sup>25</sup>

On May 6, 1971, the professor informed CAUT that the new Minister of Immigration, Otto Lang (once a member of the CAUT Immigration Committee), had granted him another extension to stay in Canada but only until the end of the month. The professor, on the advice of CAUT, remained in Canada, but was ordered deported at the end of August. No reasons were offered at any stage. He appealed the deportation, and was informed that he would be granted a hearing before the Immigration Appeals Board. Until such a hearing took place, he would be allowed to remain in Canada. Because of the backlog of cases, that was likely to take one to two years.

There then followed an acrid correspondence between CAUT and the Minister over whether or not the professor could accept lecturing dates at a number of major universities in the United States. The Minister took the view that nothing in the *Immigration Act* required him to grant permission. CAUT took the view that nothing in the Act precluded the Minister from giving his permission. The result was a stalemate.

In March 1972 the affair took yet another unpleasant turn. Otto Lang, who had promised a full hearing before the Immigration

Appeals Board, decided to exercise his ministerial discretion and effectively deny this hearing. This prompted an angry response from CAUT, who wrote the new Immigration Minister, Bryce Mackasey, demanding a full and impartial hearing. Mackasey responded: "I have come to the conclusion that there would be little justification for my Department to take any other view than the one that will see his removal from Canada at the earliest possible date."<sup>26</sup> The professor, having experienced four years of uncertainty and frustration, decided not to attempt any more appeals and accepted a position in the United States which required security clearance which he received.

### *The Watershed: 1970-1976*

Nevertheless the seventies were something of a watershed. This was for several reasons. Two spectacular and successful cases at York University suggested that the government could be beaten when a successful coalition of university administrators, individual academics and the CAUT took up the cases with vigor. They also showed that the most successful route for the defence of academics denied entry was to shout their cases from the rooftops. Occasionally quiet diplomacy worked, but more often than not it failed. The case of the aforementioned geologist was a clear indication of the limitation of that approach. In addition, CAUT hardened its position. It had always demanded reasons and rarely got them. Now it decided to assume that those who appealed to it were innocent unless the government was prepared to produce evidence to the contrary and to urge professors to make their cases public if they were tough enough to withstand the resulting public pressure. But in addition there were important changes in the public mood. Universities no longer seemed to be the centres of student revolutionary ideas. There was also more willingness to criticize national security arrangements. The power of the RCMP to impose its own right-wing agenda on the government began to erode, most notably with the appointment of the McDonald Royal Commission. There was, however, one final factor of considerable importance. As the decade advanced, Canadian universities passed from the era of triumphal expansion to one of tight budgets and reduced hirings. There would simply be fewer professors hired, whether Canadians or foreigners. Furthermore the federal government imposed Canadianization rules to give preference to Canadian scholars. Inevitably, therefore, the number of contested immigration cases would fall.

A prelude to the York cases was the arrangement reached by the university for Professor Andreas Papandreou, an economist and a minister in the Greek government. He was imprisoned by the Colonels and released in 1968. York University offered him a post. In this case, as Whitaker indicates, the dean, John Saywell, negotiated an agreement with Lester Pearson to allow Papandreou to take up the post at York which he held until 1974, provided he did not engage in organizing resistance to the Greek government. He paid no attention to this restriction and remained until the Colonels were overthrown and he could return to Greece. The federal government appears to have ignored the violation of the agreement.<sup>27</sup> Here diplomacy seems to have worked. It did not, however, in the case of Dr. Kazimierz Laski, a Polish economist, who was refused entry to teach economics at York in 1969.<sup>28</sup>

Then followed two public battles. The first involved the historian, Professor Gabriel Kolko, and the second the Hungarian philosopher, Professor Istvan Meszaros. Kolko was a well-known revisionist historian, who had argued in his work that the United States was largely responsible for the Cold War. He was also an outspoken critic of the American involvement in Vietnam. He was hired by York University, applied for landed immigrant status, and was refused on the grounds that his entry would not be in the national interest. In August 1970 he entered Canada as a visitor and appealed the decision.

By September his case had received a considerable amount of publicity, and there was increased pressure on the government by various groups to reverse its decision. There was also some speculation as to why he had been denied landed immigrant status. Saywell was quoted as saying: "It is my own suspicion that the FBI have deemed him to be a very dangerous guy and that the RCMP have bought that...."<sup>29</sup> CAUT, in a telegram to Immigration Minister MacEachen, urged an immediate and favorable decision on Professor Kolko's application and added that, if it were refused, CAUT would insist on his right to reasons for the denial. Shortly thereafter the department granted landed immigrant status.

CAUT and others had adopted the position that Kolko's application had originally been denied due to his ideological views which were unsympathetic to the policies of the United States government.<sup>30</sup> This implied that Canada was receiving advice from the United States and acting upon it. To these charges Otto Lang responded:

I can assure you that the reason for the original refusal of Professor Kolko's application was not as alleged in the press reports but on other

factors which I am not at liberty to discuss...admission to this country is based on Canadian standards and is governed by Canadian interests alone.<sup>31</sup>

The reasons were never made public. CAUT hoped nevertheless that the case would become a precedent for the admission of professors with unpopular views. It wrote in such a sense to Lang in October 1970, but he refused to be drawn, simply stating that every case would be judged on its merits.<sup>32</sup>

The next incident at York involved Professor Istvan Meszaros, a Hungarian-born Marxist philosopher who had acquired British citizenship. He was appointed to teach in the Social and Political Thought Program in 1972. He had participated in the revolutionary government in Hungary in 1956 prior to its overthrow by the Russians. He applied for landed immigrant status at the Canadian visa office in London and was refused. As with Kolko, Meszaros decided to fight the decision and entered Canada as a visitor in order to do so.

By late August his case had attracted considerable media attention. The York University administration had made public its intention to fight for the reversal of the decision as had many academics in Toronto and elsewhere. CAUT was also involved in the case. The major point of contention, as with past cases, was that the government would not disclose their reasons for the denial. It was generally assumed that the Immigration Department simply rejected anyone who called himself or herself a Marxist. However, the department hinted to CAUT that the real source of information was from right-wing Hungarian sources in Canada. The Liberal Party was particularly sensitive to the postwar immigrant communities and had structured itself to ensure that it would have intimate and effective relations with these groups. This seems to be a dimension of these controversies involving foreign academics which was largely ignored at the time.

Professor C.B. Macpherson, who was directly involved in the academic program in question in Toronto and was a former president of CAUT, sent a telegram to Prime Minister Trudeau: "...it appears that the department officials' real grounds for opposing Meszaros' entry is that he is an unashamed Marxist... Refusal to admit Meszaros who is a world-renowned scholar and plainly has British security clearance could make us a laughing stock."<sup>33</sup> In September Meszaros appealed, and was again unsuccessful in having the negative decision reversed. This prompted a telegram from CAUT to Immigration Minister Bryce Mackasey, expressing regret about the decision, and stating that the reasons would have to be more substantial than ideology.<sup>34</sup> By this

time the treatment of Meszaros had drawn strong condemnation not only from Canadian organizations and associations, but from international bodies as well.

Despite this negative publicity, Mackasey decided to deport Meszaros in October 1972. There was then a further outburst of negative publicity. The Minister's executive assistant, Z. Levine, replied in public stating that Meszaros was "...no golden haired boy." This remark provoked further outrage since the department had steadfastly refused to test its reasons or evidence either by making them public or by providing some form of tribunal.

Meszaros left Canada in late December and applied for landed immigrant status once more from England. Finally in January 1973 his request was granted by the new Immigration Minister, Robert Andras. That this was done largely to save face was virtually admitted by External Affairs Minister Mitchell Sharp in an interview at the time with a university representative.<sup>35</sup> However, the experience had so disenchanted Meszaros that he did not stay long in Canada to savor the victory.

Whitaker has argued that the Meszaros case was a significant watershed because the public outcry had caused the government so much embarrassment. There is little doubt of the impact. Immigration officials were much more careful and less willing to engage in long drawn out public battles with the university community. Andras was certainly persuaded that some of the activities of his department in this area were foolish. However it is not true to suggest, as Whitaker does, that "...there have been no similar cases since the final messy resolution of his [Meszaros'] case."<sup>36</sup> There were, immediately after the Meszaros case, at least two other cases involving foreign academics who wished to secure landed immigrant status in Canada.

In December 1973, the Chair of the Trent University Faculty Association requested that CAUT act on behalf of Professor Andrew Wernick. Wernick, an English sociologist, had done his graduate work at the University of Toronto and then joined the staff at Trent. He had been a highly visible student on the political scene at Toronto where he had been involved in radical student politics and was loosely connected with the Waffle.<sup>37</sup> In 1971 he filed for landed immigrant status. Two years later, he had still received no official response. Early in 1974, CAUT wrote to Mark MacGuigan, parliamentary secretary to the Minister of Manpower and Immigration, asking for prompt consideration of the Wernick case. Barney Danson M.P. and Secretary of State Hugh Faulkner, who was also the M.P. for Peterborough, took

action on Wernick's behalf. There was one other factor in Wernick's case. He was married to a Canadian. As CAUT explained to Immigration Minister Robert Andras, if they decided to deny status to Wernick, they would also have, in effect, to deport a Canadian citizen since his wife would no doubt accompany him.<sup>38</sup> Even so, the government kept delaying and eventually denied Wernick landed status.

In early March 1974, the executive secretary of CAUT met with MacGuigan to discuss the Wernick case, and requested that the Minister review the decision and either grant Wernick landed status or order a full judicial review by the Immigration Appeal Board. This latter course would involve revealing the grounds on which the government had acted. In the end, however, such a hearing was unnecessary. On March 21, 1974 MacGuigan wrote CAUT, stating that the Minister had personally reviewed the case, and that he was going to grant Wernick landed immigrant status.

That same year CAUT became involved in a case involving a husband and wife team in the humanities and social sciences at one of the prairie universities. They had come to Canada in 1968 and had been turned down for landed immigrant status. In lieu of this, they were granted six-month minister's permits which had been regularly renewed every six months subsequently. They had been granted tenure at the university in 1972. However, in January 1974 they were informed that their next permit was to be only for two months. No explanation was given and, fearing future problems, they approached CAUT for assistance. They attempted once again to obtain landed immigrant status. They also wanted to leave the country to do research during their sabbatical, and it was unclear whether, if they did so, they would be permitted to return. By April of 1974 it was apparent that their application had been refused.

They were supported by a widespread coalition involving the officials of the university, the local M.P.s, members of the provincial government as well as CAUT.<sup>39</sup> During this period it became known that officials of the department were interviewing a colleague, and perhaps others, in regard to alleged communist or subversive activities by these two professors. CAUT arranged for the matter to be raised in the House of Commons by a Conservative M.P., but this proved to be unnecessary. On October 16, 1974 the couple were informed that they had been granted landed immigrant status.

*Short-term Visitors*

While this case may have represented the virtual ending of the problem of securing landed immigrant status for professors with radical views, there remained a continuing problem over short-term visits by foreign academics. One of the first such cases after World War II was that of the Rev. Hewlett Johnson, the "Red Dean" of Canterbury. Johnson was a well-known promotor of Soviet-style communism, who was scheduled to come to Canada in 1948 to address both university and non-university audiences. Despite numerous protests, he was allowed to enter the country because officials feared criticism from British authorities, and because it was felt that Canada, by allowing Johnson to speak, was following the British pattern of free speech rather than the restrictive policies of the United States. This sort of liberalism soon faded from sight as was evident in the Sibley case noted above and in the refusal of entry to W. E. B. Du Bois, the distinguished black scholar.<sup>40</sup>

The most visible case in the 1970s was that of Professor André Gunder Frank, who was a well-known Marxist economist at the Max Planck Institute in Frankfurt. He had written extensively and critically on the structure of American imperialism in South America and more generally on capitalism in the Third World. He had been invited to be a keynote speaker at a symposium on Canada and the Third World at Queen's University in March 1977. However, in February of that year he was informed that he would be denied entry should he attempt to come to Canada. According to Prime Minister Trudeau, he was refused entry not because of his political views but for reasons of "security." Manpower and Immigration Minister Bud Cullen, when interviewed about the affair, claimed that Gunder Frank knew the reasons for his prohibition but he was not prepared to say publicly what those were.<sup>41</sup> This use of trial by innuendo was a standard tactic of the department which was meant to imply that there was highly damaging evidence if only the government could release it and that the individual knew the evidence of disreputable behavior when, in fact, the government steadfastly refused to inform the victim of it.

It should be noted that this was not the first time Gunder Frank had had trouble with Canadian authorities. From 1966 to 1968 he had taught at Sir George Williams University in Montreal and then from 1969 to 1974 in Chile where he was also an adviser to Salvador Allende. In 1974 he had been allowed to enter Canada to attend the World Congress of Sociologists but had encountered difficulties when



he attempted to take up a teaching post at the Université du Québec à Montréal, so much so that he ended up not taking the appointment. In 1976 his application for an entry permit to allow him to participate in a seminar on the future of capitalism was denied. While there had been little publicity of this particular denial, the organizers of the Queen's symposium, Gunder Frank, CAUT and others were now prepared to fight for a reversal of the 1977 decision.

CAUT promoted a letter-writing campaign by local faculty associations. The CAUT executive took the view that it was "...difficult to see how the security of Canada could be jeopardized by allowing Professor Gunder Frank...to enter Canada for a few days to participate in an academic symposium."<sup>42</sup> The associate executive secretary of CAUT, Dr. Victor Sim, suggested that the reason for the denial was because Canada used a blacklist of undesirables to whom all North American governments agreed to refuse entry.<sup>43</sup> Despite all the pressure, Gunder Frank was refused entry.

Shortly after being refused entry and missing the symposium, Gunder Frank wrote Prime Minister Trudeau, expressing dismay at the comments of Cullen to the effect that he knew the reasons for his denial. He claimed to have no idea why he had been refused. He also made reference to Dr. Sim's remarks about the North American blacklist, and wanted to know if this were true. Trudeau responded, again not giving the reasons for the denial, but concluding that the decision of the Minister had been appropriate. Regarding Dr. Sim's charges, he noted: "I am surprised and concerned that there could be any suggestion that a decision of the Canadian government would be taken on instruction from the government of another country."<sup>44</sup> Gunder Frank was at the centre of another controversy in 1979 when he applied for an entry permit so that he could attend the International Congress of Americanists in Vancouver in August of that year. This time the situation was altered somewhat by the fact that the Liberals were no longer in power. The Conservatives had recently been elected, and they had been quite critical of Prime Minister Trudeau's actions regarding Gunder Frank in 1977. Even so, they appeared unwilling to reverse the decision made at the Canadian High Commission in London.

This sparked an angry response by CAUT. The executive secretary wrote to the Secretary of State for External Affairs, Flora MacDonald, protesting the decision. The letter noted that the British, French and Mexicans had all recently allowed Gunder Frank entry. "I hope,"

the letter said, "you can persuade the Immigration Department to stop this foolish vendetta which gives Canada a very bad reputation...as an intellectual banana republic."<sup>45</sup> The CAUT president, Roland Penner, sent a telegram to the Minister, Ron Atkey, expressing disappointment that Gunder Frank had not been allowed entry, and indicating that CAUT and others would undoubtedly fight this in a public campaign. He also pointed out that Canada had signed the Helsinki Accord which committed it, among other things, to the free flow of ideas from people in other countries.<sup>46</sup> In July Atkey announced that Gunder Frank had been granted a visa to attend the conference. This was subsequently extended so that he could visit Montreal as well. Gunder Frank's case turned out to be unique, however, since most academics invited to Canada for short-term visits and subsequently barred were not successful in their appeals.

Professor Spartak Begelov, a prominent Soviet writer on international affairs and a television correspondent, was refused admission to Canada in 1979 for security reasons. He and three other Soviet delegates were scheduled to speak on the Soviet perspective on disarmament at Carleton University and other universities and institutions in Ontario. He was the only person to be barred, but when his application was refused, the other three cancelled their trip. Protests proved futile. Atkey refused a suggestion that his Special Advisory Board be given the power to conduct an in camera hearing and maintained that Spartak's presence in Canada would be detrimental to Canadian interests.<sup>47</sup>

More refusals followed the Begelov case. In March 1981, five North Korean scholars had been invited to attend a meeting of the Canadian Asian Studies Association which was held jointly with its American counterpart organization. These five scholars, however, were denied entry to Canada. Various reasons were offered. Mark MacGuigan, Secretary of State for External Affairs, argued that Canada could not admit them because it did not recognize North Korea, and because they would make political statements in this country in addition to whatever scholarly presentations they made. CAUT did not dispute this latter claim, but argued that the society and government of Canada were strong enough to tolerate such activities.<sup>48</sup> However, the decision to ban these scholars was not reversed. It was particularly ironic because one of the reasons for the joint meeting of the Canadian and American associations was because it was assumed that Canada would be more reasonable than the United States in admitting scholars from communist nations.

Later that year, two Soviet scientists, Dr. Vladimir Pavlichenko and Dr. Vladimir Ustinov, were to have attended a Pugwash conference in Canada, but were refused visas. This was the first time in thirty years that visas had been refused by the host country of a Pugwash conference. Pavlichenko had attended several previous Pugwash meetings, and had been a Soviet participant in the Salt II negotiations. Protests failed, and the Minister, Lloyd Axworthy, refused to create a tribunal to hear the case. Instead he replied that in the future short-term academic visitors would not be banned.<sup>49</sup>

This appeared to be a reversal of a longstanding position. However, in 1984 a group of North Korean scholars were denied visas to attend a conference on Korea at McGill University. Again, the issue of non-recognition was raised. According to an official from External Affairs, persons representing the North Korean government in any form, including those from state organizations such as universities, could not be admitted to Canada. Furthermore, private North Korean visitors had to prove that they would not carry out any political activities while in Canada. Once again protests failed.<sup>50</sup> It does not appear, however, that similar reasoning was applied to scholars from Taiwan, a country which Canada also refuses to recognize.

In 1986, three academics were denied visas to attend an international conference at the University of Calgary on the state of the art of Middle Eastern studies. Two professors from the University of Baghdad, Dr. Wamidh Nadhmi and Dr. Basil Al-Bustamy, and a Soviet, Dr. Alexander Kislov, Vice-President of the International Association of Middle Eastern Studies were denied entry. According to Immigration officials, Kislov and Al-Bustamy were denied visas because they had not applied early enough. The organizers maintained that technical reasons were being invoked to hide fundamental political objections. Nadhmi was denied on security grounds. The Calgary organizers publicized these cases, but the protests failed.<sup>51</sup>

From time to time it has seemed that the government might use the question of work permits to try to keep individuals out for political reasons. For instance in 1984 Geoffrey Palmer, then deputy leader of the Labor Party opposition in New Zealand, was invited to give an address at the Faculty of Law at the University of Windsor. He had been assured by the Canadian High Commission in New Zealand that he did not require an employment document, but nevertheless experienced difficulties at the Windsor border because he did not possess one. CAUT expressed concern about the incident, and once more pointed out that Canada had signed the Helsinki accord in part to

ensure the free flow of scientists and scholars. Mr. Palmer, for his part, filed an official protest with the government of Canada. He subsequently became the Prime Minister of New Zealand. It is, of course, impossible to know without access to the files whether the actions of the department arose simply from incompetence or from delayed McCarthyism.

### *The Universities and Refugees*

Refugee policy provides a counterpoint to this history. Three major convulsions after the Second World War produced large numbers of refugees who wished to enter Canada. These involved the crushing of the Hungarian Revolution in 1956, the Prague Spring in 1968, and the overthrow of the Allende government in Chile in 1973. In each case the university community was involved, not only in the general question of the entry of these refugees but also in the particular concerns of academics and students caught up in these events. With a fourth upheaval, that of Vietnam, the university community was much involved but generally in a personal and humanitarian sense rather than with a specific academic focus.

In 1956, some universities were quite active in welcoming Hungarian students and faculty. The most spectacular of these events was the movement of the Forestry Faculty from Sopron University to the University of British Columbia. This was arranged between Jack Pickersgill, Jimmy Sinclair (a B.C. cabinet minister), Larry MacKenzie (the President of UBC) and the owners of the Powell River Paper Company.<sup>52</sup> I have already noted that the security establishment tried to prevent the entry of large numbers of Hungarian refugees and that Mr. Pickersgill overrode their advice, arguing that if in the wave of passionately anti-communist refugees there were one or two agents, that was a small price to pay.<sup>53</sup> At the time Canadian universities were in the full flood of expansion and so it was possible to take concrete action to support these refugees. As time passed it became harder and harder to do so because the universities had less and less money and posts at hand. In 1968 many Canadian academics, including the CAUT, wished to assist the academics and students who fled Czechoslovakia in the aftermath of the crushing of the Prague Spring. Already it was becoming more difficult to do something useful and effective.

It was a different story when the Allende regime was overthrown in Chile. Whitaker has given the general history of Canadian involvement, but there was a university subtheme as well. The counter-

revolution produced several different groups of academic refugees. There were faculty and students in this country, many of whom did not wish to return to Chile. CAUT and other organizations argued that they should be allowed to stay, and most were allowed to do so. There were also academics and students in Chile who wished to flee Chile because they feared reprisals from the new regime. CAUT argued that there should be as generous a policy for Chilean refugees as with those from Hungary and Czechoslovakia. The churches and other non-government bodies took the lead in this campaign. The Association of Universities and Colleges of Canada (AUCC), CAUT and various student bodies pressed the government on the subject of academic refugees. Eventually this resulted in a meeting between CAUT and the Minister of External Affairs, Mitchell Sharp. There then followed meetings with departmental officials. The most memorable was with an official who had, he pointed out, been to Chile a few weeks after the revolution, and had found nothing but happy smiling faces on the campuses of the universities. Eventually after several months of agitation, the government grudgingly sent a team to Chile to deal with refugees. There was, however, a widespread suspicion, denied by the RCMP, that the Canadian security forces were maintaining arrangements with the new regime either directly or indirectly through its American sponsors and thus subverting the process. All in all it was a melancholy history.<sup>54</sup>

Nor has the problem gone away. In a television program in the fall of 1989, an official of the Immigration Department admitted that he had advised the United Nations High Commission for Refugees not to send to the Canadian High Commission in Dar es Salaam Kenyan students who were fleeing their country because of the repression on university campuses in that country. He did this because Canada would not wish to offend a friendly government such as that of Kenya. In the same program the same official admitted that the Canadian Security Intelligence Service had advised against refugee status to two Africans from Namibia who had originally fled South Africa and then had had a falling out with SWAPO. The reason offered was that these individuals had played a prominent role in a subversive organization dedicated to the armed overthrow of the government of South Africa. CSIS vigorously denied this and stated that the decision to exclude the Namibians was made by the Immigration Department.<sup>55</sup>

*Legislative and Structural Changes: 1976-1990*

There have been, however, some important changes in the bureaucratic structures that underpin these events. By the mid 1970s, it had become quite apparent that a new *Immigration Act* was needed to replace the rather outdated one of 1953. During the discussions which preceded the new Act of 1976, hopes were expressed by civil liberties organizations that some of the more objectionable areas of the old Act would be replaced by more liberal provisions. While it is true that some sections of the previous Act were removed, such as the barring of homosexuals, many key aspects of security measures were either left untouched or given more implied power. Security considerations fell under section 19(1) and barred those whom the government believed would engage in subversive acts. Since the legislation did not define the word subversive, it was left once again to bureaucratic discretion. When this was combined with secrecy and ministerial discretion, this still meant that victims of the system did not know to what charges they were supposed to respond and were provided with no vehicle to make that response.<sup>56</sup> Neither CAUT nor AUCC made any representations to the government about the immigration of controversial university professors during the prologue to these changes or during the debate on the legislation. The key issue for the universities had already become Canadianization rather than dissenting professors.

In 1978 CAUT submitted a brief to the McDonald Royal Commission, indicating, among other matters, its concern over security and immigration and highlighting several of the more celebrated cases. It went on to note that: "The evidence in many of these cases suggests either that Marxist belief in and by itself is sufficient to ensure denial of entry to this country or that the immigration authorities accept at face value any data supplied by foreign agencies."<sup>57</sup> CAUT also pointed out that these cases gave Canada a poor reputation in the international scholarly community. It recommended that *bona fide* employers of immigrants, including universities, "...have the right to appeal in camera to a judicial tribunal in cases of denial of entry on grounds of national security...provided that the immigrants meet all other requirements of Canadian immigration law."<sup>58</sup>

The Commission requested further details, and CAUT responded in August 1979. It repeated its original recommendation that the employer should have the right to appeal negative decisions and more fully explained its position regarding guest speakers. It suggested that a quasi-judicial security tribunal be created to rule on such cases. It

recognized that there was a problem with this; by the time an appeal was heard the moment for the guest speaker might well have passed by. It put forward two possibilities to meet this problem. One solution, it argued, would be to "...decide that it is impossible for a guest speaker coming for one or two days to a Canadian university to overthrow the Canadian government."<sup>59</sup> Another solution would be to provide a summary procedure within the security tribunal which could take the form of a single member from the tribunal.

The McDonald Commission reported between 1979 and 1981. It did indeed find that the RCMP security division had systematically violated the Pearson/Laskin accord, at least up until 1970 but had then more generally followed it, albeit with reluctance. The Commission recommended a more stringent definition of subversion and suggested that a proper appeals mechanism be put into place. It also called for a separate security force from the RCMP.

In the dying days of the Trudeau government in 1984, legislation was introduced and passed to create a new security service, the Canadian Security Intelligence Service. The new Conservative government decided to maintain this arrangement and has, in fact, been more willing to discuss its operations with CAUT than the Liberals ever were.<sup>60</sup> The new legislation provided important new safeguards. One was the creation of the Security Intelligence Review Committee (SIRC) to whom the aggrieved in security cases could appeal for an in camera hearing with certain limitations on the right to hear the evidence. Jurisdiction in immigration cases involving national security was transferred to SIRC from the special advisory boards that had previously existed under the *Immigration Act* which could review such cases if the Minister so decided but were not required to do so. The criteria of the *Immigration Act* concerning security continued to apply as did the new definitions of security under the *CSIS Act*. SIRC also reviews the evidence that could lead to a deportation on the grounds of national security.<sup>61</sup> The Committee appears to have become an effective review body under the leadership of its first chair, Ron Atkey, although, given the secrecy involved, it is in a sense its own judge. The legislation also provided for the creation of the post of Inspector General, someone responsible for monitoring the compliance of the service with its operational policies and to review the operational activities of the service. Attempts were also made to make the language pertaining to "threats to the security of Canada" more precise, noting that lawful advocacy, protest and dissent is excluded from this definition.<sup>62</sup> CAUT has welcomed these arrangements but has made repres-

entations to the government to make the language more precise and the operations more effective.<sup>63</sup> A recent court judgment suggests that decisions of SIRC will override departmental decisions. In other words, SIRC has become a quasi-judicial tribunal rather than an independent source of advice for the Solicitor General, as the Liberals had originally intended.<sup>64</sup> Despite the limitations of the legal language, after forty-five years, the idea of appeals in security cases is now embedded in the law. CAUT at the moment is discussing with CSIS and SIRC how to apply this appeal mechanism to university cases, especially those involving the immigration of professors or short-term visits by academics, and it has indicated that it would represent faculty involved in such cases.<sup>65</sup> Bora Laskin would have been pleased if he had lived to see it.

Let us hope that these rules and appeal procedures will allow us to meet the next era of security arrangements more rationally than the last. As the spectre of East European communism recedes, that of international terrorism moves to the front of the stage. Just as there were real spies in the forties, so there are real terrorists in the nineties and they pose serious and complex problems. For instance some foreign students and faculty in Canadian universities live in fear of the actions of their own governments against them while they are in Canada. Nor would many Canadians want to see the country become the base of a new Baader-Meinhof gang. On the other hand history suggests that today's terrorist sometimes becomes tomorrow's statesman and that one person's terrorist is another person's freedom fighter. Let us hope, as we move into a new era, that we have learned Laskin's lesson, namely that however serious the problems, we need public rules, accountability and effective appeal mechanisms.

#### NOTES

1. Reg Whitaker, *Double Standard: The Secret History of Canadian Immigration* (Toronto, 1987); Whitaker, "Origins of the Canadian Government's Internal Security System, 1946-52," *CHR*, LXV, 2, June 1984; Alvin Finkel, "Canadian Immigration Policy and the Cold War 1945-80," *Journal of Canadian Studies*, 21, 1986, 53-70; Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern* (Montreal, 1972). It should be noted that Canadian professors have also had difficulty in getting into the United States. See CAUT, *Supplementary Brief Re: USINS Lookout List*, presented to the Special Committee on the Review of the CSIS Act and the Security Offences Act, Feb. 1990. A president of CAUT, Roland Penner, who subsequently became Attorney-General of Manitoba was on the U.S. Lookout List.

See also, Lawrence R. Aronson, "'Peace, Order and Good Government' during the Cold War: The Origins and Organization of Canada's Internal Security Program," *Intelligence*



- and National Security, I, 3, 1986; Lester H. Phillips, "Canada's Internal Security," *The Canadian Journal of Economics and Political Science*, 12, 1, 1946.
2. Older CAUT files are on deposit at the National Archives of Canada. The files are open except for a 10-year rule on finances and a 30-year rule on academic freedom cases. The Archives no longer have space for new files and these are warehoused.
  3. I wish to acknowledge the help of Kerry Badgley, then a student at Carleton University, who worked with me on a report to CAUT Council on immigration policy, entitled "Immigration, Academics and Security."
  4. *The Immigration Act*, Chapter 25, R.S.C., 1952 (Ottawa, 1953), 10-11.
  5. *Double Standard*, 84-87.
  6. Hawkins, 330; National Archives of Canada (hereafter referred to as NAC), RG 76, Department of Immigration, vol. 800, file 547-1, Memo from Acting Commissioner of Immigration to Superintendent of Immigration to Canada, 7 Nov. 1949.
  7. NAC, RG 76, Department of Immigration vol. 852, file 553-156, Deputy Minister to Minister, 4 Apr. 1964.
  8. NAC, RG 76, vol. 958, file SF-S-1, part 7, 4 Nov. 1970. The names of the professors have been deleted from this document owing to restrictions under the Access to Information legislation.
  9. Paul Dufour, "'Eggheads' and Espionage: the Gouzenko Affair in Canada," *Journal of Canadian Studies*, 16, no. 3-4, 1981, 188-98; Frederick W. Gibson, "The Cold War and the University," ch. 11 of *To Serve and Yet Be Free*, vol. 2, 1917-1961 (Montreal, 1983); J. L. Granatstein, *The Gouzenko Transcripts: The Evidence Presented to the Kellock-Taschereau Royal Commission of 1946* (Canada, 1982); John Sawasky, *Gouzenko—The Untold Story* (Canada, 1984).
  10. Leopold Infeld, *Why I Left Canada: Reflections on Science and Politics*, trans. Helen Infeld (Montreal, 1978), 39-63; *Double Standard*, 179, 189, 191-2.
  11. Ellen W. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York, 1986), 290-303. For Louis Weisner, see Lee Lorch, "Louis Weisner Remembered," *Notices of the American Mathematical Society*, 35, 8 (1988).
  12. NAC, RG 76, Department of Immigration vol. 800, file 547-1, part 3, Interdepartmental Correspondence from Officer in Charge, Canadian Embassy Visa Office, Rome, to Director of Immigration, 10 Sept. 1953. Reply, 25 Sept. 1953.
  13. *Toronto Telegram*, 21 March 1960.
  14. *Debates of the House of Commons*, 7 Apr 1960, 2993-4; Deputy Minister to J. K. Starnes, Director General of Security and Intelligence, 22 July 1970; *Globe and Mail*, 28 March 1961.
  15. NAC, MG 28 I 208; CAUT Papers, vol. 249, file "Immigration: Rebrin (U.B.C.)"; interview, Irena Rebrin, Vancouver, Nov. 1989.
  16. NAC, RG 26, Dept. of Citizenship and Immigration, vol. 173, file 3-10-176, Fairclough to Diefenbaker, 4 Aug. 1960; Director of Immigration to Deputy Minister, 1 Nov. 1960.
  17. NAC, MG 28 I 208, CAUT Ms., vol. 249, file, "I.C. Committee on the Immigration Act: (Abel1960)."
  18. *Ibid.*, Reid to Abel, 5 Apr. 1962.
  19. *Winnipeg Tribune*, 22 March 1965; *Winnipeg Free Press*, 20, 25 March 1965.
  20. NAC, MG 1 208, CAUT Ms. vol. 249, file "Immigration: M. Q. Sibley," Laskin to Pearson, 25 March 1965.
  21. *Ibid.*, Pearson to Laskin, 29 March 1965.
  22. *Ibid.*, Pearson to R. Dale Gibson, 1 April 1965.
  23. CAUT, "National Security and the Universities: A Brief Submitted by the CAUT to the Royal Commission on Security," 25 Sept. 1967, 11-12; Royal Commission on Security, *Report* (Ottawa, 1969); *Double Standard*, 224; Hawkins, 331-3.
  24. NAC, MG 1 208, CAUT Ms., vol. 249.
  25. *Ibid.*
  26. *Ibid.*
  27. *Double Standard*, 247-8.
  28. Canada, *Debates in the House of Commons*, 16 Dec. 1969, 2060-1; *Toronto Star*, 14 Dec. 1972, cit. *Double Standard*, 249.
  29. *Globe and Mail*, 24 Sept. 1970.
  30. Whitaker agrees with this position. See *Double Standard*, 249.

31. NAC MG 28 I 208, CAUT Ms., vol. 249, file "Gabriel Kolko, York," Lang to Berland, 5 Feb. 1971.
32. *Ibid.*, Lang to Berland, 21 Oct. 1970.
33. *Ibid.*, file, "I. Meszaros, Vol. 1," Macpherson to Trudeau, 31 Aug. 1972.
34. *Ibid.*, Berland to Mackasey, 23 Sept. 1972.
35. *Double Standard*, 253.
36. *Ibid.*, 252.
37. NAC, MG 28 I 208, CAUT Ms., vol. 249, unnamed file, Wernick to CAUT, 15 Dec. 1973.
38. *Ibid.*, Savage to Andras, 26 Feb. 1974.
39. *Ibid.*, Savage to Andras, 10 April 1974.
40. NAC, MG 26 L, Louis St. Laurent Papers, vol. 55, file I-20-I-D, Sept. 14, 1948, "Immigration-British, Dean of Canterbury"; *Double Standard*, 169.
41. NAC, MG 28 I 208, CAUT Ms., vol. 274, V. Sim to Presidents, Local and Provincial Associations, 16 Feb. 1977.
42. *Ibid.*
43. *Montreal Star*, 19 Feb. 1977.
44. NAC MG 28 I 208, CAUT Ms., vol. 386, file "Immigration: Gunder-Frank," Gunder-Frank to Trudeau, 12 March 1977, Trudeau to Gunder-Frank, 25 April 1977.
45. *Ibid.*, Savage to Macdonald, 4 June 1979.
46. *Ibid.*, Penner to Atkey, 11 July 1979; Conference on Security and Co-operation in Europe, *Final Act* (otherwise known as the Helsinki Accord) (London, 1975), 13, 20-21, 33-41.
47. CAUT, office file, "Immigration," Savage to Atkey, 13 Dec. 1979; Atkey to Savage, 21 Feb. 1980.
48. *Ibid.*, Savage to MacGuigan, 3 April 1981.
49. *Ibid.*, Foulks to Axworthy, 30 Nov. 1981.
50. CAUT office file, "Immigration," K. D. McKay (External Affairs) to S. J. Noumoff (McGill University), 18 Oct. 1984.
51. *Ibid.*, Neil Brockenshire, Departmental Assistant, to Professor T. Y. Ismael (University of Calgary), 4 Nov. 1986.
52. P. B. Waite, *Lord of Point Grey: Larry Mackenzie of UBC* (Vancouver, 1987).
53. *Double Standard*, 84-7.
54. *Ibid.* See also statement by Supt. J. Warren, *Justice and Legal Affairs*, 17 April 1984, 15:28.
55. P. Smith (President, CAUT) to J. Clark (Minister of State for External Affairs), 8 Feb. 1990; P. Smith to B. McDougall (Minister, Employment and Immigration), 8 Feb. 1990; McDougall to Smith, 16 May 1990, *CAUT Archives*.
56. Frank N. Marrocco and Henry M. Goslett, eds., *The Annotated Immigration Act of Canada*, second edition (Toronto, 1985), 27-8; *Double Standard*, 272.
57. CAUT, *The Security Forces and the Universities: Brief Concerning the Role of the Security Forces on the Campuses of Canadian Universities*, 1978, 22.
58. *Ibid.*, 2.
59. CAUT, *Supplementary Submission to the Commission of Enquiry Concerning Certain Activities of the Royal Canadian Mounted Police*, 1979, 4.
60. "Security, Access and Immigration," in "The Tory Record," *CAUT Bulletin*, Sept., 1988. P. Smith (President, CAUT) to P. Blais (Solicitor General), 17 Nov., 1989; Blais to Smith, 1 Jan. 1990; Smith to P. Cadieux (Solicitor General), 16 March 1990, Cadieux to Smith, 3 July 1990; record of meetings with CSIS, 9 March, 18 July 1990, *CAUT Archives*. CSIS has also requested CAUT to lecture at its school for new officers.
61. *Justice and Legal Affairs*, 17 April 1984.
62. Statutes of Canada, 32-33 Elizabeth ii, ch. 21. For various views of SIRC, see Peter Hanks and John D. McCamus (eds.) *National Security and Accountability in a Democratic Society* (Quebec, 1989). For possible confusion over the definition of subversion in various acts, see the testimony of Warren Allmand and the reply of Robert Kaplan, *Justice and Legal Affairs*, 17 April 1984, 15:23.
63. House of Commons, *Minutes of the Proceedings and Evidence of the Special Committee on the Review of the CSIS Act and the Security Offences Act*, 17 Jan. 1990: Testimony of the CAUT.
64. The case of Robert Thomson, *The Lawyer's Weekly*, 15 June 1990. See also the statement of the Hon. Robert Kaplan, Solicitor General of Canada, *Justice and Legal Affairs*, 17 April 1984, esp. 15.9, 15.10. Mr. Kaplan stated that there had been 25 or so cases in the past six years (i.e. 1978-84).
65. *CAUT Bulletin*, Sept. 1990.