

The Origins of Political Policing in Canada: Class, Law, and the Burden of Empire

Andrew Parnaby

Gregory S. Kealey

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Abstract

This essay examines the origins of the Canadian secret service from the 1860s to the Great War. During this time, the Canadian government faced political challenges from Irish republicans and South Asian radicals. Both groups sought to liberate their home countries-Ireland and India-from British rule by promoting the idea of independence and the necessity of militant tactics amongst their respective immigrant communities in North America. Faced with this subversive activity, which had both domestic and international implications, the government created a secret service to gather political intelligence. Significantly, the government's political response was shaped decisively by its status as an outpost of the British Empire. Not only did Canada make use of the imperial civil service to confront this danger, but the very subversion it faced was a product of the mother country's own history of imperialism and colonialism.

Keywords

Secret service--History; Subversive activities--History; Political activists--Government policy--History; Canada

THE ORIGINS OF POLITICAL POLICING IN CANADA: CLASS, LAW, AND THE BURDEN OF EMPIRE[©]

BY ANDREW PARNABY & GREGORY S. KEALEY*

This essay examines the origins of the Canadian secret service from the 1860s to the Great War. During this time, the Canadian government faced political challenges from Irish republicans and South Asian radicals. Both groups sought to liberate their home countries—Ireland and India—from British rule by promoting the idea of independence and the necessity of militant tactics amongst their respective immigrant communities in North America. Faced with this *subversive* activity, which had both domestic and international implications, the government created a secret service to gather political intelligence. Significantly, the government's political response was shaped decisively by its status as an outpost of the British Empire. Not only did Canada make use of the imperial civil service to confront this danger, but the very subversion it faced was a product of the mother country's own history of imperialism and colonialism.

Cet essai examine les origines du service secret canadien depuis les années 1860 jusqu'à la Première Guerre mondiale. Durant cette époque, le gouvernement du Canada devait faire face aux défis politiques que posaient les républicains irlandais et les radicaux de l'Asie du Sud. Ces deux groupes cherchaient à libérer leurs patries respectives, l'Irlande et l'Inde, de l'emprise britannique en promouvant auprès de leurs communautés d'immigrants en Amérique du Nord les idées d'indépendance et de besoin de recourir à des tactiques militantes. Confronté à ces activités *subversives* dont les répercussions s'étendaient aux niveaux tant national qu'international, le gouvernement fonda un service secret pour recueillir des renseignements politiques. Il est important de noter que la réaction politique du gouvernement découlait manifestement de son statut d'avant-poste de l'empire britannique. Il ne recourait pas seulement à la fonction publique impériale pour pallier ce danger, mais il devait également affronter le mouvement subversif qui résultait du passé d'impérialisme et de colonialisme de la mère patrie.

| | | |
|------|----------------------------|-----|
| I. | INTRODUCTION | 211 |
| II. | THE FENIAN CHALLENGE | 213 |
| III. | THE "HINDOO" CRISIS | 223 |
| IV. | CONCLUSION | 238 |

I. INTRODUCTION

Canada's early experience in the realm of intelligence and security matters, as in other areas of political life, was shaped decisively by its status as an outpost of the British Empire. Early experiments in this regard took place in the aftermath of the Rebellions in Upper and Lower Canada in

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* Andrew Parnaby is an Assistant Professor at the Department of History at the University College of Cape Breton. Gregory S. Kealey is Vice President Research and Professor of History at the University of New Brunswick.

1837 and 1838. The authorities in Quebec, drawing on the example set by colonial authorities in Ireland and Jamaica, appointed stipendiary magistrates to head up a newly created rural police force, a body charged with the responsibility of collecting political intelligence and pacifying the countryside. Decades later during the American Civil War, politicians on both sides of the Ottawa River adopted a similar, albeit much smaller version of this system to prevent military recruiters from violating Canadian neutrality. But it was in the face of other, more threatening political challenges—at once domestic and foreign, nationalist and anti-imperialist—that the Canadian government, as a colonial and later a federal body, undertook a greater, more sustained interest in political policing.¹

In the 1860s and early 1870s, the Canadian government set its sights on Irish radicals tied to the Irish Republican Brotherhood (IRB) who were active in the United States and Canada. By the early decades of the twentieth century, its focus shifted to South Asian radicals who, like Irish republicans before them, used North America as a staging ground for an independence struggle gathering strength on the subcontinent. The empire was striking back, globally and locally, and Canada, both as a collection of colonies and later as a nation, was caught in the crossfire. Not only was its approach to these important matters based, in part, on models of policing adopted elsewhere in the commonwealth, but the very security challenges it faced were the product of the mother country's extensive colonial reach.²

¹ For an earlier version of this essay, which focuses solely on the Fenian threat, see Gregory S. Kealey, "The Empire Strikes Back: The Nineteenth-Century Origins of the Canadian Secret Service" (1999) 10 J. Can. Hist. Ass'n (N.S.) 3. The history of the Canadian secret service, from its origins to the present day, is the focus of Reginald Whitaker, Andrew Parnaby & Gregory S. Kealey, *Secret Service: Political Policing in Canada, from the Fenians to Fortress America* (Toronto: University of Toronto Press) [forthcoming].

² For an overview of the "non-existent historiography" of political policing in Canada see, for example, Wesley K. Wark, "Security Intelligence in Canada, 1864-1945: The History of a 'National Insecurity State'" in Keith Neilson & B.J.C. McKercher, eds., *Go Spy The Land: Military Intelligence in History* (Westport, Conn.: Praeger, 1992) 153, and Larry Hannant, "Access to the Inside: An Assessment of 'Canada's Security Service, A History'" (1993) 8(3) *Intelligence & Nat'l Sec.* 149. Greg Marquis, "The 'Irish Model' and Nineteenth-Century Canadian Policing" (1997) 25 *J. Imperial & Commonwealth Hist.* 193, provides an excellent discussion of policing in British North America, including the colonies of Vancouver Island and Newfoundland. See also, Elinor Kyte Senior, *British Regulars in Montreal: An Imperial Garrison, 1832-1854* (Montreal: McGill-Queen's University Press, 1981); Allan Greer, "The Birth of the Police in Canada" in Allan Greer & Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992) 17; Brian Young, "Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815-1866," in Greer & Radforth, 50; Allan Greer, *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada* (Toronto: University of Toronto Press, 1993); Hereward Senior, *Constabulary: The Rise of Police Institutions in Britain, the Commonwealth, and the United States* (Toronto: Dundurn Press, 1997). The objectives of the rural police are contained in "Circular Memorandum for the Information and Guidance of the Inspecting Stipendiary Magistrates, in the

II. THE FENIAN CHALLENGE

With an ideological pedigree that stretched back to the United Irish rebellion in the 1790s, the Irish Republican Brotherhood was founded in Dublin in 1858. It was an avowedly revolutionary organization that was committed to overthrowing British rule in Ireland and establishing an Irish republic.³ Yet as its leaders understood well, success at home required the support of Irish immigrants abroad, most notably in the United States where tens of thousands of Irish men and women, many of whom had fled Ireland during the depths of the Famine, swelled the ranks of working-class populations in New York, Chicago, Detroit, and Cincinnati.⁴ Thus, seven months after the IRB's founding, an American support group, the Fenian Brotherhood, was established. Significantly, Fenianism found a receptive audience in Canada as well. In Toronto, members of the Hibernian Benevolent Society, an Irish self-help organization founded by cooper and tavern keeper Michael Murphy, created a clandestine Fenian circle in 1859. Its members were mostly working class, and like their counterparts south of the border, they were drawn to a heady mix of camaraderie, nationalism, and collective action at a time when politics often turned on the power, privileges, and prejudices that differentiated the Orange from the Green.

Montreal District" in Montreal, Police Department, *Rules for the Government of the Rural Police* (Montreal: James Starke, 1839) 3. Britain's antipathy to political policing during the Victorian era, and the very different practices undertaken in the colonies, is taken up by Bernard Porter in his groundbreaking *The Origins of the Vigilant State: The London Metropolitan Police Special Branch Before the First World War* (London: Weidenfeld and Nicolson, 1987) at 188-94.

³ The literature on the Fenians in particular and Irish nationalism more generally is massive. For the purposes of this discussion, the best place to start is John Newsinger's slim volume, *Fenianism in Mid-Victorian Britain* (London: Pluto Press, 1994); it provides a thorough bibliography and a cogent account of the important debates associated with Fenianism. W.S. Neidhardt, *Fenianism in North America* (University Park: Pennsylvania State University Press, 1975); Keith Amos, *The Fenians in Australia, 1865-1880* (Kensington: New South Wales University Press, 1988), and Brian Jenkins, *Fenians and Anglo-American Relations during Reconstruction* (Ithaca: Cornell University Press, 1969) are also useful. Interestingly, Fenian leader James Stephens was also a member of the International Working Man's Association, the so-called First International, of which Karl Marx was a member. See Hereward Senior, *The Fenians and Canada* (Toronto: Macmillan of Canada, 1978) at 40-41 [Senior, *Fenians*]. For a brief, yet informative introduction to the large literature on the Irish in urban America see Amy S. Greenberg's review essay, "Irish in the City: Recent Developments in American Urban History" (1999) 42 *Hist. J.* 571.

⁴ On this last point see Jenkins, *ibid.*; David Montgomery, *Beyond Equality: Labor and Radical Republicans, 1862-1872* (New York: Knopf, 1967), and Eric Foner, "Class, Ethnicity, and Radicalism in the Gilded Age: The Land League and Irish-America" (1978) 1(2) *Marxist Persp.* 6 at 30-31. During the U.S. election of 1868, John A. Macdonald remarked: "Both Republicans and Democrats will fish for the Irish vote, and therefore wink as much as possible at any action of the Fenian body." Letter from John A. Macdonald to Colonel Ermatinger (8 February 1868), Ottawa, National Archives of Canada (NAC), John A. Macdonald Papers (JAMP) (MG 26, Letterbooks, vol. 11).

"It is time ... to cast off the habiliments of wretchedness and come forth clothed in the manly garb of equality," the Hibernian's newspaper, *Irish Canadian*, exclaimed. "[W]e Irish will yet stand erect in Canada."⁵

As the Fenian Brotherhood gathered strength, the Canadian government mobilized too. At first, the Attorney General for Canada West, John A. Macdonald, was confident that local militias were capable of placing a "sufficient check" on the "mere dread of a Fenian conspiracy." But the future prime minister's opinion of the matter changed decisively in the fall of 1865. At that time, British officials, who were alarmed by the steady growth of the IRB and the arrival of Irish-American veterans of the U.S. Civil War, raided the organization's offices, closed its newspapers, and arrested many of its high-profile members. Closer to home, American Fenians were debating the politics of "freeing Ireland on the plains of Canada"—a contentious strategy that had split the organization into two rival factions, one in favour of a northern invasion, the other opposed. From Macdonald's perspective, that particular possibility reinvigorated concerns about the integrity of the border, and raised additional fears about the likelihood of heightened anti-Catholic agitation within the colony itself.

⁵ In the Canadian context, the Fenian question has been framed in many ways: as an important moment in Canadian military history; as a significant dimension of Irish immigrants' experience in the New World; and as key variable in the debates associated with the act of Confederation in 1867. See C.P. Stacey, "A Fenian Interlude: The Story of Michael Murphy" (1934) 15 *Can. Hist. Rev.* 133 [Stacey, "Fenian Interlude"], and "Fenianism and the Rise of National Feeling in Canada at the Time of Confederation" (1931) 12 *Can. Hist. Rev.* 238 [Stacey, "National Feeling"]. In the latter, Stacey writes:

Fenianism provided a most beneficial influence upon the immediate and ultimate fortunes of the project, by creating at once a popular apprehension of danger which worked strongly against any possibility of a repudiation of parliament's decision, and by engendering an atmosphere of patriotic enthusiasm eminently favourable to the success of an experiment in nation-building. *Ibid.* at 238.

See also: Peter M. Toner, "The Military Organization of the 'Canadian' Fenians, 1866-1870" (1971) 10(38) *Irish Sword* 26; D.C. Lyne & Peter M. Toner, "Fenianism in Canada, 1874-84" (1972) 12 *Studia Hibernica* 27; Peter Michael Toner, *The Rise of Irish Nationalism in Canada, 1858-1884* (Ph.D. Thesis, University College, Galway, 1974) [unpublished]; Senior, *Fenians*, *supra* note 3; W.S. Neidhardt, ed., *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976) s.v. "Michael Murphy" [DCB]; George Sheppard, "'God Save The Green': Fenianism and Fellowship in Victorian Ontario" (1987) 20 *Hist. Soc./ Soc. Hist.* 129; Jeff Keshen, "Cloak and Dagger: Canada West's Secret Police, 1864-1867" (1987) 79 *Ontario History* 353; Peter M. Toner, "The Home Rule League in Canada: Fortune, Fenians, and Failure" (1989) 15(1) *Can. J. Irish Stud.* 7; Oliver Rafferty, "Fenianism in North America in the 1860s: The Problems for Church and State" (1999) 84 *Hist.* 257; Brian P. Clarke, *Piety and Nationalism: Lay Voluntary Associations and the Creation of an Irish-Catholic Community in Toronto, 1850-1895* (Montreal: McGill-Queen's University Press, 1993). The quotation from the *Irish Canadian* is taken from Clarke, *ibid.* at 175. Readers interested in the experience of the Irish, both Catholic and Protestant, in Canada might want to begin with Gordon Darroch's "Half Empty or Half Full? Images and Interpretations in the Historical Analysis of the Catholic Irish in Nineteenth-Century Canada" (1993) 24(1) *Can. Ethnic Stud.* 1.

“The Fenian action in Ireland is serious, and the Imperial government seems fully alive to it,” the shrewd Kingston politician observed. “We must not be caught napping.”⁶

To this end, Macdonald sought the assistance of Gilbert McMicken—a one-time customs agent, entrepreneur, member of parliament, and political ally. McMicken was also head of the Western Frontier Constabulary, the extremely modest and largely ineffective secret police established by the Canadian government during the U.S. Civil War to, in the words of one Canadian official, “find out any attempt to disturb the public peace, the existence of any plot, conspiracy, or organization whereby peace would be endangered, the Queen’s Majesty insulted, or her proclamation of neutrality infringed.”⁷ McMicken, who had recruited about fifteen secret agents by the end of the Civil War, increased substantially the number of men under his command. By 1870, approximately fifty agents, working both in the United States and in Canada, were attending Fenian meetings, hanging out at “Irish Saloons,” and shadowing suspected “Irish Rebbles.” Fragmentary evidence suggests that McMicken’s recruits were usually men in their late twenties and early thirties who possessed military or police backgrounds; of the eighteen agents who can be positively identified, seven were Irish (six Roman Catholics), six were Scottish (one Roman Catholic), and five were English (all Protestants). Paid relatively well, many informants nonetheless took up employment in the areas under their supervision in order to allay any suspicions of how they were supporting themselves and what their real motives were. “I was impressed with the idea that he was capable and had proven his being a very intelligent Irish Roman Catholic,” McMicken wrote to Macdonald, assessing the credentials of one of his latest recruits. “[T]his, in connection

⁶ Letters from John A. Macdonald to Cockburn (2 January 1865 and 7 February 1865), *JAMP* (MG 26, Letterbooks, vol. 7); Macdonald to Lord Monck (18 September 1865); Macdonald to McMicken (22 September 1865), Ottawa, NAC, *JAMP* (MG 26, Letterbooks, vol. 8), *supra* note 4. On the counterattack undertaken by British officials in 1865 and 1866 see Newsinger, *supra* note 3, in particular, “The Rising” at 40-47. Stephens eventually escaped from jail with the assistance of two Fenian jailers, a development that, according to Newsinger, “highlighted ... the extent of the IRB’s penetration of the police, the prison service and government departments generally.” Newsinger, *supra* note 3 at 44.

⁷ Letter from Gilbert McMicken to John A. Macdonald (31 December 1864), Ottawa, NAC, *JAMP* (MG 26, McMicken Correspondence), *supra* note 4. See also the various letters between British, Canadian, and American officials in Canada, Department of the Secretary of State, *Correspondence Relating to the Fenian Invasion, and the Rebellion of the Southern States. Printed by Order of Parliament* (Ottawa: Hunter, Rose, 1869), in particular: Simon Cameron, U.S. Secretary of War, to the Right Honourable Sir Edmund Head (24 October 1861); Lord Lyons to Lord Monck (8 August 1864); Lord Monck to E. Cardwell, Member of Parliament (23 September 1864); British Legation, Washington, to William H. Seward, U.S. Secretary of State (26 December 1864).

with his integrity and loyalty, led me to engage his services for a time. He was to put himself in communication with the British Consul there [Buffalo] and be instructed by him and through him by me.”⁸

When it came to monitoring the machinations of Fenian rebels in the United States, the Canadian government worked cheek by jowl with British consular officials in several large American cities, most notably in Buffalo, a key border crossing, and New York, a hive of Green activity. Key to this arrangement, one which both imperial and colonial authorities were anxious to piece together, was Sir Edward Mortimer Archibald, a Nova Scotia-born lawyer who served as clerk to the House of Assembly, Attorney General, and Supreme Court justice in Newfoundland from 1833 to 1854 before being appointed British consul at New York in 1857. By the mid-1860s, as the Fenians gained momentum in the United States, Archibald had recruited a clutch of informers—some of whom operated in the upper echelons of the Fenian organization—and tapped his connections with local law enforcement and customs officials to keep tabs on the revolutionary outfit. Consular officials in other cities, such as H.W. Hemans in Buffalo, made similar arrangements with paid informants and, like their New York counterpart, were often in direct contact with some of McMicken’s men. For his part, Archibald forwarded the information he received from this loose collection of sources to various British officials, including the Colonial Secretary (who, in turn, informed police forces in London and Dublin), the Commander of British forces in North America, the Lieutenant Governor of New Brunswick, and the Governor General of Canada, Lord Monck. Drawn from inside and outside the Fenian’s ranks and scattered across the northeastern corner of the United States, it was a far-flung and eclectic battery of informants, one which pumped information through the capillaries of communication that linked governments and law enforcement agencies on both sides of the Atlantic.⁹

⁸ This paragraph, including the material on the social origins of the spies, is drawn from various spy reports contained in Ottawa, NAC, JAMP (MG 26, McMicken Correspondence, vol. 236-240), *supra* note 4; the final quotation is taken from McMicken to Macdonald (9 April 1866), Ottawa, NAC, JAMP (MG 26, McMicken Correspondence, vol. 237), *supra* note 4. See also Keshen, *supra* note 5.

⁹ Archibald’s time in Newfoundland corresponded with the colony’s transition to responsible government; see *DCB*, vol 11, *supra* note 5, s.v. “Sir Edward Mortimer Archibald.” This paragraph is based on: Edith J. Archibald, *The Life and Letters of Sir Edward Mortimer Archibald, K.C.M.G., C.B.: A Memoir of Fifty Years of Service* (Toronto: George N. Morang, 1924); William D’Arcy, *The Fenian Movement in the United States, 1858-1886* (New York: Russell and Russell, 1947); Neidhardt, *supra* note 3 c. 4 (“The Fenians Prepare”); Wayne A. Crockett, *The Uses and Abuses of the Secret Service Fund: The Political Dimension of Police Work in Canada, 1864-1877* (M.A. Thesis, Queen’s University, 1982) [unpublished] at 66; Leon Ó Broin, *Fenian Fever: An Anglo-American Dilemma* (New York: New York University Press, 1971) at 41-51; Harold A. Davis, “The Fenian Raid on New Brunswick” (1955) 36 *Can. Hist. Rev.* 316; W.L. Morton, “Lord Monck and Nationality in Ireland and Canada” (1973) 13 *Studia*

Through the fall of 1865, rumours of a Fenian attack continued to swirl, prompting Monck, Macdonald, and McMicken to redirect their attention to the domestic front.¹⁰ By the end of December 1865, Patrick Nolan, one of McMicken's most reliable informants in Chicago, was recalled to Toronto where the Hibernian Benevolent Society, judging by the numerous public statements made by its leader, Michael Murphy, appeared to be on the move. Once in the city, the highly prized secret agent, who went by the name of Erastus C. Burton, submerged himself in the local Green scene, filing numerous reports between December 1865 and March 1866 that confirmed McMicken's and Macdonald's worse fears. There were approximately seventeen Fenian lodges in Canada West, nine of them in Toronto; the Hibernian Benevolent Society and the Fenians were not the same thing, but there was substantial overlap between the two organizations; and the ubiquitous Michael Murphy was indeed a Fenian and was in touch with like-minded individuals in the United States. "Capt. Prince [of the Toronto Police Department] had a lot of his men out in plain clothes some time ago watching for the Fenians. They went to the Catholic Church to look for them there," Nolan informed McMicken in late December, underscoring the friction that often emerged between regular and secret police officers. "One of them thought he had a lodge full one night on Nelson St., but it turned [out] to be an Orange Lodge. I think the Capt. got tired of them telling lies, as they are all on their beats now."¹¹

McMicken and Macdonald never tired of their star informant. In March 1866, as the Toronto Hibernians geared up for their annual—and increasingly contentious—St. Patrick's Day parade, Nolan reported that Murphy and a coterie of supporters were preparing to leave the city after the celebration to assist their American comrades in a cross-border raid of some kind.¹² From his vantage point in New York, Edward Archibald reached a similar conclusion, and informed Arthur Gordon, the Lieutenant Governor of New Brunswick, of the possibility of a Fenian insurrection.

Hibernica 77.

¹⁰ Letter from Lord Monck to John A Macdonald (10 November 1865), Ottawa, NAC, JAMP (MG 26, Governor Generals Correspondence, vol. 93), *supra* note 4; D'Arcy McGee to John A. Macdonald (2 November 1865), Ottawa, NAC, JAMP (MG 26, Fenians, vol. 1), *supra* note 4. McGee himself was once an "Irish rebel"; see Bill Kirwin, "The Radical Youth of a Conservative: D'Arcy McGee in Young Ireland" (1984) 10(1) *Can. J. Irish Stud.* 51. More on McGee and the Fenians can be found in Michael Cottrell, *Irish Catholic Leadership in Toronto, 1855-1882: A Study of Ethnic Politics* (Ph.D Thesis, University of Saskatchewan, 1988) 131-207 [unpublished]. The thorny relationship between Catholic religious leaders, the Hibernian Benevolent Society, and the Fenians is taken up in Clarke, *supra* note 5 c. 7 and 8.

¹¹ Crockett, *supra* note 9 at 40; D'Arcy, *supra* note 9 at 97-98

¹² Keshen, *supra* note 5 at 366.

Not only was the organization increasingly bent on an invasion of British North America, he stated, but, given the large population of Irish Catholics in Maine, the colony of New Brunswick was a likely target. Gordon received similar reports from the British Colonial Secretary, Edward Cardwell, and the Commander of British forces in North America, Sir John Michel—a deluge of data that promoted the Lieutenant Governor to remark: “I know every move of the small Fenian circle in Calais and the names of all the members and have very good information at Eastport and Bangor also.”¹³

In April, 1866, the Fenians launched a feeble attempt to seize Campobello Island, New Brunswick. There they were met by the combined force of six British warships and scores of U.S. troops and easily turned back. North of the border, Michael Murphy and a group of supporters, who had been under surveillance since they left Toronto, were apprehended in Cornwall, Canada West, on their way to assist their American counterparts. The arrests came at the behest of George Étienne Cartier, Attorney General for Canada East, and Alexander Galt, Minister of Finance, who were anxious to contain the Fenian threat before it spread to their own, largely Roman Catholic, bailiwick. Macdonald was not impressed by his colleagues’ actions. Not only did Cartier and Galt not possess the necessary information to convict Murphy of treason, but the ministers’ intervention scuttled his ongoing undercover operations; indeed, McMicken had no fewer than four agents keeping tabs on the prominent Irish leader at the time of his arrest. In government circles, this conflict between open prosecution and longer-range intelligence-gathering objectives later gave way to outright embarrassment as repeated spying efforts, including the use of a jailhouse snitch and the ransacking of Hibernian offices, failed to produce adequate evidence to prosecute. Nearly five months later, Murphy and five of his six supporters escaped from custody—they tunneled out of the Cornwall jail, commandeered a row boat, and crossed the St. Lawrence River to Ogdensburg in upper New York state—thereby saving the future Prime Minister the embarrassment of going to trial. Despite the controversy surrounding the raid and Murphy’s arrest, Macdonald had reason to be satisfied with his handling of the Fenian invasion. Not only had the insurrection been foiled, but the government’s tough stand on the issue

¹³ The links between Archibald and the Lieutenant Governor of New Brunswick are discussed in Davis, *supra* note 9. See also Carl Betke & S.W. Horrall, “Canada’s Security Service: An Historical Outline, 1864-1966” (Ottawa: R.C.M.P. Historical Section, 1978) at 67-70 [unpublished, archived at Solicitor General Canada, Ministry Library and Reference Centre].

played a key role in boosting the idea of Confederation.¹⁴

The Fenian's defeat at Campobello did not, however, dampen the organization's enthusiasm for the "Canada option" or scotch rumours that an additional raid was imminent.¹⁵ As a result, McMicken recruited additional undercover agents, many of whom were in constant contact with British Consular officials who continued to communicate with Lord Monck. "[T]hree things ... deprive the Fenian threats of their significance," Monck wrote to Macdonald on 29 April 1866. "They are, First, our power at very short notice to turn out a large body of troops and turn them on any threatened point—Second, the certainty that the Government of the United States will permit no invasion of Canada from their soil nor export munitions—Third, the inability of the Fenian leaders to get together any number of men without our knowledge."¹⁶ But the Governor General's confidence was misplaced. Canadian authorities were indeed forewarned, but they were not, surprisingly, forearmed. Poor communication between government, secret service, and military officials, coupled with conflicting reports from some secret agents, generated a mix of confusion and complacency in official circles. So too, it appears, did a misplaced belief that U.S. law enforcement agencies would step in, as they had at Campobello. As a consequence, the Canadian government, despite its extensive preparations, was unable to prevent additional Fenian attacks in June 1866, one in Canada West (Ridgeway and Fort Erie) and another in Canada East.¹⁷

In the aftermath of the Fenian raids, the Canadian parliament went on the offensive. On June 8th, it amended treason legislation originally enacted in Upper Canada after the Rebellions of 1837 and 1838. Detailed in the Throne Speech and given Royal Assent on the same day, the changes permitted the government to try by military court martial any foreigner or British subject who took up arms in the province. It also suspended habeas corpus for a year, and without the burden of due process, police in both

¹⁴ Toner, "The Green Ghost," *supra* note 5 at 37-41; Davis, "The Fenian Raid on New Brunswick," *supra* note 9; Newsinger, *Fenianism in Mid-Victorian Britain*, *supra* note 3 at 46. The connection between the Fenian invasion and Confederation is a staple of the Canadian literature. See C.P. Stacey, "Fenianism and the Rise of the National Feeling in Canada at the Time of Confederation," and "A Fenian Interlude: The Story of Michael Murphy" *supra* note 5; Davis, "The Fenian Raid on New Brunswick," *supra* note 9 at 332-334; Senior, *Fenians*, *supra* note 5.

¹⁵ John A. Cooper, "The Fenian Raid of 1866" *Canadian Magazine* 10:1 (November 1897) 41.

¹⁶ Quoted in Jenkins, *supra* note 3 at 140.

¹⁷ According to Keshen, "At the most crucial moment of his career as Stipendiary Magistrate for Canada West, McMicken failed miserably. His presence and that of the frontier force change nothing. The Fenian raid proceeded as planned, and the government was unprepared," *supra* note 5 at 368.

Canada East and Canada West arrested about fifty men suspected of Fenian sympathies. What was more, parliament later passed legislation “to prevent the unlawful training of persons in Military evolutions, and the use of Fire Arms, and to authorize the seizure of Fire Arms collected for purposes dangerous to the public peace” and made a huge military appropriation—\$1,897,085 on a total budget of \$7,003,236—which included \$100,000 for “detective and secret service work.” It added an additional \$50,000 and \$75,000 in 1867 and 1868 respectively. Police officers and civil servants were forced to take a special loyalty oath. To the anxious provincial legislators all of these measures were both necessary and just; not only had the Fenians undertaken three separate incursions onto British territory, but in the United States, the organization’s supporters, a coveted cohort for Yankee politicians charting the murky waters of Reconstruction, still numbered in the tens of thousands. “The Fenians using the politicians and the Politicians using the Fenians,” McMicken wrote at the time. “It seems disgraceful, however, to see the Governor of [Illinois] ... so sunk in demagoguism.”¹⁸

In this context of public outcry, state repression, and institutional reform, Macdonald pushed ahead with significant changes in the operation and structure of the secret service. Of particular importance was the establishment of more independent and reliable sources of intelligence. The career of informant Henri LeCaron highlights this new priority well. Born in England to a modest family, LeCaron, whose real name was Thomas Beach, worked in France as a banker in the late 1850s, eventually leaving Europe for North America in 1861 to fight for the Union Army in the Civil War. Once in the U.S., Beach, who was in his early twenties, enlisted in the 8th Pennsylvania Reserve as a private and adopted the name Henri LeCaron—a pseudonym that is perhaps the source of David Cornwell’s *nom de plume* Le Carré. After the war, he settled in Illinois and later took a position as a medical officer at the Illinois State Penitentiary. On the basis of his military credentials and knowledge of Fenianism—he had served with Irish soldiers in the Union Army—LeCaron was recruited by British officials in the autumn of 1867 to be a paid informant. Early on, he reported directly to the British Home Office, but as he wormed his way into the Fenian’s inner sanctum, he looked for a closer, more secure contact, and wrote to the Canadian government. Macdonald, apparently impressed with LeCaron’s connections, authorized McMicken to hire him for \$150 a month, but warned: “A man who will engage to do what he offers

¹⁸ Betke & Horrall, *supra* note 13 at 77-79; Keshen, *supra* note 5; Philip C. Stenning, “Guns and the Law” *The Beaver* 80:6 (December 2000-January 2001) 6. The final quotation is from D’Arcy, *supra* note 9 at 194-211.

to do, that is, betray those with whom he acts, is not to be trusted.” Macdonald’s skepticism was misplaced. From the date of his recruitment, LeCaron, dubbed by one biographer “The Prince of Spies,” provided the Canadian government with copious and prescient intelligence, often on a daily basis. “I succeeded in hoodwinking the poor and deluded, together with the unprincipled, blatant, professional Irish patriots,” LeCaron recalled in his immensely popular autobiography. “[I was] successful in winning the confidence of almost every Fenian with whom I was brought in contact, and in obtaining the most important information and detail ...”¹⁹

Additional changes to the secret service were spurred on by the assassination of journalist, member of parliament from Montreal, and “Father of Confederation” Thomas D’Arcy McGee on 7 April 1868. As a moderate Irish nationalist, McGee opposed republican violence and extolled the virtues of a federal union as a panacea for ethnic and racial conflict. Not surprisingly, Fenians in Montreal despised McGee and waged an ongoing battle against him in the pages of Irish newspapers, in the ranks of Irish societies, and in the streets during the summer election of 1867. Three weeks after a particularly raucous St. Patrick’s Day celebration in Montreal in 1868, one which was defined by a strong anti-McGee sentiment, a suspected Fenian sympathizer shot the Irish moderate dead outside his rooming house in Ottawa. “His only crime was that he steadily and affectionately advised his countrymen in Canada to enjoy all the advantages that our equal laws and institutions gave to Irishmen and to Roman Catholics,” Macdonald told a friend in England. “He sternly set his face against the introduction of Fenianism into Canada, and he was therefore a doomed man.”²⁰

McGee’s death led to the arrests of some seventy Hibernian leaders on suspicion of Fenian sympathies. Anxious for a conviction, Macdonald dipped into the secret service fund, something he would do often during his tenure as prime minister, to help grease the wheels of partisan advantage, providing the prosecuting attorney and at least one putative eyewitness with funds for room, board, and expenses. The accused, Patrick James Whelan,

¹⁹ Charles Curran suggests that Beach adopted this name in jest: “Le Caron is *argot* for ‘slice of fat bacon’. Beach was lean and wiry. It has been suggested that he took the name by way of a joke.” See Charles Curran, “The Spy behind the Speaker’s Chair” (1968) 18 *Hist. Today* 745 at 746. That Beach chose a French name at all was likely due to the British government’s support of the South during the Civil War. See also J.A. Cole, *Prince of Spies: Henri Le Caron* (London: Faber and Faber, 1984) and Henri Le Caron, *Twenty-Five Years in the Secret Service: The Recollections of a Spy*, 6th ed. (London: Heinemann, 1892).

²⁰ Hereward Senior, “Quebec and the Fenians” (1967) 48 *Can. Hist. Rev.* 26 at 35-39; Toner, “Green Ghost”, *supra* note 14 at 41-44; Letter from John A. Macdonald to Anderson Hebert (13 April 1868), Ottawa, NAC, JAMP (MG 26, Letterbooks, vol. 11), *supra* note 4.

a former tailor and British soldier, was convicted, but the government was unable to connect him to the Fenian organization.²¹ In addition to the shakedown of suspected Fenians, the assassination prompted the ruling Conservatives to create the Dominion Police in May 1868. Mandated to protect government buildings, investigate federal crimes such as mail theft, and undertake political policing, the new force provided a more permanent home for the secret service.

By the end of 1868, the Canadian government had, to some extent, carved out a more permanent role for its embryonic secret service: it boasted institutional support in the form of the newly minted Dominion Police force, possessed a stable source of funding, and, significantly, depended more and more on the expertise of its own well-paid and highly-placed agents than the observations of well-intentioned imperial officials. Thus, when rumblings of another Fenian invasion emerged in 1869 and 1870, government officials enjoyed almost complete knowledge of Fenian planning. McMicken, for example, was so confident “with the present perfect means of gaining information at his command” that, according to the governor general, he considered “let[ting] the raid take place so as to give the raiders a lesson which will not be easily forgotten and will probably squash the Fenian organization altogether.” Whether or not this tactic carried the day is unclear. What is certain, though, is that the “raiders” invasion plan—which included a main invasion force at Franklin, Vermont and Malone, New York and diversionary raids at Detroit, Buffalo, and Ogdensburg—was well known. LeCaron was in the thick of things, stashing guns and ammunition at key border points while simultaneously communicating the Fenians’ whereabouts to McMicken. (On one occasion, two government informants reported on LeCaron’s actions, unaware that the highly respected Fenian commander was himself an undercover agent.) Not surprisingly, then, when about two hundred Fenian soldiers finally crossed the border from Vermont on 25 May they were met by a sizable Canadian force—one which had been called up and prepared well in advance—and were defeated.²²

That the use of undercover agents had become so routine, so commonplace underscores just how *uncontroversial* the emergence of the

²¹ “In calmer times, he might well have been acquitted,” Senior concluded, in *ibid.* at 39. Senior also provides an intriguing thumbnail sketch of James Patrick Whelan and an analysis of the trial.

²² Gilbert McMicken, “The Abortive Fenian Raid on Manitoba” (Winnipeg: Manitoba Free Print, 1888); A.H. de Trémaudan, “Louis Riel and the Fenian Raid of 1871” (1923) 4 *Can. Hist. Rev.* 132; John P. Pritchett, “The Origin of the So-called Fenian Raid on Manitoba in 1871” (1929) 10 *Can. Hist. Rev.* 23.

secret service was amongst Canada's political classes. The only controversy about the secret service came in 1877 when Alexander Mackenzie's Liberal government investigated Macdonald's (ab)use of the secret service fund. At issue was not the legitimacy, purpose, or secrecy of the fund, but simply its misappropriation. Although the parliamentary committee that conducted the probe found the former Prime Minister guilty as charged, its mild reassertion of parliamentary control over the fund fell far short of equivalent standards and sentiments found in England at the same time. During his tenure as a political leader, Macdonald showed few hesitations in creating a secret police; indeed, he exerted a firm grip on his subordinates, personally controlled the secret service fund, and developed the mechanisms necessary to gather intelligence in recognition of personal, national, and imperial interests. By the time of Macdonald's death in 1891, the threat from radical Irish nationalism had waned, only to be replaced in the opening years of the next century by another anti-colonial movement that hoped, like the Fenians did, to strike a blow for independence at home by generating support in North America. This time around, however, the Canadian government possessed considerable experience in the realm of political policing, and it was all too willing to press it into service for the good of both the mother country and, in this case, the stability of British rule—the *Raj*—in India.

III. THE "HINDOO" CRISIS

Between 1857 and 1914, a period bracketed by the revolt of Indian soldiers serving in the Bengal army and the onset of the Great War, British officials in London and Calcutta undertook a far-reaching inquiry into many areas of imperial policy, including the administration of land, settlement, and the military and Indian access to education, the civil service, and other political institutions. At the same time, Indians—many of whom were educated at newly created schools and universities—remained politically active. By the turn of the century, pockets of collective action, increasingly dedicated to Indian self-determination, had emerged at home and abroad. In England, France, Germany, Switzerland, and the United States, South Asian radicals mixed with left-wing and liberal intellectuals, socialists and trade unionists, and other immigrants and exiles. They rejected the moderate approach charted by the Indian National Congress, which was founded in 1885, and articulated instead a vision of independence achieved through militant tactics. Canada, like other nations where South Asian immigrants pooled, was home to vibrant radical

milieu.²³

Between 1904 and 1908, about 5,200 South Asians, most of whom were Sikhs from Punjab, immigrated to British Columbia. Drawn by the promise of work and wages in the industrializing West, they arrived at a time of intense anti-Asian agitation. Spurred on by the inflammatory rhetoric and violent demonstrations of many white British Columbians, actions that only intensified as the local economy faltered in 1907, the federal government sought to curtail Asian immigration by raising the head tax on newcomers from China and negotiating a “gentleman’s agreement” with Japanese authorities. For the ruling Liberals, the outright exclusion of South Asian immigrants was somewhat more difficult to pull off, for unlike the Chinese and Japanese, they were British subjects and possessed all the rights and freedoms associated with that status. The broader connection between the plight of South Asians in Canada and the political (in)stability of the *Raj* was also a key concern. Not only would a total ban on Indian immigrants open up the Indian government to charges of hypocrisy, but it would likely fan the flames of Indian nationalism at home and abroad. As a result, the federal government endorsed an Order-in-Council in January 1908 that prohibited the entry of immigrants who did not travel by a “continuous journey” from the country of their birth to Canada, a voyage that was all but impossible to undertake from the Indian subcontinent. Legally dubious, yet politically sly, Ottawa’s use of selective travel restrictions to curb the flow of South Asian immigrants was meant to resolve the “Hindoo crisis” in British Columbia and, significantly, minimize its empire-wide implications.²⁴

²³This opening paragraph on the British in India from 1857 to 1914 is drawn from Judith M. Brown, *Modern India: The Origins of An Asian Democracy*, 2d ed. (Oxford: Oxford University Press, 1994) at 1-193. Other influential publications include C.A. Bayly, *Indian Society and the Making of the British Empire* (Cambridge: Cambridge University Press, 1988) and Bernard S. Cohn, “Representing Authority in Victorian India” in Eric Hobsbawm & Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983) 165. Richard J. Popplewell examines the development of political policing in India under Lord Curzon and, as the title of his book implies, its role in the defence of the empire at home and abroad. See his *Intelligence and Imperial Defence: British Intelligence and the Defence of the Indian Empire, 1904-1924* (London: Frank Cass, 1995). On the development of the Indian radical tradition abroad see Arun Coomer Bose, *Indian Revolutionaries Abroad, 1905-1922, in the Background of International Developments* (Patna: Bharati Bhawan, 1971) [Bose, *Revolutionaries*]. James Campbell Ker’s *Political Trouble in India, 1907-1917* (Delhi: Oriental Publishers, 1973) is an indispensable source. Ker was a senior officer in the Home Department of the Indian government; he also worked as personal assistant to the Director of Criminal Intelligence (DCI). This book is a collection of the confidential documents he amassed during his tenure at the DCI. As such, it details the activities of radicals operating outside India.

²⁴On the emigration of South Asians to British Columbia see Hugh Johnston, *The Voyage of the Komagata Maru: The Sikh Challenge to Canada’s Colour Bar* (Delhi: Oxford University Press, 1979) [Johnston, *Voyage*]; Norman Buchignani & Doreen M. Indra, with Ram Srivastava, *Continuous Journey:*

The impact of the new restrictions on levels of immigration from India was decisive: between 1908 and 1915 only about one hundred South Asians were admitted to Canada. As a consequence, the spirit of anti-Asian agitation—so toxic in the months and years leading up to Ottawa’s intervention—was dampened temporarily.²⁵ On the other side of the racial divide, however, members of the South Asian community were incensed. Not only did the “continuous journey” requirements cut them off from family and friends who wished to join them in British Columbia, but they cast in bold relief the emptiness of the Crown’s claim that all British subjects were equal before and under the law. That the Sikhs had remained loyal to the *Raj* during the sepoy revolt of 1857 and had played a key role in the Indian army in subsequent decades only added insult to injury. In this hothouse of intolerance and confrontation, nationalist, anti-British sentiments started to germinate—drawing many in the South Asian community, including a small, yet influential group of western educated students and entrepreneurs, into a political debate that was at once local and global in its consequences.

A Social History of South Asians in Canada (Toronto: McClelland and Stewart 1985) at 4-70; Hira Singh, “The Political Economy of Immigrant Farm Labour: A Study of East Indian Farm Workers in British Columbia” in Milton Israel, ed., *The South Asian Diaspora in Canada: Six Essays* (Toronto: Multicultural History Society of Ontario, 1987) 87; Jean Barman, *The West Beyond the West: A History of British Columbia* (Toronto: University of Toronto Press, 1991) at 145-48; Richard Rajala, *The Legacy and the Challenge: A Century of Forest Industry at Cowichan Lake* (Lake Cowichan, B.C.: Lake Cowichan Heritage Advisory Committee, 1993); Archana B. Verma, *Status and Migration Among the Punjabis of Paldi, British Columbia and Paldi, Punjab* (Ph.D Thesis, Simon Fraser University, 1994) [unpublished]; Ninette Kelley & Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 1998) at 142-56.

On anti-Asian agitation in British Columbia see Rennie Warburton, “Race and Class in British Columbia: A Comment” (1981) 49 *B.C. Stud.* 79; Patricia E. Roy, *A White Man’s Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: University of British Columbia Press, 1989); W. Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy Toward Orientals in British Columbia*, 2d ed. (Montreal: McGill-Queen’s University Press, 1990); Mark Leier, *Red Flags and Red Tape: The Making of a Labour Bureaucracy* (Toronto: University of Toronto Press, 1995) at 125-42; Kelley & Trebilcock, *ibid.* It is important to note that not all white British Columbians endorsed the politics of Asian exclusion; the radical labour movement and the Protestant missionaries were important voices of tolerance. On the former, see Mark Leier, *Where The Fraser River Flows: The Industrial Workers of the World in British Columbia* (Vancouver: New Star Books, 1990) [Leier, *Fraser River*]; on the latter see Ruth Compton Brouwer, “A Disgrace to ‘Christian Canada’: Protestant Foreign Missionary Concerns about the Treatment of South Asians in Canada, 1907-1940” in Franca Iacovetta, with Paula Draper & Robert Ventresca, eds., *A Nation of Immigrants: Women, Workers, and Communities in Canadian History, 1840s-1960s* (Toronto: University of Toronto Press, 1998) 361.

The Prime Minister’s sense for the political situation in India is illustrated in the letter from the Governor General of Canada to the Colonial Office (11 December 1908), London, U.K., India Office Library and Records (IOLR), Judicial and Public Department Proceedings (JPDP) (file 320/1909). Earl Grey quotes a letter from Prime Minister Wilfrid Laurier dated 8 December 1908.

²⁵ The immigration figures are contained in Kelley and Trebilcock, *ibid* at 142-56.

Mindful of the situation in British Columbia and the broader politics of imperial rule in India, especially at a time when unrest was rocking parts of Punjab and Bengal, the federal government was anxious to keep tabs on this pocket of agitation, both for its own benefit and the benefit of its counterparts in London and Calcutta. Its go-to man in this regard was William Charles Hopkinson. The son of a British officer in the Indian army and a Brahmin mother, Hopkinson was born in Delhi in 1880. At the age of sixteen, he joined the Indian police, working first in Punjab, then later in Calcutta from 1901 to 1907, two locales which, during this period, were seedbeds for various political movements. Fluent in English, Punjabi, Hindi, and other Indian languages, Hopkinson left the Calcutta police force sometime in 1907 and surfaced in British Columbia later that year (or early in 1908), taking up a permanent position as an interpreter with the Vancouver Immigration Service in February 1909.²⁶ Shortly after his arrival, yet several months before officially taking up his post at Immigration, the diminutive former detective had convinced local authorities to shut down a night school for South Asian workers in New Westminster and a newspaper called *Free Hindusthan*, which routinely published anti-British material. Both were run by Taraknath Das, a young activist and university graduate who at one time played a leading role in nationalist protests in Calcutta against the partition of Bengal.²⁷

²⁶ The biographical information on Hopkinson is drawn from the following sources: Hugh Johnston, "The Surveillance of Indian Nationalists in North America, 1908-1918" (1988) 78 B.C. Stud. 3 at 5 n. 4 [Johnston, "Surveillance"]; Johnston, *Voyage*, *supra* note 24 at 1, 7, 137 n. 1, 138 n. 13; Buchignani & Indra, with Srivastava, *supra* note 24 at 25, 30 n. 42; Popplewell, *supra* note 23 at 150-51, 163 n. 25.

Details of Hopkinson's father's career in the army vary widely. Popplewell states that he "had been one of the military escort of Sir Louis Cavagnari massacred at Kabul in 1879," leaving Hopkinson and his mother "stranded at Lahore in the Punjab," *supra* note 23 at 150. Buchignani & Indra, with Srivastava suggest that "Hopkinson's father was a non-commissioned officer in the British India army, who was reputed to have been killed by Afghan raiders when Hopkinson was young." As a result, they assert, Hopkinson was "raised in India by his Brahmin mother" and was "fiercely anti-'seditionist'," *supra* note 24 at 30 n. 42. Johnston, whose work is perhaps the most comprehensive, states in *Voyage* that Hopkinson's father was "a sergeant instructor of volunteers at Allahabad," *supra* note 24 at 1.

²⁷ The information on Taraknath Das is taken from: A (Confidential) Memorandum on Matters affecting the East Indian Community in British Columbia, by Colonel E.J.E Swayne, London, U.K., IOLR, JPDP (file 320/1909). See also: N.N. Bhattacharya, "Indian Revolutionaries Abroad, 1891-1919" (1972) 50 Journal Ind. Hist. 415; Arun Coomer Bose, "Indian Nationalist Agitations in the U.S.A. and Canada till the Arrival of Har Dayal in 1911" (1965) 43 J. Ind. Hist. 227. According to Taraknath Das, *Free Hindusthan* "advocates the liberal principles of man and puts forth undeniable facts and fights about the exploiting principles of the British government in Hindustan." This quotation appears in Brij Lal, *East Indians in British Columbia, 1904-1914: An Historical Study in Growth and Integration* (M.A. Thesis, University of British Columbia, 1976) at 60-61 [unpublished]. On Das see Bose, *Revolutionaries*, *supra* note 23 at 48-52; Ker, *supra* note 23 at 119-20 (this source also contains translations of various articles that appeared in *Free Hindusthan* at 120-22).

Fragmentary evidence suggests that Hopkinson had been on the radical's trail for some time—more than likely at the behest of India's Department of Criminal Intelligence, an organization formed by the Indian government in 1907. Whatever the impetus for Hopkinson's journey to North America, the Ministry of the Interior, which was responsible for immigration, and the federal cabinet understood just how valuable his skills were to managing potential political unrest, both as an interpreter and later as a spy.²⁸

In the fall of 1908, the federal government sought to solve the "Hindoo" problem on the West Coast by removing South Asians from British Columbia to British Honduras. The scheme was first formulated by J.B. Harkin, Private Secretary to the Minister of the Interior, the summer before. "It has been pretty well established that physically and mentally the Hindoo is unfitted to compete successfully with whites or with other Orientals in a country like this," Harkin told W.D. Scott, the superintendent of immigration. "[This proposal] avoids the possibility of a precipitation of trouble in India consequent on the return of Hindoos enraged at their treatment in British territory."²⁹ The federal government concurred, and within weeks of receiving the Colonial Office's blessing it permitted Harkin to assemble a delegation to investigate the feasibility of the central American colony. The special group included Hopkinson, who was brought on board as a secretary and interpreter, and two representatives from the city's South Asian community, Sham Singh, a Hindu, and Hagar Singh, a Sikh. The group travelled to Belize in late October. From Harkin's and Hopkinson's point of view, the trip, which lasted several weeks, was a great success. Not only was the demand for agricultural labour in British Honduras higher than expected, but by all accounts the South Asian delegates were impressed by the working conditions there and desirous of seeing the scheme through. Or so they thought. Upon returning to Vancouver, Sham Singh and Hagar Singh rejected the relocation plan and went so far as to accuse Hopkinson of

²⁸ There is some disagreement amongst scholars as to whether or not Hopkinson was sent to British Columbia by Indian authorities. Popplewell argues strenuously that "the initiative in the surveillance of Indian agitators on the Pacific Coast at this time came entirely from the Canadian side and not from India, let alone from the British government in London," *supra* note 23 at 151. In *Voyage*, Johnston states flatly that "[h]e had turned up in Vancouver in 1908, ... an Inspector of the Calcutta Metropolitan police ... officially on leave, but pursuing investigations for the Criminal Intelligence Department (CID) in India," *supra* note 24 at 7. These statements are not necessarily contradictory: it is possible that he was sent by the CID in India, but the proposal to place the South Asian community under constant surveillance came from first the Canadian government. On the emergence of the CID in India, see Brown, *supra* note 23 at 137-39; Popplewell, *supra* note 23 at 8-164, especially 147-64.

²⁹ J.B. Harkin to Superintendent of Immigration (29 July 1908), London, U.K., IOLR, JPDP (file 320/1909).

trying to bribe them into delivering a more positive assessment. Harkin, who was not in British Columbia at the time the delegates made their views public, was incensed. “[E]vidently agitators [are] at work,” he informed W.W. Cory, the Deputy Minister of the Interior, after receiving an assessment of the situation in Vancouver from Hopkinson. “[I]t is to be regretted that the efforts of the Government to better their condition and ensure their welfare in another part of the British Empire should be thus thwarted by foreign influence, over which we seem to have little control,” Cory replied.³⁰

The “mischievous agitator” in question was Teja Singh, an articulate, multilingual, and highly educated Sikh who came to Vancouver in October 1908 and quickly emerged as a local leader.³¹ Shortly after the delegation’s return from British Honduras, the suspected seditiousist made several speeches outlining his opposition to the relocation plan, the existence of corruption in the immigration service, and, more ominously from the government’s point of view, “the present unrest in India.” Teja Singh’s remarks, whereabouts, and personal relations were carefully tracked by Hopkinson and forwarded to local officials with the Department of the Interior who, in turn, kept senior bureaucrats, cabinet members, and the Prime Minister well informed.³² Not surprisingly, all of this was of great

³⁰ The rise and fall of the British Honduras scheme is chronicled in J.B. Harkin, *The East Indians in British Columbia: A report regarding the proposal to provide work in British Honduras for the indigent unemployed among them* (Ottawa: Department of Interior, 1908). See also, Harkin to Superintendent, *ibid.* and further correspondence from the same source: Harkin to Ministry of Interior (16 October 1908 and 6 November 1908), Wilfred Collet, Officer Administering the Government, British Honduras, to Secretary of State of Canada (19 and 26 November 1908), and Collet to Colonial Office (2 and 3 December 1908).

The final quotation in this paragraph is from Governor General of Canada to Colonial Office (21 December 1908), London, U.K., IOLR, JPDP (file 320/1909). Along with his confidential letter, Lord Grey included a detailed memorandum prepared by W.W. Cory, the Deputy Minister of Immigration, about the relocation plan. The memo includes excerpts from the telegrams and letters exchanged between Hopkinson, Harkin, and Ministry officials after the delegation returned from Belize. See also Hopkinson to Harkin (20 and 23 November 1908), London, U.K., IOLR, JPDP (file 320/1909) and Harkin to Cory (23 November 1908), London, U.K., IOLR, JPDP (file 320/1909). Johnston takes up the issue of Hopkinson’s alleged corruption in “Surveillance,” *supra* note 26 at 7. “Hopkinson was loyal to British India and Anglo Canada and behaved accordingly,” he concludes. “One does not need evidence of personal corruption to explain the part he played.”

³¹ This brief biography of Teja Singh is based on Swayne’s Memorandum, *supra* note 27; Buchignani, Indra & Srivastava, *supra* note 24 at 26-27; Johnston, *Voyage*, *supra* note 24 at 12; and Bose, *Revolutionaries*, *supra* note 23 at 52-55. Harkin certainly did not think much of Teja Singh either, referring to him as the “absolute dictator of the community.” See Harkin, *ibid.* at 4.

³² Governor General of Canada to Colonial Office (21 December 1908), London, U.K., IOLR, JPDP (file 320/1909). Along with his confidential letter, Lord Grey included a detailed memorandum prepared by W.W. Cory, Deputy Minister of Immigration, which included excerpts from correspondence exchanged between Hopkinson, Harkin and Ministry officials. See Hopkinson to

concern to the Governor General, Lord Grey. Like his predecessors at Rideau Hall, he was an aristocrat, a veteran of the civil service, and the sole official link between Ottawa and London. As such, he handled the voluminous correspondence that flowed back and forth across the Atlantic and advised the Dominion government on issues of national and imperial concern. Indeed, when it came to this particular realm of political affairs, Lord Grey's opinion still carried considerable weight on Parliament Hill, despite the largely ceremonial and administrative character of his position; "[A] vigilant watch must be maintained on all events, statements, and newspaper reports which, if repeated in India, might be likely to inflame the minds of those who are tools and victims of sedition," he cautioned the Prime Minister in early December 1908.³³ Sound intelligence was, of course, key to this approach, and the Governor General worked hard to ensure that it found its way to the Colonial Office and India Office in London and the Criminal Intelligence Department and Viceroy in Calcutta. (The words "Copy Sent To India" are stamped on many of these documents.)³⁴

But Lord Grey was not the only imperial official to play a decisive role in the expansion of political policing in Canada. When Ottawa first proposed the idea of relocating South Asians, Colonel E.J. Swayne, Governor of British Honduras and an "Old Indian officer," was in London on other business; evidently, he offered up his colony as a possible solution to Canada's "Hindoo" problem. On his way back to Belize in early December 1908, the Governor travelled via Canada and met with the Governor General and Prime Minister, and later undertook his own investigation of "matters affecting the East Indian Community in British Columbia."³⁵ Less anxious than Lord Grey about the potential risks posed by the likes of Teja Singh, Swayne nevertheless possessed strong opinions

Harkin (20 November 1908), Cory to Harkin (4 December 1908), and Vancouver Province (23 November 1908).

³³ On the role of the Governor General during this period, see Robert Bothwell, Ian Drummond & John English, *Canada, 1900-1945* (Toronto: University of Toronto, 1987) at 111-118; Governor General of Canada, Lord Grey, to Prime Minister Wilfrid Laurier (3 December 1908), London, U.K., IOLR, JPDP (file 320/1909).

³⁴ See the following correspondence from London, U.K., IOLR, JPDP (file 320/1909): Governor General of Canada to Colonial Office (9, 10, 11 and 21 December 1908), Secretary of State for the Colonies to Governor General of Canada (23 December 1908), and Colonial Office to India Office (30 December 1908). See also Johnston, "Surveillance," *supra* note 26 at 9.

³⁵ Colonel Swayne to Governor General of Canada (Confidential) (30 December 1908), London, U.K., IOLR, JPDP (file 320/1909). The "old Indian officer" quotation is from: Colonel Swayne to Officer Administering Government, British Honduras (20 December 1908), London, U.K., IOLR, JPDP (file 320/1909). The most important document in this regard is Swayne's report: (Confidential) Memorandum on Matters affecting the East Indian Community in British Columbia, by Colonel E.J. Swayne, Information as to Hindu Agitators in Vancouver, London, U.K., IOLR, JPDP (file 320/1909).

on the future of South Asian immigration to Canada. It should be “controlled,” he wrote forcefully, not only because it ran counter to the basic principle of “keeping the temperate zones of the Empire for the surplus white population, whilst giving full scope to our Asiatic subjects in the more tropical zones of the Empire,” but because “[t]he terms of close familiarity which competition with white labour has brought about, do not make for British prestige.” Swayne understood well that for a small, yet influential group of whites and South Asians, familiarity did not breed contempt; rather, on occasion, it produced solidarity.³⁶ “Socialists of a very undesirable type have made it their business to tamper with the East Indians in Vancouver,” he wrote bluntly, referring specifically to the radical Industrial Workers of the World (IWW) and the Socialist Party of Canada (SPC).

The return of the Sikhs to the Punjab amongst their friends, spreading as they will, new, ill-digested socialistic ideas, and the familiar knowledge of such defects amongst their white fellow labourers, such as labour rivalry would have been only too ready to pick out, cannot but tend to re-act amongst the military classes of the Punjab, to the detriment of British prestige. As when all is said and done, looking at our position in India as a whole, it must be recognized that it is by prestige alone that India is held and not by force, the importance of a circulation of labour between Vancouver and India as affecting that prestige is such, I submit, as cannot be wisely overlooked.³⁷

In this regard, he concluded, in addition to “strictly limiting” immigration from India to Canada, it was crucial that the “doings of the Brahmin section be closely watched” on an ongoing basis. “I do not think that a better man than Mr. Hopkinson of the Calcutta police could be found for this work,” Swayne stated, recognizing the importance of having another old Indian man on the job. “I suggest Mr Hopkinson be appointed as Dominion police officer on special duty at Vancouver, for the special purpose of this enquiry, and the Government of India be asked to place him in official communication with the head of the Calcutta police in order to

³⁶ On the links between the IWW, SPC, and East Indian community in British Columbia, see Hopkinson to J.B. Harkin (19 December 1908), London, U.K., IOLR, JPDP (file 320/1909). Prime Minister Laurier was particularly enchanted with Colonel Swayne, remarking in a letter to the Governor General after meeting the Governor: “[he is] the very embodiment of that most valuable class of officers developed by Indian service, trained for war and civil service, honest and true as the sun’s light, modest and firm, devoted to the Empire and equally devoted to the those over whom they are appointed to rule. Happy the country served by such men, and no country but England ever produced such men.” See Laurier to Lord Grey (8 December 1908), London, U.K., IOLR, JPDP (file 320/1909).

³⁷ Swayne’s Memorandum, *supra* note 27.

further this work.”³⁸

With the support of the Department of the Interior, the Governor General, and the Governor of British Honduras, the federal government officially hired Hopkinson early in 1909. He was given a permanent position in the Immigration Department in Vancouver and was assigned to the Dominion Police, although he did not receive a formal commission in the federal force until 1911; for one hundred dollars per month, he was expected to keep tabs on the South Asian community and undertake regular duties as an interpreter. Ottawa was certainly pleased with its new agent. So too, no doubt, were imperial officials. Just months before Hopkinson was hired, Lord Morely, the Secretary of State for India, had written to Lord Minto, the Viceroy, and lamented the absence of knowledgeable undercover agents. “The whole Indian field is absolutely unfamiliar, in language, habits, and everything else,” he said. “In short, both you and I can easily understand that the ordinary square-toed English constable, even in the detective branch, would be rather clumsy in tracing your wily Asiatics.”³⁹

Between 1909 and 1914, Hopkinson was exceptionally busy. His activities, which were initially confined to British Columbia’s Lower Mainland and southern Vancouver Island, but later expanded to include Washington state, Oregon, and northern California, were many and varied: he attended suspicious meetings and rallies in order to “find out their latest move and the methods they are adopting for the bringing out of their countrymen from India”; monitored the movements of community leaders and their supporters within the province and across the Canada-U.S. border; and kept tabs on foreign-language newspapers. Taraknath Das’s *Free Hindusthan*, which was then based out of Seattle, but printed locally with the assistance of the Socialist Party of Canada, was of particular interest; so, too, was *Swadesh Sewak* (Servant of the Country), a Gurmukhi-language monthly published out of Vancouver by Guran Ditta Kumar, a

³⁸ *Ibid.* As a servant of the empire, Swayne was aware of wider, global patterns of political violence linked to radicalism and nationalism, including the Fenian bombing campaigns that took place in Britain in 1881 and 1884, the wave of anarchist bombings that rocked Western Europe and North America in the 1890s, and the nationalist agitation that had been destabilizing parts of India on and off for decades.

³⁹ Popplewell, *supra* note 23 at 129. It is important not to overstate the novelty of this manoeuvre; this was not the first time that Ottawa used secret agents to help solve the conundrum of being caught between the rock of national politics and the hard place of imperial concerns. That Hopkinson was hired into the ranks of the Dominion Police with little difficulty or debate underscores just how commonplace this practice had become. At the same time, however, that the British and Indian governments were relying on a Dominion police officer to track “wily Asiatics” instead of fielding their own agents in North America, suggests that intelligence gathering at the imperial level was still a somewhat ad hoc affair.

former college instructor from Calcutta who arrived in British Columbia in 1907.⁴⁰ Kumar, a self-described “Punjabi Buddhist” and “Worker in the cause of Temperance and Vegetarianism,” first came to Hopkinson’s attention as a possible “agitator” nearly two years later. At that time, he was living in Victoria and running a grocery store that was set up with the assistance of his friend, Taraknath Das. The link between the two men, which was common knowledge within the South Asian community, prompted Hopkinson to pay a visit to Kumar’s modest operation in the provincial capital in August 1909. Disguised as a lumberman looking for labourers, the newly-minted Dominion Police investigator discovered that Kumar not only sold *Free Hindusthan* and the radical, London-based *Indian Sociologist*, but that he was in constant contact with the ubiquitous Teja Singh and Taraknath Das, who was then living in Washington state. The following November, Kumar surfaced in Vancouver, opened the “Swadesh Sewak Home,” and started publishing a newspaper by the same name early in 1910. Hopkinson kept tabs on him at all times. “The tone of this paper gradually became more and more objectionable,” one government official’s report concluded, based in part on his assessments. “[I]t was addressed principally to the Sikhs in the Indian Army in their own language, and was being sent out to India in considerable numbers.”⁴¹

Hopkinson’s *modus operandi*—the reading of seditious publications, the tracking of suspected agitators—was the stock and trade of political policing; it would have been easily recognized by the likes of Patrick Nolan or Henri LeCaron. But unlike his nineteenth-century counterparts, Hopkinson was not simply an undercover agent, he was an immigration inspector as well, and this dual role was fraught with both tension and danger, especially at a time when Ottawa was making use of its wide-ranging discretionary powers to curtail immigration from Asian

⁴⁰ This brief section on the general nature of Hopkinson’s duties is based on the following: Hopkinson to Cory (10 September 1908, 19 December 1908, 4, 18 January 1909, 15 April 1909, 18 May 1909, 14 January 1910), London, U.K., IOLR, JPDP (file 1309/1909); Hopkinson to Cory (10, 23, and 29 March 1911, 7 June 1911, 4 August 1911, 7 and 8 December 1911), London, U.K., IOLR, JPDP (file 6/1604)

⁴¹ This section on Kumar is based on Hopkinson to Cory (12 August 1909), London, U.K., IOLR, JPDP (file 320/1909); Hopkinson to Cory (8, 13 May 1911), London, U.K., IOLR, JPDP (file 6/1064); and Secretary to the Government of India to Sir Richmond Ritchie, His Majesty’s Under Secretary of State for India (25 November 1911), London, U.K., IOLR, JPDP (file 4917/1911). The final quote in this paragraph is taken from a report entitled “History Sheet of G.D. Kumar” attached to the Secretary’s letter of 25 November 1911. The reference to Kumar being a “Punjabi Buddhist” is taken from Johnston, “Surveillance,” *supra* note 26 at 9.

countries.⁴² Hopkinson, like other immigration inspectors, possessed the authority to admit, reject, or initiate deportation proceedings against new immigrants — powers that were imminently useful to someone concerned with both the administration of immigration policy and with limiting the development of seditious behaviour. In this important respect, not only was Hopkinson deeply lodged in the day-to-day controversies surrounding the enforcement of the landing restrictions for South Asian immigrants, but, ironically, his very actions in this regard helped to stoke the unnerving anti-British sentiment that prompted the federal government to hire him in the first place. For Hopkinson, carrying out this dual role would in the end prove deadly.⁴³

From the moment that the federal government imposed the “continuous journey” restrictions in 1908, the South Asian community mounted a sustained campaign to overturn them, a development that enhanced the profile of committed radicals and brought moderates in touch with more militant ideas and tactics. One of the men who was particularly forceful in his denunciation of federal immigration policy, and Hopkinson’s role in implementing it, was Chagan Kairaj Varma, a native of Porbander State in Kathiawar who came to Canada on a tourist visa in January 1910 after spending several years working in Japan and Hawaii. Known in British Columbia by the Muslim name Hussain Rahim, the middle-aged, westernized Hindu quickly assumed a leadership role in the South Asian community—an ascent that was driven, in part, by his own ongoing conflict with the immigration service.⁴⁴ Shortly after turning up in Vancouver, Rahim, who was interviewed by Hopkinson upon his arrival, established the

⁴² On the changing nature of Canadian immigration policy at this time, see Kelley & Trebilcock, *supra* note 24 at 111-163; Barbara Roberts, *Whence They Came: Deportation from Canada, 1900-1935* (Ottawa: University of Ottawa, 1988) at 1-70. The 1910 revisions to the *Immigration Act* sought to further insulate boards of inquiry created under the auspices of the immigration branch from judicial scrutiny. Section 23 of the revised *Act* stated that “no court or judge could interfere with a decision of a Board of Inquiry.” See Johnston, *Voyage, supra* note 24 at 18.

⁴³ Hopkinson to Cory (20 September 1909) and Harkin to Cory (22 September 1909), London, U.K., IOLR, JPDP (file 320/1909); Hopkinson to Cory (14 October 1910, 17, 19 and 28 November 1910, 16 March 1912), London, U.K., IOLR, JPDP (file 6/1064). The quote at the end of this paragraph is Hopkinson to Cory (28 June 1912), London, U.K., IOLR, JPDP (file 6/1064).

⁴⁴ This brief biography of Rahim is culled from: Hopkinson to Cory (26 March 1912, 1 April 1912), London, U.K., IOLR, JPDP (file 6/1064); Buchignani, Indra & Srivastava, *supra* note 24 at 36-47; Johnston, *Voyage, supra* note 24 at 9-12; and Peter Campbell, “East Meets Left: South Asian Militants and the Socialist Party of Canada in British Columbia, 1904-1914” (1999) 20 *Int’l J. of Can. Stud.* 35 [“East Meets Left”]. Johnston is dismissive of Rahim’s left-wing politics, writing that he “assimilat[ed], in a half-digested way, the language of class warfare,” *ibid.* at 11. For a more sympathetic reading, see Campbell, “East Meets Left,” *ibid.* and Peter Campbell, *Canadian Marxists and the Search for a Third Way* (Montreal: McGill-Queen’s University, 1999) at 10-11, 18, 74, 247 n. 2, and 248 n. 25.

Canada India Supply and Trust Company and applied for permission to stay in the country. Immigration officials responded to this request by arresting Rahim and initiating deportation proceedings against him: "You drive us Hindus out of Canada and we will drive every white man out of India," he snarled after being apprehended. Hopkinson, for one, took this threat seriously. Not only was he acutely aware of the broader implications of banning South Asian immigrants, but, later that same day, city police located a notebook belonging to Rahim that contained information about explosives and the names of activists from other countries. In the weeks and months that followed this startling revelation, both men found themselves in court as Rahim, like other "Hindoos" before him, challenged the government's deportation order—successfully arguing that particular elements of the Orders-in-Council that curbed South Asian immigration exceeded the scope of authority available to the federal government under the *Immigration Act*.⁴⁵ Writing to the Prime Minister and imperial authorities, including Lord Crewe, Secretary of State for India, in 1910, the Hindustani Association, a self-help organization that assisted in Rahim's legal defense, laid bare the wider political significance of this narrow technical argument: "[A]s British subjects, we demand our inalienable rights to reside more freely in the British Empire and request immediate redress against high-handed, impolite, and Empire-breaking actions of local authorities."⁴⁶

For Hopkinson, Rahim's legal victory was infuriating for many reasons, not the least of which was that it heightened his prestige in the South Asian community, called into question the legitimacy and effectiveness of the immigration branch, and, by virtue of the issues at stake, provided further grist for the anti-colonial mill. "The failure ... of the Department to deport Rahim from Canada has so bolstered up his position in the Hindu community here as to make him a leader and a counsellor in respect to all matters concerning their community," he informed his Ottawa-based handler, W.W. Cory. "Canada would be well rid of Rahim and the exposure of his true character would have a very beneficial effect on [the] community."⁴⁷

Significantly, the "true character" that Hopkinson had in mind was not simply Rahim's obvious commitment to the "liberty, equality, and fraternity of the Hindustani Nation," but his increasing immersion in

⁴⁵ J.H. MacGill, Immigration Agent, to Cory (28 October 1910), London, U.K., IOLR, JPDP (file 6/1064). See also from the same source: Hopkinson to Cory (3 November 1910, 17 February 1911).

⁴⁶ Lal, *supra* note 27 at 65-6. G.D. Kumar was the organization's secretary treasurer.

⁴⁷ Hopkinson to Cory (26 March 1912), London, U.K., IOLR, JPDP (file 6/1064).

Vancouver's vibrant left-wing milieu, which was then dominated by the Socialist Party of Canada and the Industrial Workers of the World. Indeed, as the tone and content of his intelligence reports filed in the wake of the court case suggest, Hopkinson became increasingly preoccupied with this cross-fertilization of socialist and anti-colonial politics in general and Rahim in particular—eventually discovering that he joined the SPC shortly after arriving in the country, helped to form an South Asian local, and, drawing on the resources of the Canada India Supply and Trust Company, posted bail for several members of the IWW jailed during the free speech fights in 1912. He wrote in April 1912:

The Hindus have up to the present never identified themselves with any particular Political party and the introduction by Rahim of the socialist propaganda into this community, is, I consider a very serious matter, as the majority of these people are uneducated and ignorant and easily led like sheep by a man like Rahim ...

The danger to the country is not here but the question is what effect will all these Socialistic and Revolutionary teachings have on the people in India on the return of these men primed with Western methods of agitation and Political and Social equality.⁴⁸

It was, of course, a rhetorical question. Hopkinson knew well that Rahim, as important as he was in Vancouver, was but one cog in a much larger political machine: there were South Asian men “primed” with both “Western methods of agitation” and ideas of “political and social equality” operating up and down the West Coast. Not surprisingly, then, Hopkinson eventually broadened his area of surveillance to include Seattle, Portland, San Francisco, and Berkeley, where Lala Har Dayal, a Delhi-born, Oxford-educated nationalist, and founder of the Ghadar (Mutiny) Party was lecturing in Indian philosophy. Hopkinson was certainly familiar with Har Dayal prior to this trip, but it was not until the British Consul General in San Francisco informed him that the university instructor was linked to both the assassination attempt on the Viceroy, Lord Hardingue, on 23 December 1912, and the IWW, that he placed him under constant surveillance. By February 1913, the file on this suspected agitator had ballooned and Hopkinson, who was increasingly adamant that Har Dayal was one of the most dangerous men around, more dangerous than Taraknath Das, was dispatched to London by the federal government to

⁴⁸ Hopkinson to Cory (22 February 1912, 1 April 1912, 9 May 1912), London, U.K., IOLR, JPDP (file 6/1064). Rahim's involvement in the SPC is detailed in “Campbell, “East Meet Left,” *supra* note 44 at 46-50. More on the IWW can be found in Mark Leier, “Solidarity on Occasion: The Vancouver Free Speech Fights of 1909 and 1912” (1989) 23 *Labour/Le Travail* 39; Leier, *Fraser River*, *supra* note 24; and Mark Leier, *Rebel Life: The Life and Times of Robert Gosden, Revolutionary, Mystic, Labour Spy* (Vancouver: New Star Books, 1999).

report on the current state of anti-colonial agitation on the West Coast.

Acting largely on the basis of his brief, British and Canadian authorities agreed that Hopkinson should be more secure, both institutionally and monetarily. As a result, in addition to his existing relationship with the Canadian government, Hopkinson was placed on the India Office's payroll—the money coming out of the Department of Criminal Intelligence's budget—and ordered to report directly to the Superintendent of Police for Bombay, J.A. Wallinger, who was in England at the time working in the area of intelligence and imperial defence. Canada's new Governor General, the Duke of Connaught, was not impressed with this new arrangement. "It is highly ... undesirable that this work should be dependent on the existence of a single individual," he informed the Colonial Office.

In the first place, Mr Hopkinson has to cover the entire country from San Francisco to New York and from the Canadian to the Mexican frontiers. In the second place, the entire system—if system it can be called—is dependent on one man. If any thing happens to Mr Hopkinson, the work would automatically collapse.

For the governor general, the best way to proceed was to transfer Hopkinson to the Indian government. After all, he stated, the *über-agent's* work was both costly and increasingly about imperial, not national concerns. Wallinger disagreed, and argued persuasively that

the permanent transfer of Mr Hopkinson to the Indian Government would entirely destroy Mr Hopkinson's usefulness. He is now, by very reason of his multifarious offices, ... in a position to do some delicate work for us without having suspicion drawn upon himself. Once he is removed from these offices he would be a marked man.⁴⁹

There was certainly an element of truth in Wallinger's assessment. By virtue of his "multifarious offices," Hopkinson was indeed in a position to carry out "delicate" intelligence work amongst South Asians up and down the West Coast, just as he had been doing for the better part of six years. At the same time, however, the former police superintendent was dead wrong on the question of anonymity: if anything, Hopkinson's dual role as an immigration officer and undercover agent kept him in the public eye. At no time was this more obvious than during the spring and summer of 1914 when Gurdit Singh, a Sikh entrepreneur, and 376 passengers—340 Sikhs, 24 Muslims, and 12 Hindus—challenged the federal government's ban on South Asian immigrants by sailing into the port of Vancouver on board the *Komagata Maru* on 23 May. "We are British citizens and we

⁴⁹ Poplewell, *supra* note 23 at 158.

consider we have a right to visit any part of the Empire. We are determined to make this a test case and if we are refused entrance into your country, the matter will not end here," Gurdit Singh told the local press, shortly after dropping anchor. "What is done with this shipload of my people will determine whether we shall have peace in all parts of the British Empire."⁵⁰

Immigration officials did with this batch of immigrants what they had done to scores of others since the federal government first introduced selective landing requirements: they refused to allow them on shore. This action, coupled with Gurdit Singh's resolve to overturn the ban, prompted a long and sometimes violent standoff which ended on 23 July when the passengers of the *Komagata Maru*, after facing down an attempt by Canadian authorities to seize the ship by force, decided to return to India. Throughout this incident, Hopkinson handled the negotiations between those on ship and those on shore—including senior immigration officials and the immigrants' allies, the so-called "Shore Committee" that was led by Hussain Rahim.⁵¹ From the perspective of many in the South Asian community, the entire *Komagata Maru* affair simply reinforced their belief that a toxic combination of fear, loathing, and racial hatred was at the core of both Canadian immigration policy and the broader white society that sanctioned it. What was more, it reaffirmed graphically the hypocrisy of the British Empire. Sikhs and Hindus simply did not possess the same rights and freedoms as free-born Englishmen in Canada or India for that matter. And Hopkinson, by virtue of his role as an immigration officer and secret agent, was as guilty as anyone in defending this condition of inequality.

In the months that followed the *Komagata Maru's* departure, several of Hopkinson's informants were murdered. The killings, which were carried out by militants within the South Asian community, provoked violence between Sikhs themselves. On one occasion, one of Hopkinson's supporters, Bela Singh, was attacked while praying at the Sikh temple in Vancouver. In response, he shot and killed two people, including the priest, and wounded seven others before turning himself in. On 21 October 1914, Hopkinson himself was murdered. While waiting outside a Vancouver courtroom to testify in defense of Bela Singh, he was shot and killed by Mewa Singh, a man who was apprehended during the summer standoff trying to smuggle arms into Canada, but later became an informant for Hopkinson.⁵² "[He] is the last man one would have suspected of committing

⁵⁰ See Johnston, *Voyage*, *supra* note 24 at 37-38; Popplewell, *ibid.* at 159-61. The quotation is from Johnston.

⁵¹ By all accounts, he carried out his duties well and was largely responsible for keeping a tight leash on the more belligerent and pugnacious elements within government ranks.

⁵² See Johnston, *Voyage*, *supra* note 24 at 125-36.

the deed,” Malcolm Reid, Hopkinson’s superior at the immigration branch, wrote to Ottawa. “[N]o doubt, however, he was influenced by the local Hindu community. The man is now perfectly cheerful in his cell and to all intents and purposes seems glad he has murdered Hopkinson.”⁵³ Glad, perhaps, because this was not simply an act of revenge, but an act of greater political and religious significance, spurred on, in part, by the Ghadar Party’s call to arms that accompanied Britain’s declaration of war in August. “[I]t was the duty of a good man to give his life for a good cause,” Mewa Singh said just weeks before he was hanged for his crime. Hopkinson was given a lavish funeral by the municipal and federal government—approximately two thousand people marched in the procession—and his widow received a lump sum payment from the Indian government. The money came from its secret service fund for Indian, British, and Canadian authorities wanted to keep Hopkinson’s activities hidden.⁵⁴

IV. CONCLUSION

Few institutions mirror a nation’s political culture, the working logic of its government, and the preoccupations of its leaders more than its secret police—its status, its modus operandi, and its declared enemies.⁵⁵ Canada’s experience in the realm of political policing was simultaneously related to its colonial legacy but also at some remove from it. If, as one prominent scholar of the history of state security has argued, England was slow to develop a political police because of its extraordinary self-confidence, even in the face of Fenian bombs, the same cannot be said of the slowly emerging new nation-state north of the United States.⁵⁶ Even at its birth, Canada’s secret service went unchallenged. No political debate surrounded it; no one criticized its creation. The profound suspicion so prevalent in Victorian England of spies, spying, and secrecy found few reflections in Canada. The suspension of habeas corpus, political arrests without charges,

⁵³ Reid to Scott (22 October 1914), London, U.K., IOLR, JPDP (file 6/1341).

⁵⁴ Johnston, “Surveillance,” *supra* note 26 at 22-27.

⁵⁵ See David Vital, “Not Single Spies, But in Battalions: Espionage Uncovered in France, Russia, Britain, and the US” (2000) *Times Literary Supplement* 4-6.

As more than one old intelligence hand has been moved to observe, few institutions reflect national character and the operative norms of government so closely as a state’s intelligence arm, the status granted it, the modus operandi to which it is habituated and the confidence with which it proceed to its targets in a foreign environment.

⁵⁶ For example, Porter writes of Britain’s lack of “political police” that “[n]early everyone in Britain regarded this as a matter for national self-congratulation; one proof, among others, of liberal Britain’s superiority over all other societies everywhere,” *supra* note 2 at 2.

mail seizure, secret agents, perhaps even agents provocateurs—all were present in these formative years of the new nation-state and all went unopposed but for the victims. The immense self-confidence of Victorian liberalism that girded the powerful association of a secret police with oligarchy found little resonance in the Canadian outpost of the Empire, where republicanism, bound up in broader agendas of French-Canadian and Irish nationalism, was cast as antithetical to the new nation-state. That new nation-state, largely imposed from above, and extended westward with a remarkable ruthlessness, contained a secret service from its inception.

At the same time, however, the links between Canada's colonial legacy and its foray into political policing were extensive. Throughout this period, the federal government was preoccupied with "suspected seditionists" whose real enemy was the mother country itself. While Irish and South Asian radicals possessed different histories of oppression under British colonialism and drew on different cultural and religious resources to mount their political challenges, their activities abroad were very similar. Leavened by the freedom available to them outside their respective homelands, they dedicated considerable intellectual and financial resources to raising people's consciousness, articulating a vision of national independence, forging links between those in exile and those at home, and taking action. While the government found its embryonic secret service imminently useful in policing these pockets of anti-colonial agitation, it relied heavily on Britain's extensive diplomatic presence in the United States, as well as the imperial civil service, to get the job done. Not only were consular officials, many of whom operated their own undercover agents, important in this regard, but so too were the various governor generals who served as Canada's head of state during this time—in particular Lord Monck and Lord Grey. A position of little significance today, the governor generals possessed extensive knowledge of imperial politics, served as important conduits for the copious intelligence that flowed between Ottawa and London, and were strong advocates of political policing as a means to solve both national and imperial problems. Only in the immediate post-war period, when Canada's internal security problems shifted decisively and its own capacity to monitor dissidents expanded, would the role of this imperial infrastructure diminish.

With the onset of the Great War, the question of who posed a threat to Canada's internal security, and the best way to limit that potential threat, would undergo a decisive shift at the highest levels of the federal government. As Hopkinson's increasing preoccupation with the influence of "socialistic ideas" suggests, signs of this transformation away from imperial concerns were already present before the outbreak of hostilities in Europe. Indeed, in the crucible of the war years, Ottawa would suspend

civil liberties outright, create a new battery of repressive measures, and, under the pretext of mobilizing the nation for war, move to crush its new, more formidable opponent: labour and the left. For the better part of the twentieth century, the Canadian state was preoccupied by the “red menace.”⁵⁷ With the end of the Cold War, and the events of 11 September 2001 (9/11), however, its focus has shifted to new security threats: anti-globalization activists and suspected terrorists who, for extraordinarily different reasons and in extraordinarily different ways, have mounted a challenge to the global reach of a different superpower. That Ottawa’s response to these challenges has enhanced state power, eroded the balance between different branches of government, blurred the line between legitimate and illegitimate political action, and circumscribed individual and collective rights is clear. What is less appreciated is that this political solution possesses a long history in Canada, one that stretches back well over a century.⁵⁸

⁵⁷ See the following articles by Gregory S. Kealey: “State Repression of Labour and the Left in Canada, 1914-20: The Impact of the First World War” (1992) LXXIII 3 *Can. Hist. Rev.* 281; “The Surveillance State: The Origins of Domestic Intelligence and Counter-Subversion in Canada, 1914-21” (1992) 7 *Intelligence and National Security* 179; and “The Early Years of State Surveillance of Labour and the Left in Canada: The Institutional Framework of the Royal Canadian Mounted Police Security and Intelligence Apparatus, 1918-26” (1993) 8 *Intelligence & Nat’l Sec.* 129. The extensive surveillance undertaken by the Mounties during this period is documented in Gregory S. Kealey & Reginald Whitaker, eds., *RCMP Security Bulletins* (St. John’s: Canadian Committee on Labour History, 1989-97).

⁵⁸ On the federal government’s response, see Ronald J. Daniels, Patrick Macklem & Kent Roach, eds., *The Security of Freedom: Essays on Canada’s Anti-Terrorism Bill* (Toronto: University of Toronto, 2001).