

# An Ambiguous Welcome: Vietnam Draft Resistance, the Canadian State, and Cold War Containment

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*A significant portion of the growth in American immigration to Canada from the mid-1960s to the mid-1970s was a consequence of the Vietnam War. For the Canadian government, the appearance of large numbers of draft resisters at the border was a boon. Draft resisters, if not deserters, tended to be young, middle-class, and educated — the very type of immigrant the government wanted. Allowing entry to draft resisters also reaped an important symbolic benefit in that it allowed the Canadian government to demonstrate its independence from the United States and its opposition to the war. In practice, however, not all young Americans resisting militarism were welcomed. Government officials argued contradictory interpretations of the policy on admitting draft resisters and deserters and their legal status in Canada. The Cold War and the increased domestic concerns generated by student and protest movements in the 1960s also solidified cooperation between the American and Canadian security states in maintaining a surveillance of draft resisters and deserters.*

*La guerre du Vietnam explique en bonne partie l'augmentation du nombre d'immigrants américains franchissant la frontière canadienne du milieu des années 1960 jusqu'au milieu de la décennie suivante. Le gouvernement canadien s'est alors réjoui de voir apparaître à ses portes de si nombreux dissidents. C'est que les réfractaires à la conscription (s'agissant parfois même de déserteurs) étaient généralement jeunes, de classe moyenne et instruits. Pour le gouvernement canadien, il s'agissait là de l'immigrant idéal. Accueillir les réfractaires à la conscription lui a aussi procuré un bienfait symbolique de taille, celui de marquer son indépendance par rapport aux États-Unis et son opposition à la guerre. Mais dans les faits, les jeunes Américains résistant au militarisme n'étaient pas tous les bienvenus. Les fonctionnaires faisaient valoir des interprétations contradictoires de la politique d'admission au Canada des réfractaires à l'appel sous les drapeaux et des déserteurs et de leur statut juridique. Ajoutons à cela que la guerre froide et la multiplication des préoccupations intérieures suscitées par les mouvements étudiants et de protestation des années 1960 amenaient également les États américain et cana-*

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*dien à collaborer plus étroitement sur le plan de la sécurité pour surveiller les réfractaires et les déserteurs.*

IN HIS MOVING memoir *Travels by Night*, writer Douglas Featherling bitterly recalls his reasons for leaving the United States during the late 1960s. Reflecting on life in America, he writes, “I found it a constant struggle to keep out the terror and let the stimulation enter. It proved impossible, in fact. Some days the history would rise in the gorge like vomit, then go down slowly with my thoughts of escape.” For Featherling the only realistic method of coping, of dealing with these intense feelings of revolt welling up, was to leave, to remove oneself from the United States, to seek out a new country, to come to Canada. According to Featherling, one literally had to resign from being an American. He writes, “[M]y only ambition was to be a last-generation American and a first-generation Canadian.”<sup>1</sup> Staying in the United States was for him untenable, a painful personal experience as much as it was a toxic political environment. More than just a pragmatic or instrumental decision, coming to Canada was the way he intended to be “real”, to be authentic, and to stay true to the ethical concepts generated by the profound cultural critique of the 1960s.

Featherling was just one of thousands of young men and women, as well as older Americans, who made their way across the U.S./Canada border during the late 1960s and early 1970s. For the Canadian government, the appearance of large numbers of draft resisters at the border was a boon. Indeed, draft resisters were the very type of immigrant — young, middle-class, and educated — that the government wanted. Allowing draft resisters entry also reaped an important symbolic benefit — it allowed the Canadian government to demonstrate its independence from the United States and its opposition to the war in Vietnam. This independence had its limits, however. The Royal Canadian Mounted Police (RCMP) collected information on resisters and routinely shared it with the Federal Bureau of Investigation (FBI) in the United States. Nor were all young Americans resisting militarism welcomed with open arms by the Canadian government. Deserters, many of whom were working-class, had little or no post-secondary education, and in some cases were African American, did not generally experience a warm welcome. In many cases their status was in doubt, and on numerous occasions border officials actively sought to deny deserters entry.

A growing literature re-examines the history of draft resisters and American expatriates in Canada during the Vietnam Era.<sup>2</sup> In recent years a number

1 Douglas Featherling, *Travels By Night: A Memoir of the Sixties* (Toronto: McArthur & Company, 1994), p. 102.

2 This article is drawn from a larger historical study of American expatriates and draft resisters and their involvement in new social movements in Toronto during the late 1960s and early 1970s. See David S. Churchill, “When Home Became Away: American Expatriates and New Social Movements in Toronto, 1965–1977” (PhD dissertation, University of Chicago, 2001).

of scholarly accounts, journalistic profiles, biographical sketches, and memoirs have brought attention to the experiences of the thousands of Americans who migrated north during the late 1960s and early 1970s.<sup>3</sup> Indeed, the literature on draft resisters has undergone its own evolution, from early texts that provided sympathetic portraits of resisters and highlighted the individual choices and sacrifices posed by life in Canada, to a sociological literature that explores the experiential and subjective effects of exile and migration and the process of assimilation and adaptation. Most notably, sociologist and legal scholar John Hagan has approached the question of entry from a public policy and legal perspective, arguing that the Canadian government sought covertly to restrain the entry of draft resisters into Canada while publicly declaring that they were welcome. Not until the issue of restricted access became framed within the discourse of Canadian sovereignty was the Liberal government forced to allow open immigration for all draft resisters. Hagan's narrative is accurate in that the Canadian government's administration of the border was framed within a context of debates around Canadian sovereignty. Yet his notion of a gap between the pronouncements of the Canadian government and actual practice at the border blurs the contradictory impulses within the Canadian government and civil service during the late 1960s. Indeed, the question of resisters and military deserters was not merely a matter of practice contradicting publicly articulated policy. Rather, it reflected a much broader set of contradictory motivations and differences within the government, in the federal bureaucracy, and in the complicated Cold War relationship between Canada and the United States.

The U.S. military presence in Vietnam was a direct result of an interventionist foreign policy willing to engage in armed conflict to thwart the spread of international communism. This logic of intervention, stabilization, and containment — shaped and practised by the successes of World War II — drove the U.S. government into a deeper and deeper commitment in Southeast Asia. Such a policy also brought the United States into growing conflict at home, especially with the large, middle-class student population who had become increasingly politicized and willing to question the military ambitions and objectives of the White House and the Pentagon.

Between 1966 and 1976, more than 250,000 Americans immigrated to Canada, double the rate of U.S. immigration during the previous decade. Throughout the late 1950s and early 1960s, the annual number of U.S. residents who migrated north consistently hovered around 11,500. In 1965 this

3 The most significant of the recent scholarship on draft resisters is that of sociologist John Hagan, who has explored their motivations and experiences. See John Hagan, *Northern Passage: American Vietnam War Resisters in Canada* (Cambridge, Mass.: Harvard University Press, 2001). Also see Frank Kusch, *All American Boys: Draft Dodgers in Canada from the Vietnam War* (Westport, Conn.: Praeger, 2002). For more journalistic accounts and profiles of resisters and expatriates, see James Dickerson, *North to Canada: Men and Women Against the Vietnam War* (Westport, Conn.: Praeger, 1999); Allan Haig-Brown, *Hell No We Won't Go!* (Vancouver: Raincoast Books, 1996).

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figure began to climb dramatically, reaching a height of 26,541 in 1974 and then declining quickly to 17,315 in 1976. Thus between 1965 and 1976 there was a net increase of roughly 120,000 American immigrants to Canada.<sup>4</sup> The actual number of draft resisters and deserters is uncertain. Estimates vary between 30,000 and 100,000, but Renée Kasinsky's figure of 40,000 seems closest to an accurate accounting.<sup>5</sup> Kasinsky arrived at this sum by utilizing Canadian immigration statistics, tracing the number of draft-aged American males who entered Canada as Landed Immigrants between 1965 and 1975. This figure, however, does not represent the total number of Americans who came to Canada because of the Vietnam War. Thousands of young women and older Americans came to Canada because they felt they could no longer tolerate the political climate in the United States. Some of these migrants were the girlfriends or spouses of draft resisters, while others were parents who moved their entire families because they wanted to protect draft-aged sons. For a few, mainly academics and professionals, the opportunity to work in Canada coincided with the desire to leave the corrosive political environment in the United States. Considering these factors, it is reasonable to assume that a significant portion of the growth in American migration between the mid-1960s and mid-1970s was a consequence of the Vietnam War, stemming either directly from the flight of draft resisters or indirectly from the migration of lovers, families, and the politically disenchanted.

For many Americans, crossing the Canadian boarder was a relatively simple and uncomplicated journey. Though the choice of going north may have been difficult and filled with cultural significance, the actual entry into Canada was often negotiated with ease. In some cases it was only a matter of loading up the car, driving to the border, and declaring the desire to immigrate. This movement was a counterbalance to the historical southern flow of Canadians in search of education, opportunity, and higher wages. In the main, the Canadian government was happy to reverse the so-called "brain drain" and have young, educated Americans settling in Canada. Draft resisters

4 F. C. Leacy, ed., "Series 385-416. Immigration to Canada by Country of Permanent Residence, 1956-1976", *Historical Statistics of Canada* (Ottawa: Statistics Canada, 1983).

5 Lawrence Baskir and William Strauss estimate that 50,000 resisters "took flight" from the United States. Of these, they estimate that 30,000 made their way to Canada. David Surrey estimates that the actual number is between 60,000 and 100,000. Baskir and Strauss estimate that 15 million American men avoided military service during the Vietnam era. They did so through a variety of techniques and technicalities ranging from health reasons, hardship, family dependency, high draft numbers, marriage, failure to meet the psychological or physical requirements, bureaucratic error, destruction of files, conscientious objection, and flight abroad. Still another million men avoided service in Vietnam by joining the National Guard. Only a small fraction of the men who avoided military service during this period decided that their only option was to come to Canada. Lawrence M. Baskir and William A. Strauss, *Chance and Circumstance: The Draft, the War and the Vietnam Generation* (New York: Alfred A. Knopf, 1978), pp. 27-35, 49-52; Renée G. Kasinsky, *Refugees from Militarism: Draft-Age Americans in Canada* (New Brunswick, N.J.: Transaction Books, 1976), pp. 77-81; David Surrey, *Choice of Conscience* (New York: Praeger, 1982), pp. 67-86.

helped to supplement the loss in “human capital” that Canada experienced yearly as many of its scientists, engineers, educators, and entertainers went south to live and work. Young, healthy, and predominately middle-class — and usually with at least some post-secondary education — U.S. draft resisters were precisely the sort of immigrants Canada wished to attract. Moreover, the common language, shared popular culture, and familiarity with North American industry and commerce made draft resisters easily employable. Assimilation into the everyday life of Canada was thus fairly easy, with only the minimal amount of transition. In addition, changes to the very process of immigration, namely the establishment of an immigration point system in 1967, proved advantageous to American expatriates.

The key to securing legal and permanent entry to Canada was acquiring Landed Immigrant status. Becoming Landed had a number of significant benefits. It allowed an individual to live and work in Canada indefinitely, without fear of being deported. It extended to the individual all the rights of Canadian citizenship with the exception of the franchise. The 1967 *Immigration Act* moved Canada away from a national origin model of immigration to one that valued skills and the potential to assimilate into Canadian society. To make this new determination, a point system was instituted to screen potential immigrants at the port of entry. An individual wanting to enter the country as a Landed Immigrant only needed to declare his or her intention at the border crossing to initiate the immigration proceedings. Immigration officials would then conduct interviews, assessing points in various categories. One discretionary category termed “Personal Quality” allowed an individual officer to add a personal, subjective assessment to the point total. Rick Bébout recalls counting up his possible points the night before his immigration to Canada and realizing that he would fall just short of the magic total. This meant that he would have to get at least some discretionary points from the immigration officer at the border. Luckily for Bébout, his interview went well, and the officer awarded him the points needed for Landed Immigrant status.<sup>6</sup> On paper, the point system provided for open immigration, but in practice it was strongly biased toward the educated middle-class and skilled labour from industrialized nations. Moreover, the point system reflected a shift in the government’s conceptualization of who was an ideal immigrant.<sup>7</sup>

To qualify for Landed status an applicant needed only 50 out of a possible 100 points. For young, college-educated Americans, the point system was a boon. English-speaking, with high skill levels and a desire to move to communities such as Toronto with high demand for labour, most draft resisters had no trouble earning enough points. Moreover, the Canadian government was delighted to have immigrants who so clearly matched the ideal profile of indi-

6 Rick Bébout, interview by the author, Toronto, September 2, 1998.

7 On the point system and American expatriates, see Kasinsky, *Refugees From Militarism*, pp. 66–69; Surrey, *Choice of Conscience*, pp. 108–113.

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viduals who, in the words of the government's *White Paper on Immigration*, were ready to become part of a "highly complex industrial and urbanized society".<sup>8</sup> Despite the fact that these "ideal" immigrants were coming to Canada to avoid military service, the government was keen to have such valuable human resources.

The negotiation, transgression, and policing of the border exposed the multiple motivations of the Canadian state during the late 1960s and early 1970s. Immigration into the country was part of the Canadian government's larger project of state modernization and development, a way of bringing in skilled labour and knowledgeable workers to augment the existing population. At the same time, the border was the critical line of containment, a jurisdictional boundary to keep out threats to the country's security, to protect the Canadian nation from threats of communism, social deviancy, and other prospective enemies. Within the Cold War paradigm, the immigration of Americans presented a double-edged sword: on one side were the increased human resource needs of post-war prosperity and growth; on the other were the possible threats to that prosperity posed by the potential entry of young radicals and subversives. The Canadian government's approach to this predicament followed both impulses — it would allow in the young Americans fleeing military service, and it would attempt to regulate their entry and monitor their actions.

The most important document for these resisters was *The Manual for Draft Aged Immigrants to Canada*. Put out by the small independent publisher House of Anansi Press, *The Manual* provided a thorough guide on how to become a Landed Immigrant in Canada.<sup>9</sup> Beginning as a pamphlet and swelling in size with each new edition, *The Manual* became an overnight success and proved to be a financial windfall for both the House of Anansi Press and the Toronto Anti-Draft Program. The first edition in early 1968 had a print run of 5,000, which quickly sold out. A second edition published in March 1968 had a print run of 20,000. By 1970 there were more than 65,000 copies of *The Manual* in print, and the book was in its fifth edition.<sup>10</sup> Its precursor, the first guide to draft-aged immigrants, was a document produced by the Canadian student organization Student Union for Peace Action (SUPA), entitled "Escape to Freedom".<sup>11</sup> The principal author of this early immigration

8 Minister of Manpower and Immigration, *White Paper on Immigration* (Ottawa: Queen's Printer, 1966).

9 The House of Anansi was one of the interesting transactional spaces in which multiple currents of counter-culture, Canadian nationalism, and New Left politics circulated. Anansi's first employee was American draft resister Douglas Featherling (Featherling, *Travels By Night*).

10 Roger Williams, *The New Exiles* (New York: Liveright Publishers, 1971), p. 67.

11 The Student Union for Peace Action, established in early 1964, grew out of the Combined University Campaign for Nuclear Disarmament (CUCND), a student peace organization heavily involved in the anti-nuclear movement in Canada, particularly efforts against the stationing of American BOMARC missiles in the early 1960s.

guide was a young American draft resister and University of Toronto student, Richard Paterack. As greater numbers of resisters began to arrive in the city, counsellors sought out precise legal procedures for entering Canada and becoming a Landed Immigrant and developed a fuller and more detailed guide. Another draft resister and SUPA employee, Mark Satin, expanded “Escape to Freedom” into a larger and more comprehensive document that provided a wide range of information on immigration, housing, work, geography, politics, and the weather. Satin, like Paterack, was an American who had himself come north to avoid military service. Satin oversaw the transformation of SUPA’s pamphlet into the book that was distributed across the United States.

In just over 100 tightly packed pages *The Manual* provided a wealth of information for anyone considering moving to Canada. Anticipating questions a potential draft resister might have, editor Satin methodically laid out the pros and cons of crossing the border. He explained that draft offences and convictions were not covered under the Canada/U.S. extradition treaty, thus allowing draft resisters to remain in Canada legally. More than just giving information about the mechanics of immigration and exile, Satin tried to present a picture of what life would be like for draft resisters and what the consequences of their decisions would be. “Most Americans”, he wrote in a frank tone, “lead the same lives in Canada they would have led in the U.S.”<sup>12</sup> He added reassurances that draft resisters faced a sympathetic reception from most Canadians and very little discrimination for choosing not to serve in the U.S. military. Satin did not soft-peddle the reality of going to Canada, however. “It can not be over stressed”, he wrote, “that draft resisters will probably never be able to return to the U.S. without facing up to five years in jail. This applies even to family emergencies.”<sup>13</sup>

One of the most remarkable aspects of *The Manual* was its value as an historical source. Beyond practical information about immigration, aid, and legal advice, it provided an introduction to the complicated political and cultural life of Canada, and particularly Toronto. The book presented the reader with a small taste of the emergent nationalist critique of the United States, a brief history of Canada, and guides to the literary and cultural scenes. In addition to its primary purpose, *The Manual* was a means by which aid groups, expatriates, and Canadian activists prefigured Toronto as cultural and political space. Between its covers an image of Toronto emerged, one that was inclusive, politically progressive, anti-imperialist, and counter-cultural.

The book’s tone was set immediately in its preface, which had two very different introductory comments, the first by York University sociologist William Mann and the other by Toronto Anti-Draft Program (TADP) volunteer and SUPA staff member Heather Dean. In his comments, Mann reiter-

12 Mark Satin, ed., *The Manual for Draft-Aged Immigrants to Canada* (Toronto: House of Anansi Press, 1968), p. 8.

13 *Ibid.*, p. 9. Satin recounts how FBI agents showed up at the funeral of one draft resister’s father.

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ated a number of popular stereotypes commonly referenced in differentiating Canadians from Americans. He wrote that Canada was “a slightly less mature version of certain parts of the United States”, adding that Canadians “are more inclined than Americans to conformity, to some lingering attachments to Puritanism, to obeying the law and to cautious investigation of new ideas”.<sup>14</sup> Mann concluded his comments by expressing liberal sentiments regarding Canada’s relationship to the United States. Canada, he wrote, was “facing a time of deep crisis ... trying to be independent and yet not lose the good things that American capital and enterprise bring us”.<sup>15</sup>

Mann’s words attempted to reassure Americans that Canada was a familiar world, one much like the United States. In contrast, Dean placed potential immigrants on notice that Canada was a very different place and that there were crucial questions of power and sovereignty to be recognized. Challenging Mann’s assessment, Dean ended by stating that Canadians were not afraid to lose the supposedly “good things that American capital and enterprise bring us”; after all, she rhetorically noted, “who needs a strip mine?” The real source of fear for Americans’ northern neighbour “are the marines”, not the vagaries of foreign ownership. Dean’s comments reflected the emerging Canadian nationalist antipathy toward the United States, stoked and fed by the continued American military involvement in Southeast Asia.

A key strategy stressed in the manual was the need for any potential immigrant to maximize the number of his or her points. One of the best ways to do this was to find employment in Canada prior to applying for Landed Immigrant status. Some of these jobs were real. Rick Bébout, Jearld Moldenhauer, and John Pendergrass all followed the immigration procedure laid out in *The Manual* and secured employment before officially applying for Landed status.<sup>16</sup> A real job was not always necessary, however; resisters Charlie Novogrodsky and Fred Thuery each received bogus job offers arranged for them by draft counselling groups. Novogrodsky had his phantom employment arranged by one of his professors at Brandeis University, Sakvan Berkovich, a native of Montreal who had a Canadian friend write a fictitious job offer. Thuery was able to buttress his application with a phony job letter from Rochdale College. In any case, employment, real or fictional, meant crucial points in the immigration application.

Getting to Canada was, of course, only the first step. Once in the country, draft resisters needed support and assistance in getting settled. The largest and longest-lasting aid group was the Toronto Anti-Draft Program (TADP). Initially an offshoot of SUPA’s efforts to aid draft resisters, TADP quickly grew into an autonomous organization. From the beginning the group had a

14 William Mann, “Our Identity is up for Grabs”, in Satin, ed., *The Manual for Draft Aged Immigrants*, p. 2.

15 *Ibid.*, p. 3.

16 Rick Bébout, interview by author, Toronto, September 2, 1998; Jearld Moldenhauer, interview by author, Toronto, September 3, 1998; John Pendergrass, interview by author, Toronto, May 18, 2000.



mix of Canadian and American staff and volunteers. Veterans of the Canadian anti-nuclear campaigns of the late 1950s and early 1960s, Quakers such as Nancy Pocock, and student activists all populated the TADP offices. Though Canadian student activists had founded TADP, it quickly attracted Americans into its ranks. In addition to Paterack and Satin, TADP drew on Americans who had come to Canada for a variety of personal, political, and professional reasons. Long-time staffer Bill Spira, a leading figure in TADP during the late 1960s and early 1970s, was himself an expatriate, having come to Canada in 1953 because of McCarthyism. Other staff members such as Niomi Binder Wall, who came to Toronto in 1964 from Philadelphia with her husband at the time (a professor at the University of Toronto), played a variety of roles within TADP. Still other Americans such as resister Bernard Jaffe and expatriate Max Allen (who had worked in the New York resistance group associated with writer Paul Goodman's Support in Action) were counsellors, helping to settle resisters and guiding them through the process of applying for Landed Immigrant status.<sup>17</sup> In Jaffe's view, TADP was "a self-help group and it mainly provides housing for draft dodgers coming up. It also provides us with a sense of community."<sup>18</sup> More than anything else, TADP provided basic services to resisters, helping them settle into life in Toronto and connecting them with useful contacts.

Though most draft resisters entered Canada with little or no difficulty, the border proved to be an arbitrary and contingent site. Crossing this boundary could be remarkably simple or it could be an exceedingly difficult and nerve-racking experience. In May 1968 the *Toronto Star* newspaper investigated a complaint by a young man from Chicago, who claimed he had been refused entry because he was of "draftable" age. Surveying five border crossings, the newspaper discovered only one in which an official was able to cite correctly the rules regarding immigrants from the United States.<sup>19</sup> This was a surprising development because the Minister of Manpower and Immigration, Jean Marchand, had made it clear that draft resisters from the United States should be allowed to enter Canada and apply for Landed Immigrant status at point of entry, regardless of an individual's draft status.<sup>20</sup>

17 After reading Clausen's article "Boys without a Country" in the *New York Times Magazine*, Allen drove to Toronto determined to find out first-hand what the situation was for resisters. After arriving in the city, Allen determined that he could do more for draft resisters in Canada than he could in an American aid organization. Moreover, Allen was not enthusiastic about the Resistance position advocating jail terms over emigration to Canada. See Williams, *The New Exiles*, p. 64. On Max Allen, see Daniel Stoffman, "Maximum Max", *Toronto Star Sunday Magazine*, September 16, 1979, pp. 11–14, 29; Marjorie Harris, "Mr. Broadloom", *Canadian Magazine*, May 6, 1978, p. 18. Conversation with Max Allen, August 1997.

18 Lansing R. Shepard, "Draft Evaders: Jail or Self-Exile", *The Christian Science Monitor*, December 19, 1968, p. 14.

19 "Our Border Men BAR U.S. Draft-dodgers", *Toronto Star*, February 3, 1968, p. 25.

20 Gerald Dirks, *Canada's Refugee Policy: Indifference or Opportunism* (Montreal and Kingston: McGill-Queen's University Press, 1977), p. 238.

Indeed, as early as September 1966 the government was carefully staking out its position on draft resisters. In a letter published in the American underground periodical *Ramparts*, the Deputy Minister of Manpower and Immigration, Thomas Kent, stated that no provision in the *Immigration Act* prohibited the entry into Canada of any individual “seeking to avoid induction into the Armed Services”. If such an individual were to seek to become a Landed Immigrant and were to meet all other requirements for immigration, he would be granted entry.<sup>21</sup> Thus, according to Kent, draft resisters were to be regarded as any other individuals applying for immigration as long as they met the criteria for entry. Such criteria were, by Kent’s own admission, remarkably vague. Immigrants applying for residency were appraised individually on their potential ability to establish themselves in Canada. The basic minimum was that applicants have eleven years of schooling to be eligible (though this was not strictly followed). According to Kent, “[T]he decision lay entirely with the unfettered judgment of the interviewing officer, based on the applicant’s personality and his or her work experience.”<sup>22</sup> This very subjective system of applicant selection would be superseded in October 1967 by the point system that gave greater priority to education, language skills, age, existing job, and family already residing in the country, but nonetheless kept significant discretionary powers in the hands of the interviewing officer.<sup>23</sup>

Ostensibly, the Canadian government’s policy toward draft evaders was derived from the major military engagements earlier in the twentieth century. During the First and Second World Wars, Canadian citizens went to the United States to escape conscription into the armed forces. During these years the American government did nothing to return these foreign nationals to Canada, imprison them, or constrain them in any way. Following the end of the Second World War, a memorandum to Canadian embassies and Chiefs of Foreign Missions from the Department of External Affairs made the Canadian government’s policy explicit.

As indicated in section 11 of the Foreign Enlistment Act there is no objection in principle to foreign representative sending a call-up notice to a person who is a national of that country and who is not a Canadian citizen. The Governor in Council has not made any formal regulations on the subject pursuant to section 11. However, the view of the Canadian government, with which foreign representatives will naturally wish to comply, is that such call-up notices should not give the impression that failure to obey will expose the person to

21 Tom Kent, quoted in *Ramparts*, September 26, 1966.

22 Tom Kent, *A Public Purpose: An Experience of Liberal Opposition and Canadian Government* (Montreal and Kingston: McGill-Queen’s University Press, 1988), p. 408.

23 *Ibid.*, p. 410. On the history of Canada’s immigration policy, see Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern* (Montreal and Kingston: McGill-Queen’s University Press, 1972).

penalties on Canadian soil. It is reasonable and even desirable that call-up notices should warn the person that non-compliance will expose him to penalties if and when he enters the territory of the foreign country. The Canadian Government cannot, however, permit the sending of notices which imply that disobedience will bring immediate punishment i.e. on Canadian soil.<sup>24</sup>

This policy established that foreign nationals who had been conscripted into military service by their country of origin would not be subject to deportation or legal penalty while on Canadian soil, and it served as the basis for American draft resisters' legal entry into Canada.

Speaking in the Canadian Parliament on February 1, 1967, Prime Minister Lester B. Pearson reaffirmed this policy:

The rules regarding the admission to Canada of U.S. citizens would apply in the normal way in the category. The fact that these people were draft dodgers would probably be unknown to the Immigration Officers in any case, and I am sure my honourable friend [the Hon. Michael Starr] would not wish to do anything which would interfere with maximum freedom of movement across the border.<sup>25</sup>

Thus draft resisters were able to enter the country under a policy that came close to "don't ask, don't tell". A draft resister could enter, but he must do so without declaring his draft status. At the same time border officials were to limit the inquiries of draft-aged individuals to the usual standards of admission. This policy was rearticulated by Minister of Manpower Jean Marchand, who stated, "[T]here is no specific prohibition against the permanent or temporary admission to Canada of persons who are subject to, or who appear to be avoiding, compulsory military service in their homeland."<sup>26</sup> Ultimately, this left tremendous discretionary power to the immigration agents at the border and did not guarantee entry of a nominally qualified individual.

Draft resisters attempting to enter Canada had to be attentive in interviews with Canadian border officials. The policy derived from Canada's long-standing commitment not to prosecute individuals avoiding military service in the armed forces of another country pertained only to those individuals already on Canadian soil. Any individual attempting to use Canada as a temporary refuge from potential criminal prosecution could be refused entry, according to the *Immigration Operations Manual* used by officers at the bor-

24 National Archives of Canada [hereafter NAC], Records of the Immigration Branch, RG 76, "Memorandum from Secretary of State for External Affairs to Their Excellencies the Chiefs of Missions", May 6, 1947.

25 Canada, House of Commons, *Debates*, February 1, 1967.

26 NAC, Records of the Immigration Branch, RG 76, vol. 1210 (interim box 10), File 5660-1, pt. 3, "Letter from Jean Marchand, Minister of Manpower, to James Larkin", March 28, 1968.

der. If the individual “gives a clear indication of using Canada as a temporary refuge, intending to return to his home country as soon as possible, will the examining officer refuse admission”.<sup>27</sup> Negotiating the interview at the border was thus very important to draft resisters’ successful entry into Canada. The application for immigrant status was a demonstration of intent to reside permanently in Canada, a determination to make one’s life in Canada, and supposedly an indication that the applicant was not just using Canada as a way station to wait out the Vietnam War.

The ease of entry that greeted most resisters was not, as has been noted, a universal phenomenon. Deserters from the United States military, those individuals who had already been inducted into the services, experienced a trickier negotiation of the border. For Canadian officials, deserters represented a different class of individuals, people who on first glance were not covered by the 1947 regulations. In the years between 1966 and 1968, only a small number of deserters entered Canada. By mid-1968, however, as the number of deserters began to climb, it became increasingly clear that the policy toward deserters had become stricter and that they were being treated differently than draft resisters.<sup>28</sup> These young Americans had entered one of the U.S. military services and in some cases had finished tours of duty in Vietnam. Unlike his draft resister counterpart, the average deserter tended to have little if any higher education, few job skills, and almost no family support. The editor of the Toronto-based resister magazine *AMEX*, Jack Colhoun, himself a deserter, characterized the “deserter crisis” as it emerged through 1967 and 1968:

Because deserters had different needs from those of draft resisters, they presented the aid groups with a new set of problems. Most deserters came to Canada on short notice, often leaving the military with only pocket change and the clothes on their back. Counseling deserters proved to be more difficult and time-consuming, since the point system was stacked against them, prolonging the deserters’ need for free housing, and contributing to a large number of unlanded deserters unable to legally immigrate.<sup>29</sup>

Negative images of deserters in the Canadian media, as well as the perception that draft resisters were “good” expatriates and thus more likely to be politically active and to assimilate into the everyday life of Canada, posed persistent problems for aid groups and publications such as *AMEX*. Deserter Grayson Dunster vented his frustration with popular stereotypes of resisters and deserters even among aid groups and other expatriates. Criticizing the

27 NAC, Records of the Immigration Branch, RG 76, “Memorandum from Director, Programs and Procedures Branch to Director Immigration Operations, Quebec Region, Montreal”, July 12, 1968.

28 “Hoffman Deserter Case”, *Toronto Telegram*, August 22, 1968; “A Rude Awakening for U.S. Deserters”, *U.S. News and World Report*, October 28, 1968.

29 Jack Colhoun, “War Resisters in Exile: The Memoirs of AMEX-Canada”, *AMEX*, vol. 6 (September 1977), p. 17.

comments of Larry Berg, a counsellor at the expatriate community centre known as “The Hall”, who had emphasized the differences between resisters and deserters’ apparent inability to cope with life in Canada, Dunster called for an end to the “differentiation” between the two groups. Characterizations of the sort made by Berg only served “to feed popular prejudices” and “narrow minded pigeon-holing”.<sup>30</sup>

The “deserter crisis” revealed that the Canadian government was keen to keep out deserters but was unsure how to do so without paying a significant political price. In November 1967, an American named Michael Charles made a request for immigration application in Boston. He had been told by Arthur Haggins, an official at the Canadian consulate in Boston, that the “Canadian government would consider for immigration personnel on active duty in the U.S. armed forces”. Charles was also informed that “such an application would remain strictly confidential between the applying party and the Canadian government”.<sup>31</sup> In effect, Charles was told that he could apply for Landed Immigrant status notwithstanding the fact that he was an active duty member of the American military. Moreover, he was reassured that the U.S. military would not be informed of his application. The consultation by the Canadian officials and Charles’s application letter raised a red flag within the Immigration Division in Ottawa. Soon after, a memorandum was issued stating that “the Consulate in Boston may be giving out erroneous information [regarding deserters] and this is brought to your attention for whatever action you may deem necessary”.<sup>32</sup>

The application of Charles came at a time when there was mounting public pressure on the Immigration Branch to make clear its position on military deserters and their entry into Canada. Groups such as the Committee to Aid American War Objectors, church groups, and draft resister aid organizations began a vigorous public campaign to bring attention to the plight of military deserters. After meeting with the Deputy Minister for Immigration and other top Branch officials, the Committee to Aid American War Objectors issued a brief entitled “A Note on the Handling of Draft-Aged Americans Who Apply for Entry to Canada”. This brief, which Immigration Home Branch Director J. C. Morrison circulated among the regional immigration offices, voiced concern over the immigration officers’ treatment of draft-aged Americans trying to come to Canada:

You should make a point, therefore, of making absolutely certain that all of your officers understand clearly and unmistakably that it is absolutely contrary

30 Grayson Dunster, “Down with Draft Dodger Chauvinism”, *AMEX*, vol. 1 (June 30, 1971), pp. 5–6.

31 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5660–1, pt. 3, “Letter to the Canadian Consulate General’s Office Immigration Division Chicago Illinois From Michael Charles”, November 11, 1967.

32 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5600–1, “Memorandum from Director of Foreign Branch for Regional Director A”, December 27, 1967.

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to departmental policy to take draft status into account in examining a U.S. citizen or permanent resident wishing to enter Canada as an immigrant or a visitor. The practical position is that no examining officer should even ask a question about draft status. If the issue crops up incidentally or is raised by the prospective immigrant or visitor, the examining officer should state explicitly that the matter is not relevant. I suggest, moreover, that your examining officers would probably find it useful to keep a personal record of instances in which the draft issue does crop up during an examination, so that they will have readily available the details of what actually happened, should any subsequent question be raised.<sup>33</sup>

By sending this brief to regional officers, Morrison was able to make two important points. First, immigration officials should not inquire into the draft status of potential immigrants or at least should not take it into consideration when processing an application. Secondly, the behaviour of immigration officers themselves was receiving greater public scrutiny, and officials should be aware of this and act accordingly. Morrison's reminder to immigration officers did not, however, make the policy regarding draft-aged immigrants any clearer, nor did it answer the sticky question raised by Michael Charles's application request regarding the status of military deserters.<sup>34</sup>

In April 1968 an American couple by the name of Hoffman applied for permanent residency in Canada at Landsdowne, Ontario. Because Mrs. Hoffman had recently been hospitalized for a pre-existing medical condition, the immigration officers moved the couple to Fort Erie, Ontario, where she was to be examined by an Immigration Branch doctor. In the meantime, however, border officials had been in contact with the FBI, which informed them that Mr. Hoffman was a deserter from the U.S. Army.<sup>35</sup> According to the *Toronto Telegram* newspaper, border officials colluded with the FBI to have Hoffman returned to the United States. The Assistant Deputy Minister denied the newspaper's charges while reaffirming that it was government policy to "refuse admission to persons regardless of their citizenship or country of residence who are under legal, contractual or moral obligation in their own country including persons who are serving on an active basis in the armed

33 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5660-1, "Memorandum from J. C. Morrison, Director Home Branch Department of Immigration to Regional Directors of Immigration Winnipeg, Montreal, Halifax", November 27, 1967.

34 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5660-1, "Memorandum from Director of Foreign Branch for Regional Director A", December 27, 1967.

35 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5600-1, pt. 4, "Report to the Deputy Minister From the Assistant Deputy Minister (Immigration)", September 5, 1968. When Mr. and Mrs. Hoffman were deported to the United States, he was turned over to the FBI, which returned him to the Army Military Police. After being placed in the stockade, Mr. Hoffman escaped, and the Canadian government believed he had re-entered Canada illegally.

36 NAC, Records of the Immigration Branch, RG 76, vol. 1210, File 5600-1, pt. 4, "Report to the Deputy Minister From the Assistant Deputy Minister (Immigration)", September 5, 1968.

forces of their country”.<sup>36</sup> The Hoffman case created problems for the government and the Immigration Branch in that many deserters were able to enter the country as visitors and then apply for Landed Immigrant status from within Canadian borders. This situation, and the difficulty of deporting individuals who had entered the country legally and later expressed their wish to immigrate, only added to the vagueness of the government’s policy.

In early January 1968 Morrison wrote a “Personal and Confidential” letter to L. R. Vachon, the Regional Director of Immigration in Montreal, which explicitly laid out the government’s position. “The department’s view is, as firmly as ever,” wrote Morrison, “that we do not want deserters as immigrants.”<sup>37</sup> According to Operation Memorandum Number 117, provided to immigration officers at the border, “permanent admission to Canada is not to be granted to military deserters”. Laying out the reasons for the policy, Morrison stated that “most [deserters] are unacceptable for reasons other than the fact of desertion”:

Experience indicates that many deserters practice misrepresentation to gain entry to Canada in the first place, that frequently the deserter is a man with lower than average education and training and lacking any particular occupational qualification, and that their obviously poor motivation results in a low rating for personal suitability. Consequently, this type of application often will not qualify, quite apart from any exercise of discretion at the local level.<sup>38</sup>

Yet he noted that this policy “may have no legal basis on which to order the deportation of an applicant in Canada for the sole reason that he is a deserter”. Thus the policy on deserters had to remain *de facto*, to be administered at the point of entry by immigration officers. Those deserters able to meet the standards to qualify for Landed Immigrant status thus posed a sticky problem for border officials. Morrison recommended that no decision be made locally in such cases, which should instead be sent to headquarters “for final review and disposition”.

One case in the Immigration Branch files reveals the degree to which immigration officials sought to keep out deserters. In this instance, an unidentified deserter from Vancouver, Washington, attempted to enter Canada at the border near Blaine, Washington, and apply for Landed Immigrant status. The immigration officer informed the would-be immigrant (here given the pseudonym John) that he had enough points to gain entry but would not be able to enter Canada at this time because he was absent without leave from the U.S. military. A pre-examination letter would be sent to John’s American address, and it would need to be completed before any final decision on his application

<sup>37</sup> NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5665–1, pt. 5, “Letter from Mr. J. C. Morrison to Mr. L. R. Vachon”, January 9, 1968.

<sup>38</sup> *Ibid.*

could be determined. John returned to the United States and wrote to the Immigration Branch appealing his case and testifying to his good character.<sup>39</sup> The government's reply to John's inquiry about his Landed status read as follows: "When you have received an honourable discharge from the Armed Forces of the United States please send a copy of your discharge certificate to this office. Further consideration will be given at that time."<sup>40</sup> Such incidents demonstrated the discretionary and often arbitrary power of immigration officials to restrict entry. Moreover, John's case illustrated that, despite statements to the contrary, some immigration officials were using military status as a category in their assessment of potential Landed Immigrants.

The problem facing the Immigration Branch and by extension the Canadian government was twofold. First, there did not appear to be any statutory basis for denying military deserters access into Canada, as no legislation explicitly stated the exclusion of such persons. Secondly, passing legislation that would have provided such a legal basis for exclusion would have been a politically unpopular move for the minority Liberal government. Despite this lack of legal foundation, the policy of the Immigration Branch, prior to January 1968, had been the exclusion of individuals serving in the armed forces of another country from entry as immigrants. According to instructions issued by the Ministry, "people already serving in their countries' armed forces" were eligible to apply and be processed as long as the individual "is to be discharged in the reasonably near future". No visa was to be issued or granted, however, until "he has submitted proof of his discharge".<sup>41</sup> New immigration regulations, brought into effect as of October 1, 1967, and issued as instructions to immigration officers as of January 1968, did not, however, include specific references to individuals serving in the armed forces of another country. As mentioned earlier, entering as a visitor, then applying for Landed status, became a strategy advocated by draft counselling groups such as TADP, which were seeking ways to aid this group of refugees.

According to TADP's Bill Spira, a deserter would enter Canada as a temporary visitor and then immediately apply for Landed status at an immigration office. This strategy would prevent the possibility of individual deserters being refused entry and of Canadian officials notifying the FBI or the military police that a deserter was being sent back to the United States.<sup>42</sup> The practice raised potentially embarrassing political questions of fairness for the Immigration Branch. Why should deserters who entered Canada under false pre-

39 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, pt. 4, "Letter to Central Processing from unidentified deserter, Vancouver Washington", December 5, 1968.

40 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, pt. 4, "Letter to Unidentified Deserter Vancouver, Washington from Officer in Charge, Central Processing", December 17, 1968.

41 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1-1, pt. 4, "Memorandum to the Cabinet on the Admission to Canada of Draft Dodgers and Military Deserters", March 12, 1969.

42 "Border Aid Sealed to Deserter", *Globe and Mail*, May 3, 1969, p. 5.



tenses as visitors be able to stay in the country, while those requesting admittance through proper channels at the border and other ports of entry were refused?<sup>43</sup>

Confusion regarding the official policy on draft resisters and military deserters was ubiquitous; politicians, civil servants, and draft counsellors all seemed to have their own interpretations of the situation. Within the government — from Cabinet to the top civil servants and down to career officers — the policy remained vaguely defined and arbitrary. On February 8, 1969, five students at Toronto's Glendon College decided to test the policy on deserters by applying for Landed Immigrant status at five different border crossings, each using the name of an American deserter named William John Heintzelman. Border officials prevented two of the students, Christopher Wilson and Graham Muir, from even completing their application forms before refusing them entry. The actions of the border officials created a storm of controversy because the Immigration Branch's own protocol had been breached. That protocol stipulated that all individuals be allowed to complete the entire application process, both the written form and the interview, before a determination on entry was to be made. By refusing to allow the students to finish the application, the officials appeared to violate due process. Once again the spectre of arbitrary enforcement and the potential of American interference became an issue. This prospect of collusion between Canadian and American authorities was reinforced by the fact that two of the students refused entry were met on the American side by U.S. officials expecting to talk to "Mr. Heintzelman". The students considered this evidence of collusion between Canadian officials and U.S. authorities, who were expecting the return of a deserter.

The Heintzelman incident generated a flurry of discussion among top Canadian politicians and civil servants. In justifying the refusal to admit the Glendon students, the Minister of Manpower and Immigration Allan MacEachen described the actions of the immigration officials as entirely proper and "in accordance with the regulations".<sup>44</sup> MacEachen based his assessment on the "discretionary power" stipulations of the immigration regulations. What had not been generally known was that individual immigration officers had this sort of power. The supposed objectivity of the point system was thus called into question. A Memorandum to the Cabinet, written by Allan MacEachen, acknowledged that "there had been heavy criticism of the Government and of immigration officers with respect to the admission of draft dodgers and mili-

43 According to the Memorandum to Cabinet, deserters could be more easily refused entry at the border because of the discretionary power given to immigration officers in the field. These officers "could refuse an application for permanent admission even though the applicant may not be specifically prohibited by the Immigration Act and may in fact gain the score required by the selection standards or norms set out in those Regulations". Apparently "this discretionary power" did not "apply with respect to applicants already in Canada". See NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1-1, pt. 4, "Memorandum to the Cabinet on the Admission to Canada of Draft Dodgers and Military Deserters", March 12, 1969.

44 Canada, House of Commons, *Debates*, February 17, 1969.

tary deserters". MacEachen informed his colleagues that the "criticism arises from the public's failure to appreciate the differences between a draft dodger and a military deserter" as well as "the admittedly ambivalent nature of the present policy and particularly to the discretionary authority of immigration officers to accept or reject deserters".<sup>45</sup>

At a Cabinet committee meeting on April 1, 1969, former Manpower Minister Jean Marchand expressed frustration over the apparent inconsistency in the government's position. As minister, Marchand had attempted to have the Immigration Branch make no distinctions between deserters and draft resisters. Marchand's recollection of his policy was supported by John Munro, the former Parliamentary Secretary for Manpower, who believed that the minister's statements on the entry of draft-aged Americans applied to both resisters and deserters. MacEachen, however, challenged this interpretation and argued that all previous Ministry statements had pertained only to draft resisters and not to deserters.<sup>46</sup> The meeting revealed a deep disagreement at the upper levels of the Canadian government on whether deserters should be admitted and, if so, how they should gain entry to the country. The Cabinet committee ultimately concluded that the "matter was a thorny one politically to touch" and sought to put any decisions off for at least a few more months.<sup>47</sup>

The Heintzelman affair added to the mounting pressure on the Canadian government to allow deserters entry, or at least to clarify the official position regarding them. One of the most prominent and vocal critics of the treatment of deserters was offered by the Moderator of the United Church of Canada, Dr. Robert McClure, who issued a statement on April 30, 1969, charging that there existed two sets of guidelines used by immigration officers to determine the entry of individuals. The first was set forth in the *Immigration Act* itself, but the second was a set of "secret guidelines" given to officers stipulating that deserters should be refused entry. Calling the policy of the government "an immoral and intolerable evasion of public responsibility", McClure challenged Allan MacEachen to reveal all guidelines regarding admission of deserters to Canada (which MacEachen refused to do). A group of prominent

45 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, pt. 4, "Memorandum to the Cabinet From Allan J. MacEachen, Minister of Manpower and Immigration", March 12, 1969.

46 NAC, Records of the Immigration Branch, RG 76, "Memorandum to L. E. Couillard, Deputy Minister of Manpower from W.R. Dymon, Assistant Deputy Minister (Program Development)", April 15, 1969.

47 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, pt. 4, "Memorandum on Submission on Deserters at the Cabinet Committee Meeting April 1, 1969 from Assistant Deputy Minister (Immigration) to Deputy Minister of Manpower", April 15, 1969. According to the summary of the meeting, a division emerged within the Cabinet committee between the former Minister of Manpower Jean Marchand, who argued that military deserters "in general" should face no restrictions, and Allan MacEachen, the current minister. Bryce Mackasey, another minister in the Trudeau government, argued that American deserters were "breaking laws democratically arrived at in their own country and they should not be given the protection of the Canadian government as a result of their desertion".

journalists, writers, and politicians calling themselves the Committee for Fair Immigration Policy asked for immigration officers to “ignore military status in another country as a legal, moral or contractual factor — directly or indirectly — in determining an applicant’s eligibility for Immigration to Canada”.<sup>48</sup> It had been on this basis of “the legal, moral and contractual” grounds that the government and immigration officers rationalized the refusal to admit deserters to Canada. “In the case of a deserter,” stated MacEachen, “there is certainly a legal obligation and the examining officer can take this into account in exercising his discretion as [to] the admissibility of the applicant.”<sup>49</sup> The rising pressure and the disagreement among members of the Cabinet on how to proceed motivated the government to review its stance on deserters.

In May 1969 the Canadian government finally relented and allowed deserters to enter Canada as any other potential immigrant.<sup>50</sup> The new policy was outlined in a memorandum issued to all the regional offices of the Immigration Service: “The Government has decided as a matter of policy that liability for service in the armed forces of another country, including desertion therefore, will not be taken into account in assessing a person’s admissibility to Canada as an Immigrant.”<sup>51</sup> Moreover, immigration officers were not to inquire into the military status of an individual applicant. Should an officer become aware of an applicant’s status, the officer was to “treat such information as irrelevant”. The fact that the government did not need to amend the *Immigration Act* to effect the change in policy underscores the point made by Robert McClure and others, that the exclusion of deserters had not been based on statutory grounds but rather on the discretion of the government and individual border officials.

By eventually allowing deserters to enter Canada, the Canadian government went against the common practices of its military allies. The procedure of most North Atlantic Treaty Organization (NATO) member countries was to take into custody any military deserters from other member countries and return them to the relevant authorities in their homeland.<sup>52</sup> By taking in deserters, by allowing them entry and even the right to immigrate, Canadian

48 NAC, Records of the Immigration Branch, RG 76, “Press Release Committee for Fair Immigration Policy”. Members of the committee included William Spira of TADP, economist Mel Watkins, urban theorist Jane Jacobs, Toronto alderman William Kilbourn, writers Farley Mowat and June Callwood, journalists Barbara Frum, Patrick Watson, and Robert Fulford, candidate for the mayor of Toronto Stephen Clarkson, and the former president of the Conservative Party of Canada, Dalton Camp.

49 Canadian Press Service, “MacEachen Charges Moderator Was Irresponsible”, *Globe and Mail*, May 1, 1969, p. 4.

50 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655–1, pt. 4, “Record of Cabinet Decision, Office of the Privy Council, D. J. Leach, Supervisor of Cabinet Documents”, May 15, 1969.

51 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655–1, pt. 4, “Memorandum to All Regional Directors from Director General Operations”, May 20, 1969.

52 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655–1, pt. 4, “Confidential Brief on Draft Dodgers and Military Deserters”, March 18, 1968.

officials staked out a singular position among America's Cold War allies. Most NATO countries, in fact, did not issue passports to young men until they had completed their compulsory military service.<sup>53</sup> Even Sweden, the only other Western country to take in draft resisters and deserters, gave Americans asylum but did not allow them to enter as immigrants.

For observers such as *AMEX* editor Jack Colhoun, the change in policy regarding deserters was a direct result of perceived threats to Canadian sovereignty. The exposure of cooperation between Canada and the U.S. officials — the tipping-off of American authorities during the “Heintzleman incident” — raised sensitive questions of Canadian political autonomy.<sup>54</sup> Writer Renée Kasinsky concurs with Colhoun's assessment that the rising tide of Canadian nationalism helped to motivate the change. Kasinsky quotes Nancy Pocock, a TADP volunteer and Canadian Friends' Services Committee member, who also saw the change in policy in terms of an “upsurge” of Canadian nationalism. “Most people felt if we wanted to take a deserter from another country,” Pocock asserted, “it was none of the other country's business to tell us whether we could take them or not.”<sup>55</sup> Writer Jack Ludwig echoed Pocock's sentiments, during the height of the deserter affair, in the pages of the *Globe and Mail*. According to Ludwig, the term “deserter” was an American label, one that might have relevance in the United States but not one that Canadians should accept.

The United States, of course, is free to label anyone who leaves its armed services as a “deserter,” but when such a person presents himself at a Canadian immigration entry point the U.S. definition ceases to apply. If it does not, Canada has cavalierly — and I insist, quite unnecessarily — ceded part of its significant function as a sovereign nation to a foreign power.<sup>56</sup>

These labels, in Ludwig's view, no longer carried any meaning once an individual applied for admission to Canada. Though Canada did stake out an independent stance, it did so to avoid domestic perceptions that it lacked independence. Ultimately, the unpopularity of the Vietnam War gave Canadian officials political shelter, allowing them to “stand up” to the United States.

Taking in deserters, much as taking in draft resisters, allowed the Canadian government to show that it was not subject to American hegemony, that Can-

53 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, “Memorandum to Minister of Manpower and Immigration from Deputy Minister”, May 20, 1969. An inquiry into the French government's attitude toward deserters revealed a strict policy toward military service: “The French government is hostile to emigration of people doing their military [service] or [who] are due to do so.” NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655-1, pt. 4, “Memorandum to Home Branch Ottawa, from Immigration Branch Paris”, May 14, 1969.

54 Colhoun, “War Resisters in Exile”, p. 17.

55 Kasinsky, *Refugees from Militarism*, p. 125.

56 Jack Ludwig, “Why We Should Not Desert Sovereignty”, *Globe and Mail*, May 9, 1969, p. 7.

ada was an entirely autonomous and sovereign nation. Yet the ties between Americans and Canadians, especially in matters of security, were close, strengthened by geography, economics, and a shared commitment to Cold War containment. Though deserters were able to enter Canada and individuals were able to become Canadian citizens, the Canadian government continued to participate with U.S. law enforcement in its prosecution of the “the war at home”.

The issue of deserters was settled in May 1969, but the Canadian government nonetheless kept careful watch on draft-aged Americans entering Canada. From the arrival of the first draft resisters, the RCMP had, at the behest of the FBI, sought out and interviewed individuals who were in violation of the U.S. Selective Service law. Resister Douglas Featherling recalls finding the business card of an RCMP constable at his place of work along with a note requesting that Featherling contact the officer immediately. The officer informed Featherling that the FBI had been “enquiring about my whereabouts and happenings and asked what my intentions were”.<sup>57</sup> All this sudden interest in Featherling by Canadian law enforcement had been triggered by his indictment in Pennsylvania as a draft fugitive. Though Canada may have accepted draft resisters, the state also routinely monitored their movements and passed information to the FBI and the U.S. government.

This sharing of knowledge was part of the long Cold War history of cooperation between the American and Canadian security states. According to historian Steven Hewitt, there existed an “affinity between Canadian and U.S. intelligence agencies” that stretched back at least to the 1930s.<sup>58</sup> Similarly, Reg Whitaker and Gary Marcuse have shown that the FBI and the RCMP had been developing their own “transborder ties” as far back as the Depression era. By the mid-1950s the exchange of information between these state security agencies was such that U.S. government officials “had more or less unimpeded access to the RCMP’s dossiers on ‘subversive’ Canadians”.<sup>59</sup> Such contacts and interconnections meant that Canadian security services gathered and shared intelligence, especially on Americans who visited or resided in Canada. By the end of the Second World War, cooperation between the two countries had resulted in the establishment of dedicated liaison officers to handle intelligence.<sup>60</sup> This close relationship was only enhanced and solidified by the emergence of the Cold War and the increased domestic con-

57 Featherling, *Travels By Night*, p. 154.

58 Steven Hewitt, *Spying 101: The RCMP’s Secret Activities at Canadian Universities, 1917–1997* (Toronto: University of Toronto Press, 2002), pp. 151–161.

59 Reg Whitaker and Gary Marcuse, *Cold War Canada: The Making of a National Insecurity State, 1945–1957* (Toronto: University of Toronto Press, 1994), pp. 223–224.

60 Len Scher, *The Un-Canadians: True Stories of the Blacklist Era* (Toronto: University of Toronto Press, 2002), pp. 238–239; Larry Hannat, *The Infernal Machine: Investigating the Loyalty of Canada’s Citizens* (Toronto: University of Toronto Press, 1995), p. 78; J. L. Granatstein and David Stafford, *Spy Wars: Espionage and Canada from Gouzenko to Glasnost* (Toronto: Key Porter Books, 1990), p. 189.

cerns generated by student and protest movements in the 1960s. Surveillance of draft resisters and deserters fit into the post-war paradigm of “security threats” that gripped both the United States and Canada during the Cold War decades. Labour unions, students, homosexuals, and immigrants were all suspect populations on which the FBI and the RCMP kept extensive tabs.

In April 1966 the enormously popular CBC television programme *This Hour Has Seven Days* profiled the case of Glenn Bristow, a citizen of the United Kingdom who was a resident in the United States but whose parents had settled in Canada. Bristow had been drafted by the U.S. Selective Service but failed to report for induction at his draft board. As a result, an FBI agent visited his mother at her Vancouver home informing her that her son was a draft dodger. What troubled the reporters on *This Hour* was that the FBI agent, Alfie Gunn, was operating in Canada without the knowledge or accompaniment of any Canadian authorities.<sup>61</sup> Such a situation seemed a clear breach of national sovereignty.

An editorial in Canada’s pre-eminent news magazine, *Maclean’s*, questioned the RCMP’s rationale for interviewing draft resisters, as these individuals had violated “no Canadian laws”. Moreover, the law that they had broken in the United States “is not deemed in any country to create an extractable offense”. Though cooperation between the RCMP and FBI in criminal matters was “desirable” and “even necessary”, the editorial opined, it was not warranted in the case of resisters and deserters, and the RCMP should cease its efforts.<sup>62</sup> Of course, the Canadian security state did not take its cues from the media and continued to gather information on draft resisters and deserters for the FBI. In response to a question in Parliament, Canada’s Solicitor General G. J. McGrath revealed that the RCMP had interviewed 2,259 resisters and deserters regarding their status in Canada.<sup>63</sup>

The RCMP’s interest in deserters and other suspect Americans was based on a history of cooperation and shared purpose between the United States and Canada regarding security matters.<sup>64</sup> “With special relationships in many fields and an open frontier with the United States,” declared the Royal Commission on Security, “Canada has a serious responsibility to ensure that its territory is not used as a base for the mounting and direction of foreign espionage and subversive operations against the United States.”<sup>65</sup> Throughout the Cold War Canada’s security service had become closely tied to American

61 NAC, VI 8302–0104, CBC Television, *This Hour Has Seven Days*, April 18, 1966.

62 Editorial, “Dear RCMP: Draft-dodgers are Refugees, not Criminals”, *Maclean’s Magazine*, September 17, 1966, p. 3.

63 Canada, House of Commons, *Debates*, November 10, 1969.

64 Hewitt, *Spying 101*, pp. 159–161; Lorne Brown and Caroline Brown, *An Unauthorized History of the RCMP* (Toronto: James Lewis and Samuel, 1973), p. xx.

65 *Report of the Royal Commission on Security Abridged* (Ottawa: Queen’s Printer, 1969), p. 1, as cited in Brown and Brown, *An Unauthorized History*, p. 109.

66 Gary Kinsman, Dieter K. Buse, and Mercedes Steedman, eds., *Whose National Security: Canadian State Surveillance and the Creation of Enemies* (Toronto: Between the Lines Press, 2000), pp. 1–7.

efforts against suspected communists and “undesirables”.<sup>66</sup> The effects of the American “war at home” put pressure on the RCMP to continue to match its internal security concerns with those of the FBI, even aiding the FBI in pursuit of these perceived threats. As scholar Martha Huggins has argued, the reciprocal assistance provided by the United States to foreign security forces has served to make “foreign police into a political extension and servant of U.S. military and C.I.A. internal security concerns”.<sup>67</sup>

According to an article published in the *Globe and Mail*, the FBI was maintaining a computer database of deserters living outside the United States. This information would enable law enforcement officials in the United States and Canada to monitor the whereabouts of deserters.<sup>68</sup> In particular, these files would allow the notification of authorities and apprehension of deserters should they attempt to re-enter the United States. Apparently, the RCMP would, on the request of the FBI, “pursue the matter [of an individual deserter] to the extent of asking if he intends to return to the United States”.<sup>69</sup> The practice of gathering information on resisters and deserters continued even after the Canadian government changed its policy. In March 1975 the release of U.S. embassy documents revealed that the RCMP had continued to collect information on draft resisters and deserters throughout the early 1970s, passing this surveillance material along to U.S. authorities. These embassy documents showed that U.S. authorities were able to track the employment and immigration status of individual deserters.<sup>70</sup>

In addition to the U.S. embassy documents, internal memoranda from the Ministry of Manpower and Immigration point to a procedure regarding the collection and exchange of materials among the FBI, the RCMP, and the Ministry.<sup>71</sup> As Canadian lawyer Paul Copeland pointed out, the RCMP gathered all this material, at the expense of Canadian taxpayers, for the benefit of the U.S. government.<sup>72</sup> In so doing, the Canadian government acted as security agent in the monitoring of American citizens abroad. Yet, as historians Steven Hewitt, Reg Whitaker, and Greg Kealey have shown, the Canadian security state was deeply concerned over the possible destabilizing and dis-

67 Martha Huggins, *Political Policing: The United States and Latin America* (Durham, N.C.: Duke University Press, 1998).

68 Terrence Willis, “Pentagon Orders Files be Kept on Deserters now Living in Canada”, *Globe and Mail*, September 16, 1970, pp. 1–2; “FBI Files to Trace Deserters in Canada”, *Toronto Star*, September 16, 1970, p. 74.

69 Willis, “Pentagon Orders Files be Kept on Deserters”, p. 2.

70 Ross H. Munro, “Files Show Canada is Giving U.S. Data on Army Deserters”, *Globe and Mail*, March 26, 1975, pp. 1–2.

71 NAC, Records of the Immigration Branch, RG 76, vol. 1209, File 5655–1, pt. 4, “Memorandum to the Commissioner of the RCMP from Chief, Enforcement Section, Home Branch, Canada Immigration Division”, March 26, 1969.

72 Canadian Broadcasting Corporation Archives, 750327–3, *As It Happens*, March 27, 1975.

73 Hewitt, *Spying 101*, pp. 151–161.

ruptive influence of left-wing, not to mention foreign, elements.<sup>73</sup>

A number of incidents point to the effects of this extensive security relationship in which the RCMP, acting at the behest of the FBI, endeavoured to harass American expatriates and, in some cases, prevent their entry into Canada. In addition to the Hoffman case mentioned earlier, another group of deserters was detained by the RCMP, deported to the United States, and directly turned over to the United States Navy.<sup>74</sup> After being in Canada legally for ten days, the deserters had made the mistake of asking an RCMP officer what the law was on hitchhiking. The officer, learning they were deserters, decided to escort the three young men directly to the border where a Canadian immigration officer turned them over to U.S. military officials. Though this was clearly against the Canadian government's May 1969 policy on deserters, it reflected the continued hostility of the Canadian state toward their presence.<sup>75</sup> The case of the three deserters was reminiscent of another "mysterious deportation", that of deserter Dennis Seaman in April 1969. The RCMP roused Seaman, who was staying at a Vancouver hostel, from his sleep and took him into custody. The RCMP then turned Seaman over to Immigration Branch officials, who promptly deported him. Once again, no arrest had been made, no deportation procedure was followed, and no explanation was offered regarding the basis for Seaman's expulsion from Canada.<sup>76</sup>

The speedy way in which the RCMP was able to deport individuals may have been a strategy to prevent deserters from receiving support and legal counsel. When deserters were able to get assistance from draft counsellors or lawyers, the results tended to be quite different. In Toronto two lawyers in particular, Clayton Ruby (a former SUPA staff member) and Paul Copeland, handled many cases involving deserters. According to Copeland, those deserters "who are serious about staying have no problems. But there are many cases involving deserters who are in trouble in the States and find themselves in trouble up here."<sup>77</sup> One case in which Ruby and Copeland were able to prevent a deserter's return to the United States involved Jerry Mihm, who had worked illegally without obtaining Landed Immigrant status. After a failed appeal to the Supreme Court, Mihm travelled to Jamaica to avoid being turned over to the U.S. authorities.<sup>78</sup> Eventually, the two lawyers were able to get Mihm's case examined by the Minister of Manpower and Immigration, who allowed him to return to Canada as a Landed Immigrant.

Another case handled by Paul Copeland further suggests that Canadian

74 Blake Kirby, "Escort Was Laughing Deserter Says on TV", *Globe and Mail*, March 2, 1970; Canadian Press Service, "Deportation of Deserters Illegal: Inquiry", *Toronto Star*, June 26, 1970, p. 12.

75 Clive Cocking, "How did the Canadian Mounties Develop their Unfortunate Habit of Deporting People They Don't Like?", *Saturday Night*, June 1970, pp. 28-39.

76 *Ibid.*, p. 30.

77 Martin Gottlieb, "Sanctuary in Toronto: Movement Lawyers by Default", *Juris Doctor*, 1971, pp. 28-30.

78 "Mihm Leaves Canada: Appeal on Deportation Dropped", *Globe and Mail*, March 10, 1970; "Jerry Mihm: He Came Back", *AMEX*, vol. 1 (June 1970), p. 13.



immigration was being influenced by the agenda of the American government. In the spring of 1970, Toronto's York University hired American historian Gabriel Kolko as a member of its Social Sciences Faculty. Kolko went through the normal procedure of applying for Landed Immigrant status and fully expected to take up his position in the fall. Getting Landed status should not have been a problem for Kolko, as his educational level, professional background, job offer, and fluency in English easily added up to enough points. It came as a surprise, therefore, when the Department of Manpower and Immigration sent him a letter denying him Landed status on the basis "that his presence here would be contrary to Canada's national interest".<sup>79</sup> Copeland challenged the decision and threatened to file a writ of *mandamus* against the government. Copeland's involvement got the immigration officials to reverse their earlier ruling, and they granted Kolko Landed Immigrant status, thus enabling him to enter the country and begin teaching.<sup>80</sup> The Immigration Branch's treatment of Kolko was not isolated. Throughout the 1960s and early 1970s, foreign academics associated with the left had a great deal of difficulty gaining entry into Canada, despite the supposedly objective standards of the point system.<sup>81</sup>

The entry of controversial Americans into Canada raised important questions about the relationship of American power to the maintenance of Canadian sovereignty. Writing in *AMEX*, Charles Campbell decried what he saw as a double standard on the part of the Canadian government. According to Campbell, Canadian officials were motivated in their actions by "a commonality of interests with the U.S. ruling class". Draft resisters and dodgers served a role, both as "badges of tolerance ... as well as badges of independence" for Canadians. But this was merely a symbolic distinction, in Campbell's view. Cooperation between the RCMP and the FBI was a vivid illustration that Canada was in lock-step with U.S. government policy.<sup>82</sup> Campbell's analysis of the situation was correct on a number of counts. In effect the Canadian government had it both ways. It wanted to allow draft-aged immigrants entry to illustrate Canada's independence from the United States, to show that the country was not beholden to U.S. power. Yet, as Campbell asserts, the Immigration Branch did at times act in concert with the United States by refusing entry to those individuals the Branch deemed undesirable. Clearly, tolerance and independence had their limitations.

In coming to Canada, American expatriates thought that they could leave the United States behind, literally escaping American state power. For those under the threat of imprisonment, the journey north was successful — it

79 "U.S. Prof Can Stay Here", *AMEX*, vol. 1 (October/November 1970), p. 24.

80 Paul Copeland, interview by the author, Toronto, September 17, 1998.

81 Reg Whitaker, *The Double Standard: The Secret History of Canadian Immigration* (Toronto: Lester & Orpen Dennys, 1987), pp. 238–274.

82 Charles Campbell, "R.C.M.P. Harassment of U.S. Deserters: A Three Year History", *AMEX*, vol. 1 (October/November 1970), pp. 18–19.

allowed them to stay out of jail — but it also had a cost. Leaving the United States meant leaving behind family and friends without any hope or possibility of being able to return. If Canada was open to resisters and deserters, America was closed. Yet leaving America did not mean leaving it completely behind.

Ultimately the ease with which so many expatriate Americans entered Canada reflected Canadian post-war ambitions to modernize and develop, to become more technologically advanced, and to upgrade the skills of the work force. Young, educated, and skilled Americans fit perfectly into these goals. In addition, the presence of these Americans served an important symbolic role for the Canadian government. By taking in draft resisters, Canadian officials could point to their independence from the United States. By not deporting resisters, the Pearson Liberals could demonstrate a measure of autonomy, something that had been called into question by Canada's acceptance of the BOMARC missiles. This independence was tightly proscribed, however, as the debate around deserters illustrated. The Canadian government would be independent as long as it served government interests, but once those interests ceased to apply, or when individuals were thought to be a possible security threat, the attitude of acceptance changed. Only when the deserter issue came to be framed as a question of national sovereignty did the government officially change its entry policy. Throughout it all, expatriate Americans were a monitored population, a reflection of Canada's participation and support of American Cold War hegemony.

Embedded throughout the entire issue of immigration and entry was the discourse of national belonging and cultural distinction. Since the Revolutionary War, Americans had been migrating north, but, in the wake of the war in Vietnam and the social and political fermentation of the 1960s, their presence had become an increasingly vexing issue. With the emergence of a vigorous English Canadian nationalism in the mid-1960s, the appearance of American expatriates took on an even greater political significance, one that touched on issues of U.S. imperialism, cultural domination, and Canada's economic dependency. In these debates American expatriates would be at the centre of a political storm concerning the relations between the two countries. Both as actors and as symbolic figures, expatriates were embodied sites for the ongoing transaction of U.S. imperialism and English Canadian nationalism.