Their biting and barking will cease William Aberhart and the Accurate News and Information Act.

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THEIR BITING AND BARKING WILL CEASE:  
William Aberhart and the Accurate News and Information Act

by

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A Thesis  
submitted to the  
Faculty of Graduate Studies and Research  
through the Department of  
Communication Studies in Partial Fulfillment  
of the requirements for the Degree  
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ABSTRACT

This thesis is an examination of the Accurate News and Information Act. It attempts to show, using the techniques of historical analysis, that the Accurate News and Information Act was, or in the least, appears to have been, a poorly thought out measure enacted by a group of political neophytes seeking to suppress their harshest critic: Alberta's press. It was not intended to provide 'accurate information' to the people of Alberta; rather it was intended to intimidate newspapers to tone-down their critical line while providing the Aberhart government with another media propaganda outlet. This conclusion is drawn from an understanding of the potential dangers of Aberhart's personality and the government he led.

Most of these arguments are addressed in the early portions of this thesis and act as springboards to issues related to the theme of press rights/liberties. These issues include government manipulation/interference of the press; the dangers of concentrated media ownership (and Aberhart's contribution in outlining this worsening problem); and the significance of the Supreme Court's decision on the Accurate News and Information Act. Also included in this thesis is an examination of the Mackenzie King government's response to the Accurate News and Information Act. More specifically it attempts to answer why the Mackenzie King government legally challenged the Aberhart government's Accurate News and Information Act and yet ignored the more draconian Padlock Law passed in Quebec in the same year. The answer appears to be politically motivated.

The issues of government manipulation/interference of the press; concentrated media ownership; the Supreme Court's decision; and the Mackenzie King government's reaction to the Accurate News and Information Act are separately addressed in chapter form.
DEDICATION

To my father and mother Hercules and Irene Costaris. And, of course, to my supportive brothers and their wives: George and Marian, Tom and Betty, Angelo and Laurie. All of you helped make this thesis a reality.
# Table of Contents

Abstract................................................................. iv  
Dedication................................................................. v  
Chapter  
I. Introduction......................................................... 1  
II. Government Manipulation/Interference of Both Friendly and Unfriendly Media in Canada................................. 43  
III. The Mackenzie King Government's Response to the *Accurate News and Information Act*............................... 73  
IV. The Supreme Court's Ruling on the *Accurate News and Information Act*.................................................... 97  
   V. Dangers of Concentrated Media Ownership.......................122  
   VI. Conclusion........................................................137  
Selected Bibliography..................................................149
Chapter I:  
Introduction

Some of these creatures with mental hydrophobia will be taken in hand and their biting and barking will cease.


On September 24th, 1937, the newly elected Social Credit government of William Aberhart introduced to the Alberta legislature the Social Credit Act— a series of controversial bills which if implemented would have taken that province on a new political and economic course. Included in this controversial legislation was Bill 9: The Accurate News and Information Act.

This Act, consisting of three sections, attempted to expropriate free publication space for the provincial government in any newspaper, daily or weekly in the province, wherever the government monitoring body, the Social Credit Board, felt that a newspaper’s account of the government’s actions was misrepresented. Also included in Bill 9, was a provision which forced newspapers to reveal their sources. Failure to comply with these two provisions would result in a harsh fine.

From the outset, Bill 9, like the entire Social Credit Act, faced stiff opposition. Several months after being reserved by Lieutenant-Governor Bowen of Alberta, and then sent on Aberhart’s request to the Supreme Court of Canada by the federal government, the Accurate News and Information Act was found to be ultra vires-
and thus, disallowed.

The Supreme Court's decision was primarily based on its ultra vires ruling on the Alberta Social Credit Act. It viewed the Accurate News and Information Act to be "a part of the general scheme of Social Credit legislation, the basis of which is the Alberta Social Credit Act." (Dominion Law Reports, vol.2, 1938: 106-109) In other words, the ultra vires ruling of the Alberta Social Credit Act automatically made ancillary legislation such as the Accurate News and Information Act, ultra vires. Only as a post script was any comment made on the dangers that the Accurate News and Information Act posed for press freedoms in Alberta.

Mr. Justice Duff's dicta premised a right of free expression from the preamble of the British North America Act which declared that the Constitution of Canada was to be "similar in principle to that of the United Kingdom." On the basis of this declaration, he said that the right of "public discussion is ... subject to legal restrictions... but it is axiomatic that the practice of this right of free public discussion of public affairs... is the breath of life for parliamentary institutions." (Canada Law Reports, 1938:133) Mr. Justice Cannon added that freedom "of discussion is essential to enlighten public opinion in a democratic state; it cannot be curtailed without affecting the right of the people to be informed through sources independent of Government concerning matters of public interest." He also relied on the preamble of the British North America Act and reprimanded the government of Alberta for
trying to pass a law which, in his view, had kinship to seditious libel. Justice Cannon concluded by stating that "the federal Parliament is the sole authority to curtail...the freedom of the press and the equal rights in that respect of all citizens throughout the Dominion." (Canada Law Reports, 1938: 133)

For the provincial government, the implementation of Bill 9 was a necessary measure to counteract the alleged "misleading" tendencies of Alberta's anti-Social Credit press. The government felt that the Accurate News and Information Act was a measure to ensure the dissemination of "truth" and thus nurture the democratic process. Such arguments have the early ring of what is now known as social responsibility theory.

The press, on the other hand, felt that passage of this Act would seriously endanger the 'free press process' in Alberta. The Calgary Herald, for example, accused the Aberhart administration of attempting to prevent the public from reading "any statements about the government [except those] which are concocted by its own propaganda bureau." (October 1, 1937) Even the government-subsidized Social Credit daily, The Albertan, attacked the measure. The Albertan felt, despite its view that the Aberhart government had been abused and criticized by newspapers to a point almost beyond endurance, that laws against freedom of speech or expression were the "first move to end democracy." (October 4th, 1937)

Given the modern context, claims such as those above appear to be somewhat naive. As will be outlined later, concentrated ownership of the press has, for many press analysts, become a far
greater challenge to the 'free press process' than government intervention. However, from Alberta's 1937 context, where a variety of media sources with diverse views existed, there was some credibility to the Herald and Albertan's claims.

The majority of academicians who have examined the Accurate News and Information Act tend agree with the Herald and Albertan's views. John Barr has referred to this Act as "a harsh blow at free speech." (Barr, 1974:109) G. Stuart Adam has commented that the sovereignty of the publicity system was "vindicated" by the Supreme Court's decision. (Adam, 1976:169) Kesterton, who has written the most vociferous attack on the Accurate News and Information Act, considered it to be "authoritarianism in its most overt form". (Kesterton, 1967:230) Robert C. Hill, in his thorough analysis, considered this Act to be a means by which the Aberhart government attempted to "silence its most determined and outspoken critic," and thus "limited public debate and discussion that are an integral part of the democratic system." (Hill, 1977:iv)

Other historians are less critical of the Accurate News and Information Act. Their criticism seems to be blunted by what they consider to be the 'unfair' treatment of Aberhart by the press, federal government, and the Supreme Court. Tollefson (1976), for instance, has argued that the Supreme Court's decision was a "bad decision." Melynk (1977) and Forsey (1974) claim that the Supreme Court's decision was largely influenced by its 'establishment' leanings. Aberhart's government was viewed as a threat to Alberta's (and Canada's) economic status quo. The 'establishment',
they argue, thus used its influence to block Social Creditism and its goals. Citing the more repulsive Padlock Law enacted by Quebec’s Union Nationale government in the same year, Forsey argues that the federal government’s inaction on the Padlock Law was influenced by the Padlock Law’s ‘pro-establishment’ leanings. That is, the federal government supported the Padlock Law because it attacked the anti-establishment press while the Accurate News and Information Act attacked the establishment press.

This thesis attempts to show that the Accurate News and Information Act was, or in the least appears to have been, a vengeful, poorly thought out measure enacted by a group of political neophytes seeking to suppress their harshest critic. It was not intended to provide ‘truth’ to the people of Alberta; rather, it was intended to intimidate newspapers to tone-down their critical line while providing the Aberhart government with another propaganda outlet. This conclusion is drawn from an understanding of the potential dangers of Aberhart’s personality and the government he led.

Aside from the Union Nationale’s notorious Padlock Law, no other government—either federal or provincial—has ever resorted to press criticism along the same unsophisticated lines as the Aberhart Socreds. Indeed, as will be shown early in this thesis, most Canadian governments have generally avoided and/or handled press criticisms by more subtle and sophisticated ‘media management’ techniques.

Of course, this is not to suggest that the press, leading
up to and after the Accurate News and Information Act, was unblemished. In some instances, the press acted irresponsibly in its treatment of the Social Credit government. Nevertheless, when taken as a whole, Alberta’s press acted far more responsibly in its presentation of ‘truth’ in the province’s marketplace of political, social and economic ideas than did Aberhart’s government.

It should also be stressed right from the outset that while the Accurate News and Information Act was a vivid illustration of the dangers associated with government control of the press, it should not be inferred that government is the only potential threat to the flow of ‘truth’ in the marketplace of ideas. As will be shown in the final section of this thesis, media ownership—concentrated media ownership in particular—is as much a threat to the flow of ‘truth’ as is government intervention. Before addressing these issues, though, it is first important that one understands the main factors which led to the rise of the Social Credit Party in Alberta.

The backbone of Alberta’s economy had always been farming. Whenever this sector of the economy suffered a down-turn, most Albertans faced serious economic hardships. None of these hardships, though, compared with those faced during the Great Depression of the 1930’s. Indeed, so devastated was Alberta’s economy that the Red Cross had to launch a national appeal to assist 125,000 farm families. (Barr, 1974: 21) The need for this appeal stemmed from the fact that the net income per farm in Alberta had dropped from $1,975 in 1927 to a staggeringly low $54
by 1933! To put these figures in a relative perspective, the average income for Canadians in this same time period fell forty per cent while those for Alberta's farmers fell ninety-four per cent! (Barr, 1974:21) And, "In cities, towns, and villages," according to Irving, "the masses of the people [of Alberta] were no better off." (Irving 1948: 391)

There are a number of factors which account for the fall of farm incomes in Alberta. The combination of such natural calamities as drought and agricultural pestilence and the federal government's high tariff policies on agricultural machinery were the most significant factors. (Irving,1984: 321) In an attempt to ride through the storm of this depression, many Albertan farmers tried to buy time by heavily mortgaging their farms.

Time, though, was not on the side of Alberta's farmers. Foreclosures on mortgaged farms by banks and loan companies were ubiquitous. The output of generations of hard work and memories were suddenly handed over to mortgage companies for arrears. Naturally, then, Alberta's farmers focused their resentment on these financial institutions—especially those that profited from their loss of livelihood. According to Barr, income from bond interest, and farm mortgages during the Depression had risen thirteen per cent. (Barr, 1974:23)

Albertans directed much of their anger at Canada's Eastern political and economic interests. For years, representatives from Alberta and the other prairie provinces badgered Ottawa to reduce protective tariffs created to protect Eastern industry. These
tariffs significantly drove up the prices of farm implements and thus ate away at farm incomes. Likewise, many Albertans were angered by the structure and philosophy of Canada's banking system. As Barr sums it up, Albertans disliked the fact that:

In contrast to American frontier banks, which tended to be locally owned, small, adapted to local needs... the Western banks were simply an extension of the enormously large...inflexible and oligopolistic Canadian chartered banking system." (Barr, 1974: 14)

Of course, Alberta's anger with the East during the Depression was not a new phenomenon. According to Barr:

From the turn of the century until the rise of Social Creditism itself, a long line of editors, political leaders, and agrarian philosophers defined and elaborated on the causes of Western discontent. They did not all agree on the causes or solutions. But by the coming of the Depression, there was in Western provinces, and especially in Alberta, the motherlode of Western protest, a broadly-based folk lore of protest about the economic and political structure of Confederation. (Barr, 1974: 13)

Traditional political parties with strong links with Canada's Eastern political and economic interests such as the Liberals and Conservatives, could not fully accommodate Alberta's 'motherlode' of grievances. Albertans wanted political representation that exclusively represented their interests. Thus, in 1921, Albertans chose the United Farmers of Alberta (UFA) party to represent them provincially in this regard.

For a while, this political party won some significant concessions from Ottawa. The greatest concession, of course, was the turn-over of control from Ottawa to the provinces of their natural resources.
Only a few years after the hero's welcome that J.E. Brownlee received for his major role in this gain for provincial autonomy, the UFA government was swept out of office by the Socreds. The UFA government, like the provincial governments swept out of office around the same time in British Columbia, Saskatchewan, Ontario, and Quebec, was unable to end the economic hardships brought about by the depression. It was also a government rocked by scandal. (Premier Brownlee fought-off charges of sexual misconduct while one of his ministers faced intense media observation and humiliation from Alberta's press coverage of his spectacular divorce case).

Given these political and economic conditions in Alberta, it seemed that the time was now ripe for new and untried solutions to Alberta's serious problems. As Irving summed it up:

Psychologically, hundreds of thousands of people were experiencing a profound personality disintegration; they were caught in a steel web from which there seemed no escape; their social environment, their feeling for the process of life, their hope for the future, all became meaningless. Amid such desperate social and economic conditions, William Aberhart appeared as the prophet of a new social order. (Irving, 1948: 391)

This 'prophet', an extremely popular radio evangelist/high school principal employed in Calgary, had never taken part in civic or political activities at any level until 1932. In fact, he did not even engage in any public discussion on economic questions until this same time period. (Irving, 1948: 392) The factors leading up to Aberhart's 'conversion' to Social Creditism were complex. There are some who feel that his conversion met selfish ends, while others feel that it was sincere. We may never fully
know one way or the other. What we do know is that Aberhart’s public outrage at the economic plight of Albertans was slow to develop.

Until 1932, Aberhart’s political preferences lay with the Conservative Party. (Irving, 1948: 392) One explanation for this may be that as a school principal "on secure tenure and salary," Aberhart did not personally feel the "Depression’s pinch." (Barr, 1974: 48) Indeed, Aberhart lived a rather affluent lifestyle. Elliot mentions Aberhart enjoyed a fancy car, fine clothes, good food and a pleasant house in the fashionable Elbow Park district of Calgary. (Elliot, 1978: 41)

Barr also mentions that Aberhart was under growing pressure to raise money to finance his radio programs. At the same time, the Calgary newspapers, with the backing of the city’s business elite, began a massive campaign to retrench teachers’ salaries, and Aberhart began to ponder what was happening. He made his opposition to the campaign privately known. (Barr, 1974: 48)

As will be shown later, the two groups for which Aberhart spared no mercy were the press and big business. Was this campaign by the Calgary newspapers and the city’s business elite the starting point in Aberhart’s contemptuous views of these two groups?

While this thesis is not a clinical psychological analysis of Aberhart, there are many scholars who adamantly believe that Aberhart was a vengeful man. If one believes these allegations, then, and only then, might one believe the dangerous nature of the
Accurate News and Information Act.

Returning to Aberhart’s decision to become politically active for the moment, it should in all fairness be pointed out that Aberhart’s decision may have gradually been influenced by the personal testimonies and hardships of his close friends and former students. These testimonies may have helped open Aberhart’s eyes to the severity of the depression. For instance, Barr cites the fact that:

Many out-of-work men came to Aberhart for personal loans. Several children fainted in class [at his highschool]; they admitted to Aberhart it was from hunger. (Barr, 1974: 48)

Perhaps most profoundly though:
Just before Aberhart left for Edmonton in early July 1932, to mark examination papers, one of his young grade twelve pupils became despondent [as a result of his economic plight] and committed suicide. (Barr, 1974: 48)

While Aberhart was undergoing his political ‘conversion’, the Social Credit movement was beginning to make some inroads in Alberta’s marketplace of political ideas.

This movement was founded on a vague economic theory originated by a Scottish engineer named Major Clifford Hugh Douglas. In brief, Douglas felt that the monetization of wealth was the root of most economic problems. To Douglas, reform of the monetary system could be achieved by the circulation of a monthly dividend credit to each citizen. This dividend credit, which would never have to be paid back, would be issued by the provincial government. The government
would control the flow of credit by a "just price" mechanism for goods and services. The credit source would be in the form of a levy included in the just price of goods and services. The flow of credit would also be controlled by a compulsory spending clause requiring all saving and hoarding to be done by the purchase of Alberta bonds. (Irving, 1948: 392-95)

Douglas' economic theory has been criticized by many economists and academics as being either too vague or simply unworkable. With regards to the former, this theory is so vague that some scholars feel that even Aberhart, the soon to be elected Social Credit Premier "did not comprehend " Douglas’ theory. (Hill, 1977:5) As evidence, Hill(1977) cites Aberhart’s "unwillingness or inability to clarify aspects of his program." Aberhart remarked: You don’t have to know all about Social Creditism before you vote for it; you don’t have to understand electricity to use it, for you know that experts have the system in, and all you have to do is push the button and you get the light. So all you have to do about Social Credit is cast your vote for it, and we will get the experts to put the system in. (Barr,1974:84)

As early as 1923, Major Douglas came to Ottawa at the suggestion of a UFA member, to testify before the Standing Committee of the House on Banking and Commerce. During the next ten years, Social Credit theories, along with other proposals for monetary reform, were discussed in UFA locals (Irving, 1948:395)

One man sold on Douglas’ theory of Social Creditism early on was C.M. Scarborough. Scarborough, a friend of Aberhart’s from
Edmonton, tried to convert Aberhart to Social Creditism on several occasions. Scarborough was convinced that Aberhart would be the perfect man to sell Douglas’ system to the masses.

In the summer of 1932, just after the suicide death of the young grade twelve pupil from his high school, Aberhart received from Scarborough a copy of Maurice Colbourne’s Social Credit work: *Unemployment or War*. Aberhart read this book that same night and became convinced of the merits of Douglas’ theory. (Barr, 1974:49) From that fateful day onward, the Social Credit movement began its shift into high gear.

Starting in the autumn of 1932, Aberhart began to inject some Social Credit ideas into his religious broadcasts. With the passage of time, these ideas became more prominent. This coupled with the extensive travels throughout the province by both Aberhart and his right hand man, Earnest Manning, to sell to mass audiences the benefits of Social Creditism, quickly brought this movement to Alberta’s political forefront.

Aberhart and Manning even created their own radio series called: "Man from Mars." In this series, a Martian (the Man From Mars) explained to Aberhart and Manning the benefits of economic life on Mars through its use of Social Creditism. This series attracted an enormous listenership. The major theme in each episode was the Man From Mars’ utter bewilderment of the 'fact' that the Alberta government allowed the existence of "poverty in the midst of plenty." This powerful theme would become the main slogan for the Social Credit Party in the 1935 provincial election.
Despite Aberhart's enthusiastic support of Social Creditism, he was still reluctant to become the leader of any political organization. He constantly stated that he had no political ambitions. (Irving, 1948: 397) Pressure to transform the Social Credit movement into a political party though, began to mount. Finally, in April of 1935, Aberhart succumbed to this pressure. The Social Credit Party finally became a political entity.

While Aberhart was forming the Social Credit Party, two of the other three main provincial parties were seriously considering incorporating elements of Social Creditism into their own party platforms. The Liberal Party of Alberta, for instance, promised, if elected, to employ three expert Social Credit advocates to carry out a complete investigation of the schemes proposed by Aberhart. (Irving, 1948: 398)

The ruling UFA government was also interested in incorporating Social Creditism into its party platform. So interested, in fact, that it recruited Major Douglas as its Chief Reconstruction Advisor.

While Douglas was making inroads for social creditism in the ruling UFA Party, and incidently, being "well received by the establishment press" (Melyn, 1977: 11); Aberhart was in the process of selecting "one hundred good men" suitable for political office. This selection process would not win Aberhart much praise from Alberta's press.

One main requirement in Aberhart's selection process was his preference for inexperienced candidates. According to Irving:
Aberhart had realized that the entrance of the movement into politics would attract the type of opportunist who is always waiting to climb on a new bandwagon, and he made a rule that no one who had been associated as a leader or candidate with any other political party could be a Social Credit candidate in the election. The rigid application of this principle naturally brought to the front a new group of men, most of whom were entirely inexperienced in politics. (Irving, 1948: 398)

While some may consider Aberhart’s intentions to be noble, others might argue that they were politically naive. With a more politically experienced pool of Social Credit candidates, his government might have been more sophisticated in its handling of problems; especially in its handling of the press. (This will be more thoroughly discussed in the next chapter) Moreover, Aberhart’s desire to have a direct say in the selection of candidates indicates a certain amount of mistrust of the democratic process. Usually, it is a party, not one man which has the greatest say in the selection of its candidates.

Such was the view of the Alberta Labour News. It went further by equating Aberhart’s actions in this selection process and his political style at the Social Credit Party’s founding convention, to those of Hitler. In its view, "..anyone who listened to the frenzied harangue of the Calgary man at the closing session of his Calgary convention, or who examines the method by which his candidates are chosen, must see in Aberhart’s methods a great resemblance to the demagogic appeal and dictatorship techniques of Herr Hitler." (April 13, 1935)

Aberhart’s demagogic appeal can not be overestimated. As Caldarola remarks:
"When Aberhart took the platform, he revealed himself to be an almost matchless master of crowd psychology, able to adapt his oratory instantly to catch the mood of the audience." (Caldarola, 1977:40)

Citing Shultz (1967:196-198), Caldarola further remarks that:

He [Aberhart] persuaded those listening that he and they were united in a common fight against the 'Fifty Big Shots of Canada' or the major financial institutions which were 'crucifying the will of the people.' He identified himself as a 'provincial David,' saying, 'we face a giant today. By ingenuity we can deprive him of his power. The sling of credit-loans-without-interest and the non-negotiable certified stones will destroy his grip and deliver us from his power.'

Such passionate words usually come from a man with a visionary mandate. However, just one week after being swept into office with 56 of the Alberta Legislature’s 63 seats, Aberhart was reported as saying: "Seventy per cent of those who voted for me don’t expect any dividend; but hope for an honest and just government." (Caldarola, 1974:41)

How can a government hope to be honest if it deliberately deceives people about its mandate: the full implementation of Social Creditism including its key monthly dividend provision? No wonder Aberhart told Albertans that there was no need on their part to understand Social Creditism: Social Creditism was not going to be implemented!

Many backbenchers in Aberhart’s party also expected the complete implementation of Social Creditism. Indeed, as will be shown later, Aberhart’s government was nearly toppled by these backbenchers, who demanded its full implementation. This
backbenchers' revolt would also be instrumental in the creation of the Accurate News and Information Act.

Despite Aberhart's reluctance to implement Social Creditism, he was largely perceived by Alberta's press and the economic establishment as being a radical. They were not aware of his true intentions.

So radical was Aberhart perceived, in fact, that Stalin's press wired for immediate stories upon Aberhart's victory. The Soviets even sent their own correspondents to sit and record events from the Alberta Legislature. (Melynk, 1977: 9)

Alberta's economic establishment believed that Aberhart was a radical because its members assumed Aberhart meant his promises to transform Alberta's economy under Social Creditism. These members were also angered at the harsh criticisms Aberhart hurled at them. One has to wonder why, (aside from the political benefits these criticisms would bring) Aberhart would attack this potentially useful political body if he did not intend to follow through with Social Creditism.

Apologists may answer this question by arguing that Aberhart was simply politically naive; while critics of Aberhart will argue that he deceived the people of Alberta to gain power for power's sake. Others may explain his actions by what they have characterized as his highly emotional and irrational personality.

With regards to the third explanation, Aberhart may have convinced himself that he was a saviour. Many of his friends felt it was so. That is why they constantly pressed him to assume the
role of leader of the Social Credit movement. Many of his constituents also felt that Aberhart was a saviour. Indeed, one woman wrote to the Herald:

Just as God chose Moses to lead the children of Israel out of bondage, so we firmly believe God has ordained Mr. Aberhart a second Moses who will lead the people of Alberta into a better and higher standard of life and into their rightful heritage. (April 20th, 1934)

One indication Aberhart might have believed he indeed was this saviour was his reluctance to justify his intentions or actions from an intellectual premise. Aberhart had convinced his followers through stirring yet non-substantive speeches that either Providence, or he himself would lead Albertans out of the desert of the Great Depression. This element of Aberhart's political style drew considerable criticism from Alberta's press. If Aberhart could not skate around his critics with vague replies, he would avoid debate forums by sticking primarily to uninterrupted propagandist radio broadcasts; or by stirring crowds, when necessary, into howling down critics; or by promoting boycotts of newspapers which offended him. The final step towards ensuring his control of criticism was to regulate the press.

Right from the outset, all six dailies in Alberta and most of its weeklies were opposed to the policies of the Aberhart government. The two largest newspapers in the province: the Edmonton Journal [the Journal] and the Calgary Daily Herald [the Herald], were the Aberhart government's most persistent and outspoken opponents. (Hill, 1976:4)
Press opposition to the Social Credit government was not limited to the 'establishment' press. The weekly Alberta Labour News, for instance, which was the voice of labour in the province, was as critical of Aberhart as the 'establishment' press. It viewed the Social Credit plans of the Aberhart government as being a "hocus-pocus"-"crazy credit scheme". (June 29 and July 27, 1935)

As early as 1934, Major Douglas had argued that political victory must be accompanied by the establishment of a news circulation system under the province's "unchallengeable control." (Adam, 1976:156) Aberhart's method of solidifying public opinion was through coercion and expanded propaganda. Only seven days after he was elected, Aberhart made the following warning to newspapers:

> If the newspapers co-operate with us, there will be no need of entering that field. All we ask that the newspapers print truth and the whole truth and not spread lies. I think you fellows are in the same position as the banks. (Adam, 1976:159)

Though such a warning seems reasonable (governmental actions against libel so as to protect the public from deception in the market place of ideas are laudable) it should be noted that Aberhart's notion of 'truth' was limited to that which put both himself and his party in a positive light. As will be shown in later chapters, Aberhart, a masterful manipulator, manipulated the notion of certain forms of press regulation in the same way he manipulated public support through his promises to implement Social Creditism.

Four and a half months after Aberhart's 'warning', the Social
Credit government purchased The Calgary Albertan and merged it with the Social Credit Chronicle. Included in the deal was radio station CJCN. A cabinet member, Solon Low, was clearly pleased with these purchases which followed the strategy of Major Douglas. Low remarked:

Major Douglas asked that we have a paper and a radio. We have them and I submit that these are two very important things done by this government in its program of implementing pledges. (Adam, 1976:160)

The purchase of CFCN and the Calgary Albertan-Social Credit Chronicle merger did not pose a major threat to free press liberties in Alberta. It gave the Socreds access to the market place of ideas.

The purchase of radio station CFCN was a major coup. Major Douglas knew that this unregulated medium could permit "the rapid dissemination of new or unorthodox ideas" with uninhibited freedom. (Melynk, 1977:10) Though he also injected some British racism in his theory when he claimed that:

...the character of the population, chiefly agricultural in interest and more than one-third of it drawn from German and Ukrainian farming and peasant stock, renders it specifically vulnerable to mass agitation and more inclined to accept the printed word and the radio speech at their face value without submitting them to more cynical criticism of Anglo Saxon civilizations. (Melynk, 1977:11)

This may explain the Social Credit government's decision to print a weekly of the Albertan in the Ukrainian language.

Shortly after the purchase of CJCN and the Calgary Albertan, Aberhart revealed that he was still not pleased with his
government’s control in the flow of news coverage. In a CBC radio address on "The Freedom of the Press," Aberhart said no one could deny the tremendous power of the press for good or ill, but he noted fire, which had a similar kind of power, needed to be carefully controlled. (Glenbow-Alberta Institute Archives: Calgary Herald papers [M1621], file number 10) This was just one of many repeated ‘warnings’ made by Aberhart regarding legislative action on the press. While such ‘warnings’ caused anxiety among publishers and editors, they failed to silence the press. A stronger measure was therefore needed: The Accurate News and Information Act.

On September 20th, 1937, four days prior to tabling the Accurate News and Information Act before the Alberta Legislature, Aberhart said in a radio broadcast: "Some of these creatures with mental hydrophobia will be taken in hand and their biting and barking will cease." (Barr, 1974: 108)

These rabid "creatures" whom Aberhart was referring to were members of Alberta’s press. The press had a heyday in reporting Aberhart’s backbenchers’ near-revolt which resulted from his reluctance to implement a pure Social Credit budget. This coverage, which lasted for several months, brought tremendous humiliation to the Aberhart government. In early August, Alberta’s Minister of Public works, Mr. Fallow commented on this matter by saying:

"They [the press] are giving us a rough ride now, but that is nothing like the ride they are going to get before we are through."(Barr, 1974:98)
The rough ride that the Aberhart government had prepared for Alberta's press, the Accurate News and Information Act, was "probably" designed by G.F. Powell and L.D. Byrne—the two men who also devised an oath of secrecy pledge for members of the government.

The wording of this legislation only covered two-and-one-half pages. As briefly mentioned earlier, it consisted of three sections. The first section stipulated that Alberta newspapers, dailies and weeklies, must publish statements provided by the chairman of the Social Credit Board for the purpose of correcting or amplifying statements published earlier in those newspapers relating to policies or activities of the government. The statements were to be printed and given the same prominence as the original ones. Each would carry a notice at the end saying it was published by the direction of the board chairman. Finally, no libel action could be instituted against a newspaper as a result of publishing a government statement.

The second section forced newspapers to reveal the source of any item published within the previous sixty days. Newspapers when requested would have to reveal names, addresses and occupations of all persons who supplied information. In addition, the names and addresses of writers responsible for the article or editorial in question would have to be submitted. This information was to be supplied within twenty-four hours from the time the newspapers received the chairman's written request.

The third and final section dealt with penalties for
contravention of the above regulations. On the recommendation of the board chairman, the cabinet could by order prohibit:

1) Publication of the offending newspaper for a definite time or "until further order";
2) Publication in any newspaper of anything written by a person specified in the order;
3) Publication of any "information emanating from any person or source specified in the order."

These penalties applied to the editor, publisher or manager of any newspaper guilty of violating the Act. Another clause, applying to every person failing to comply with the provisions of the Act, set out 'a fine of up to five hundred dollars.' The maximum fine for not obeying the Cabinet's prohibition on publishing was one thousand dollars.

The first section of the Accurate News and Information Act did not pose as much of a threat to newspaper 'free speech' as did the second section. Government right of reply sections were enacted in France as early as 1881 with minimal damage to the free press process. However, in the Alberta context, such a measure would probably have been politically impractical.

Given the intense animosity between the provincial government and the press, the right of reply section of the Accurate News and Information Act may have led to a circular series of government attacks immediately followed by press counter attacks. And since
the Aberhart government was unwilling to specify its objectives, the press would have torn to shreds these vague government replies. In essence, then, the right of reply provision may have brought further political embarrassment to the Social Credit government, rather than redress.

It should also be noted that successfully enacting the right of reply provision would have required the hiring of a significantly large new bureaucracy- the funding of which would have further drained the already low government treasury. After all, The Social Credit Board would require a staff capable of policing Alberta’s six dailies as well as about one hundred other newspapers published in the province (as cited by Hill from Okotos Review. August 7, 1936--Hill, 1977:76) After reviewing these sources, the Social Credit Board would then have to prepare its "equal length" replies: each of which would then require the provincial government's approval- so as to avoid any embarrassing or accidentally misleading responses.

It seems unlikely that the Aberhart provincial government would have been able to keep up with the enormous barrage of press attacks hurled at it. And, as a result, it would have invited more political damage upon itself. That is, the public would have viewed the government as being guilty for appearing to remain silent on a press attack. Silence, after all, is often viewed as an admission of guilt.

There were many instances in which the press offered the provincial government an opportunity to present its disagreements
on a newspaper’s commentary. Indeed, the press by and large, was more conciliatory toward Aberhart’s Social government than he was to it. Time and time again, the Aberhart government refused to respond with specific criticisms. Instead, Aberhart would go on his radio program with its estimated audience between 350,000 (Barr, 1974:39) to 500,000 (Irving, 1947: 110) [the population of Alberta at the time was 800,000!] spewing-out venomous attacks on the press without specifying where his government was misrepresented. (Hill, 1977: 46)

Aberhart declined to specifically respond to the press’ attacks because it would have shown the folly of his policies. Surely, if his responses were viable (as were CCF Premier Tommy Douglas’ with the anti-CCF press in Saskatchewan, for instance) no newspaper would have been able to significantly counter attack them (in terms of voter support). This may also explain why Aberhart did not directly participate in the debates for the passage of the Accurate News and Information Act. As Hill remarks:

This was the man who led the attack on the newspapers, who had flung charges at them week after week in his Sunday broadcasts, whose decision it was to bring in legislation against them. But now, at the climactic moment of his long campaign against the press, he had nothing to say leaving it to his colleagues to make the government’s case. (Hill, 1977:6)

Much of what was said by the government was simply a re-statement of the position Aberhart had been maintaining in his speeches. (Adam, 1976:165) Those who did take part in the debate offered, as Hill maintains: "lame excuses for the measure; evaded
the issues or reverted to familiar sweeping accusations that lacked substantiation." (Hill, 1977:106)

The main government speaker, Provincial Treasurer Solon Low, denied that the Act was in any way undemocratic:

It has been definitely known that the press were [sic] enjoying, not just a freedom that is much in the nature of license, untrammelled or unfettered, and I cannot see that this bill will in any way restrict them all. (October 5th, 1937:6)

In an interesting, or perhaps as Hill contends, "a perverse twist" to the government's motives, Low argued that the legislation was actually designed to help publishers—"they would be absolutely certain that they...(had) an absolutely reliable source of information." Nowhere did Low cite any instance of newspaper lies regarding the Social Credit government, but he did give "one of the finest examples" of newspaper misrepresentation—coverage of the Lindbergh kidnapping trial in the United States. (Hill, 1977:106)

Edith Gostick, a Sacred MLA for Calgary articulately argued:

I am opposed to censorship of the press. I believe in free press and free speech and value very highly those qualities and am determined to guard them. Because I am in favour of a free press, I am going to support this bill. I think a free press should publish the truth. We hear that old cry of Freedom of the Press and we have no such thing today as a free press and there never has been. Our opponents talk about our controlling the press. I want to tell you sir, it is generally understood that the press is largely controlled by financial interests. What do we mean by freedom of the press? Freedom for whom? Freedom for the class who [sic] profit through the press or freedom for the people. (October 5th, 1937:6)
In the same speech, Gostick spoke of "malicious statements of untruth and misrepresentation," but she supplied no examples.

As Hill points out, only one Socred MLA offered a specific example of what he believed to be a press misdemeanour. The MLA, R.E. Ansley of Leduc, charged that during the second session in August, newspaper headlines in the Journal suggested the government's new banking legislation would bring confiscation of deposits. When the Premier issued a statement denying this was the intention -- claiming in fact, the purpose was "directly against such a thing" -- the Journal published Aberhart's statement in an "off-hand Corner on page seven." That proved," said Ansley, that "they do not take statements of correction." (Hill, 1977:107)

Of course, there were some incidents where the press deliberately attempted to mislead the public's perception of the Social Credit government. For instance, Irving notes that near the tail end of the 1935 election, the Herald unfairly represented the Social Credit Party in its letters to the editor section. Irving says, readers could not help noticing the letters condemning the Social Credit Party were of a fairly high standard, while those favouring it were "so absurd as to suggest that they had been deliberately selected for publication, if not actually written, by the Herald's staff." (Irving, 1959:319)

However, from my examination of the Herald and Journal newspapers as well as Hill's (1977) more detailed account, such misrepresentation was more the exception than the rule. Where these newspapers spared few punches in terms of ridicule, was in
their political cartoons and editorials. At any rate, the Aberhart Societies used such exceptions as the above incidents as proof of a broad conspiracy against the provincial government.

There were numerous instances where the Aberhart government was accorded significant space to present its views. For example, both the Journal and Herald reported, sometimes at length, the "political" portions of Aberhart's Sunday addresses, broadcast alternate weeks from Calgary and Edmonton. (Hill,1977:83) When two cabinet ministers claimed they were misquoted in speeches to a Social Credit meeting, the Journal published their subsequent statements on what they had said, carrying the item at approximately the same place on the same page as the original story. Even when newspapers were accused only indirectly, they opened their pages to the government. A statement issued by future Social Credit Premier Manning, to counter "wholly un-warranted rumours" regarding bank legislation was carried in full on the front page of the Journal, running to about three-quarters of a column. (Hill,1977:82-83)

Hill (1977), in his extensive analysis of government-press relations in Alberta leading up to the Accurate News and Information Act (the only extensive analysis!) concurs with the Herald's view that no government in the history of Alberta or any province to that point "has been accorded so much free space as the newspapers of Alberta...have given the Social Credit administration." (Hill,1977:84-85) This "free space", in addition to a government owned radio station and newspaper gave the Social
Credit government a significant amount of media access for the presentation of its policies.

Again, and not for the sake of repetition, the addition of a right of reply section would have primarily served as another propagandist outlet for the Socreds. This we may infer from Aberhart’s use of the radio medium. Aberhart’ accusations of press misinformation were rarely specific:

Instead of singling out a specific story in one particular newspaper; Aberhart would talk about falsities and misrepresentations or lies in ‘the press’ or ‘the newspapers’...This demagogic technique undoubtedly made it easy for the Premier to brand virtually all newspapers as villains and stir up hatred of this common enemy among his listeners. (Hill, 1977: 79-80)

Such an approach may also indicate that,

Aberhart’s case against Alberta’s newspapers was not strong. When such charges are made week after week, it is reasonable to expect the accuser to produce evidence to support his allegations. If that evidence is not produced, a certain doubt arises as to whether it actually exists.(Hill, 1977: 80)

The use of concrete evidence, though, is for reasonable individuals. It seems, at least according to many of Aberhart’s biographers, that he was far too emotional a man to argue through reason. Without fear of having to respond to criticism or embarrassing questions, Aberhart referred to his critics as: "grafters, crooks, scheming politicians, insincere office seekers;" "henchmen of the financial interests;" "worshippers of the Golden Calf;" "fornicators, grafters and hypocrites;" full of "sputtering, ramblings, prattlings, and...baloney;" principled "like those of the man who betrayed the Christ." (Barr, 1974: 79) It must be
emphasized that the Aberhart government had its own radio station and newspaper. This was not a government with no media access. As outlined earlier, Aberhart's Sunday broadcasts were enormously popular. So popular, in fact, that they reportedly outdrew the radio audiences for the Jack Benny Show, which followed. (Moon, 1953:52) Indeed, even the press' attacks on Aberhart's government came to be regarded by many Albertans as "a form of left-handed compliment." Aberhart had convinced people through his radio addresses and Social Credit Chronicle editorials that the other press was mere tools of the Eastern financial and commercial interests. (Barr, 1974: 108)

Given this immense radio audience in addition to a government owned newspaper, no opposition party stood as fair a chance of presenting its policies and criticisms in Alberta's market place of political ideas as did the Social Credit government. If the Aberhart government was principally concerned with the reporting of "truth" in the right of reply section to enhance the democratic process, then surely the Accurate News and Information Act should have provided a provision for all of the opposition parties. After all, the opposition parties deserved a right to reply to stories they felt were misleading as much as the Socreds. By excluding the opposition parties from the Accurate News and Information Act, it seems that the only 'truth' that the Socred government was concerned with was 'truth' concerning itself.

Secondly, given the impracticality of monitoring Alberta's press for misleading news coverage of the government (as was
discussed earlier), the implementation of a right of reply provision for opposition parties would have amounted to nothing more than a giant bureaucratic and fiscal nightmare.

Thirdly, such a provision would likely have further altered the press' agenda setting mechanisms. That is, newspapers would have been forced to cut back on non-provincial news. While this is not excusable on the press' part, unfortunately, its concern for profits lost from advertisements and printing costs would have resulted in a reduction of outside news items for most Albertans. The Accurate News and Information Act made no provision for such an inevitable outcome.

And, finally, it could be theoretically argued that the Aberhart government could use both the right of reply and financial fine provisions to harshly 'tax' large opposition newspapers into submission. Both these provisions, though, would have had their greatest effect on Alberta's small newspapers. These low budget newspapers could easily be fined out of existence if the Aberhart government chose to do so. Again, the Accurate News and Information Act made no provisions for such theoretical possibilities.

Kesterton has argued that Alberta's press, in response to the Social Credit government's huge majority, took on the role of the official opposition. (Kesterton, 1967:228) Of course, he acknowledged the main factor contributing to the press' decision to act as the government's opposition lay in its distaste for Social Creditism. This distaste, as Forsey (1974) argues, is owed
to the threat the doctrine of Social Creditism posed for Alberta's economic elite—an elite that included much of Alberta's press. However, as has already been pointed out, criticism of the Social Credit government went beyond the establishment press. The Alberta Labour News, a "anti-capitalist" weekly initiated by the Alberta Federation of Labour and later published by the Co-operative Commonwealth Federation, was just as vociferous in its attacks on the Social Credit government. (Hill, 1977) [NB: The Alberta Labour News changed its title to The People's Weekly in January, 1936]. One might assume that a newspaper representing the interests of labour and the poor, might be more sympathetic to Social Creditism's promises (namely: the re-distribution of incomes through a monthly dividend) than the 'establishment' press. Moreover, it should not be forgotten that the so-called 'establishment press' spared few punches in its criticisms of the prior moderate but scandal-ridden United Farmers of Alberta (U.F.A.) government. Indeed, press criticism of this government played a major role in its electoral defeat to the Aberhart Socreds. (Barr, 1974: 32-36)

There is an inherent danger of misrepresentation of 'truth' when it is disseminated by a small group of citizens with personal self-interests--interests which may over-ride their concern for our democratic infrastructure. Fortunately, though, newspaper interests are somewhat tempered by criminal law.

Federal criminal laws ensure that newspapers cannot engage in overt libel or sedition. Realistically, though, stories can be
slanted in a manner in which truth and misinformation languish in a legal grey zone. And it is here that such stories if published on a massive scale, may erode a government’s popularity.

However, the above argument is based on the assumption that a government has no other means of countering these 'grey' attacks. Such was not the case for the Aberhart Social Credit government. This government had more than enough media outlets to air its grievances.

While some arguments can be made diminishing the draconian nature of the first (right of reply) section of the Accurate News and Information Act, none can be made regarding the second (disclosure of sources) section. If enacted, the disclosure of sources section of the Accurate News and Information Act would have seriously impeded the diffusion of news in Alberta.

Few newspapers were willing to leave their sources at the mercy of Aberhart’s government. A government that expelled from caucus members of the legislature whenever they stepped out of line; dismissed two magistrates and a justice of the peace without an opportunity to defend themselves for allegedly expressing in private their disagreement with the administration’s policies; advocated a boycott campaign against the Herald and Bonnyville Nouvelle; declared a ban on Saturday Night; barred from Aberhart’s press conferences reporters the Premier considered to be from hostile papers; and cut off its funding for Government House which literally drove Lieutenant-Governor Bowen [the man who refused to sign the press control bill into law] out of his tax-supported
mansion.

According to Moon, one of Aberhart's major character defects was his inability to stand disapproval. (Moon, 1953:23) Hargrave, who worked with Aberhart for a short time when the Social Credit government was in power, described him as having a "preacher-school master personality abnormally resentful of criticism." (Edmonton Journal, August 3, 1937)

Hill writes: "Aberhart's hypersensitivity and abnormal resentment of criticism, coupled with his authoritarian nature, accounted for both his intolerance towards those who did not share his views and his abusive over-reactions when his opinions were challenged." (Hill, 1977:53) It is for this reason, that Hill disbelieves the Aberhart government's claim that the Accurate News and Information Act, as the name indicates, was only desired to provide free space to publish its views and to "correct" the record of the government's policies/actions. After all, if such was the case, then why would it demand the right to obtain names, addresses and occupations of persons who wrote or supplied information for the stories and editorials in the newspapers? For Hill,

The obvious explanation for this provision in the Act is that the government intended to take action against such persons if the articles or editorials were considered too unfavourable to the Social Credit cause. (Hill, 1977:110)

As an important side note, at about the same time as the Accurate News and Information Act was introduced, the Aberhart government brought in legislation to license a wide variety of
businesses and trades. This measure gave the Ministry of Trade and Industry the power to license:

...all persons engaged or employed in any business or description or class thereof so designated and [to] prohibit the carrying on of that business or engagement in that business by any person who is licensed and who is not so licensed...

Given the "vindictive nature" of Aberhart and his government, Hill feels that it is "easy to imagine Albertans losing their jobs or their businesses for giving information to the newspapers." (Hill, 1977:111)

The group at greatest risk of losing their jobs though, were Alberta's civil servants. The civil service was the press' key information source for the government's internal goings-on. It was also the main target of the disclosure of sources provision in the Accurate News and Information Act. After all, the Accurate News and Information Act was introduced into the Alberta legislature shortly after the press disclosed details of a major Sacred backbencher's revolt. Details of this backbencher's revolt were provide by various civil servants in the provincial government.

There is nothing inherently wrong with a government attempting to protect classified information from the public. For instance, when a government has information which if released may threaten the public's physical security, then it makes perfect sense that it should deem such information as classified. However, the Alberta government apparently did not design the Accurate News and Information Act for the protection of such information. It
designed the Accurate News and Information Act to limit the flow of information regarding its internal goings-on: specifically, a party revolt.

The Aberhart government was a democratically elected government, meaning that its political fate ultimately rested in the hands of the public. As a result, it was the public's right to be made fully aware of its government's internal goings-on; especially, as was the case for the Social Credit government, when the government appeared headed toward collapse from within. And more so, when such a government made constant and eloquent arguments regarding the pursuit of "truth".

If the Aberhart government was concerned with "truth" it should not have included the disclosure of sources provision in the Accurate News and Information Act. Existing libel laws, though not perfect by any stretch of the imagination, protected both the government and 'whistle-blowing' civil servants more adequately than did the Accurate News and Information Act. After all, if the government could prove that the press had published an out-right lie, the courts could then demand the name of the reporter's lying source. These Pre-Charter laws considered 'whistle-blowers' innocent before proven guilty. They also protected 'whistle-blowers' from possible retribution by angered employers. The Accurate News and Information Act, in essence, would over-ride this form of source protection. It would leave justice in the biased hands of the employer, i.e. the government.

These pre-Charter libel laws also served to ensure the
strength of our responsible government system. The disclosure of sources provision would have challenged this system. That is, civil service jobs are protected whenever there is a change in government. Consequently, government patronage in the civil service is minimized. While it is naive to assume that a government will not attempt to employ individuals with political leanings much like its own, and in some cases will even attempt to rid itself of political undesirables, few governments have made these desires as overt as the Aberhart Socreds. By passing the Accurate News and Information Act, the Aberhart government appears to have been attempting to purge the civil service of disloyal members. Or, in the least, it attempted to instill a chilling effect on civil service members hoping to inform Albertans of the nature of the government they, the people of Alberta, had elected. A chilling effect on the civil service would thus ultimately mean a severe limitation of news flow—once again dispelling the Aberhart government’s claim that the Accurate News and Information Act was an attempt to disseminate "truth".

The Social Credit government’s attempt to enact the Accurate News and Information Act was a major political blunder. No longer could Aberhart depict the press as conspiring tools of Eastern financial interests bent on seeing the fall of his government. Rather, the press now assumed the role of the martyr, while he became the prosecutor.

While there are no public opinion polls available which could empirically substantiate this contention, one measure of public
dissatisfaction with the Accurate News and Information Act may be
drawn from the series of near or complete Socred by-election
defeats shortly after the passage of the Accurate News and
Information Act. It is unlikely that these near or complete
by-election defeats were the result of voter dissatisfaction with
the economic sections of the Social Credit Act. After all Aberhart
received much of his electoral support in the 1935 provincial
general election for his Social Credit economic platform. It
therefore appears that the public voted against the remaining
non-economic measures included in the Social Credit Act i.e. Bill
9, the Accurate News and Information Act. Of course, these
inferences are rather unscientific. There were a number of factors
which may have resulted in the Aberhart Government’s by-election
defeats. For instance, one of the most important may have been an
electoral response to the humiliating internal struggles within the
government. Another factor may have been a desire by Albertans to
rebalance the size of Aberhart’s large majority government. Actions
such as the latter are quite common in Canadian by-elections.

Melynk, who is critical of both the Aberhart government and
the press, feels the debate regarding the Accurate News and
Information Act on both sides parallels the great press-state
struggle of the Nixonian period. After all, it was Aberhart’s
belief that this Act was intended to express the will of the "great
silent numbers" while Nixon justified his actions as representing
"the silent majority." (Melynk, 1977:14) [As will be shown in the
second chapter, there may be a further parallel between Aberhart
and Nixon with respect to regret over their actions. A short time
after the passage of the Accurate News and Information Act there
were several signs indicating that Aberhart had realized the folly
of his decision.

The barrage of press attacks against the Aberhart government
prior to the passage of the Accurate News and Information Act did
not harm the government politically. This was made "obvious" by
the results of the 1935 election campaign where the newspapers
"failed miserably" in their effort to keep Aberhart's party from
power. (Hill, 1977:60) Indeed, as was mentioned earlier, the press' attacks against the Socreds may have actually assisted Aberhart by
allowing him the opportunity to play the role of an underdog- a
role that Aberhart knew masterfully well.

The press also helped in Aberhart's rise to power by creating
a political vacuum through its harsh attacks on the previous United
Farmers of Alberta government, riddled by scandal and its over all
ineffective policies in dealing with the Depression.

As was mentioned earlier, the press, especially in its coverage
of Premier Brownlee's alleged actions of sexual misconduct and its
coverage of a spectacular divorce case involving one of his
ministers, seriously damaged the image of the Premier. Aberhart
labelled these individuals on one radio address as "fornicators,
grafters and reprobates concerning the faith." (Elliot, 1978:50)

As was outlined from the outset, the purpose of this chapter
was to show the potential dangers of the Accurate News and
Information Act. In order to understand these dangers, it was
necessary to get an understanding of Premier Aberhart and the
government he led. It must be stressed that those areas in this
chapter that were critical of Aberhart's personality were designed
to show the potential dangers of this government's execution of
this press bill. They were not intended to malign the Aberhart
Soareds.

Because the Supreme Court struck down the Accurate News and
Information Act before it was implemented, we will never precisely
know just how the Aberhart government would have utilized this
press bill. Nevertheless, given the Premier's comments made on
September 20th, 1937, as well as his government's retributive
actions to those who opposed him and his party, there appears to
be a strong possibility that the Accurate News and Information Act
would have been used for draconian purposes. At any rate, as will
be shown in the next chapter, it will become fairly evident that
this press measure was and still remains, of course with the
exception of the Union Nationale's Padlock Law, unprecedented. The
Padlock Law will be discussed in Chapter Two.
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Chapter II

Relations between William Aberhart and the press must be placed in the broader context of the on-going concern of media-government relations in Canada. Such a comparison will help highlight the truly unique elements of the Accurate News and Information Act. It is a commonly held view by the general public that relations between Western democratic governments and their respective media have increasingly worsened. In some ways, this observation adequately applies to Canada's government-press relationship—especially over the last twenty-five years.

From the outset, however, it should be noted that a portion of the academic community disagrees with this observation. C. Wright Mills, or more recently Noam Chomsky, Herbert Schiller, Dallas Smythe, and James Winter, for instance, argue that government and the Western press are essentially under the control of powerful economic interests. Thus, criticism of government by the press seldom, if ever, focuses on or challenges its support of the political-economic status quo—the main agent, in Mill's view, responsible for the West's political, social, and economic ills. (Mills, 1956) If Mills were to describe the present relationship between the government and the press in Canada he would probably argue that: yes, the press is critical of the party in power, but this criticism is based on its secure belief that the replacement of one major Canadian political party with another would not bring any fundamental changes to the political-economic status quo. Any
account of increasingly antagonistic government-press relations should take these observations into consideration.

The degree of concentrated media control by Canada’s economic elite will be further examined in the latter portions of this thesis. However, to buttress Mills’ arguments, one can cite the works of such scholars as Wallace Clement (1975) who found that 49 per cent of the media elite were simultaneously members of the economic elite. That is, they were members of the executive or held directorships in one of the 113 dominant corporations in the economic sector. (Clement, 1975)

The implications of such corporate control of the media have led some scholars to seriously question the effectiveness of the media’s supposed ‘watchdog’ role of government. (Hannigan, 1983) After all, since none of the major political parties running in Canada embrace platforms which espouse fundamental political-economic change, the media can therefore be ‘superficially’ antagonistic towards a particular leader without causing undue harm to the interests of the status quo.

Walter Lippmann in 1922, argued that the media help create and perpetuate various "stereotypes" which help construct our picture of the world. (Lippmann, 1922) If this is the case, then it is no wonder that the voting public, or "mass society" in Mills’ terms, seldom considers voting for parties which challenge the power base of the "corporate elite". After all, the values of the status quo are constantly being conveyed and reinforced in the media controlled by these very interests (Mills, 1956). [For a
recent elaboration of these views, see Winter (1989)].

If one takes the above perspectives to a greater or lesser extent as a given, then one can only conclude that political debate in terms of policies of the major parties boils down to superficial differences among members of the all-encompassing political-social-economic elite. And the media, through their ability to "stereotype", are willing to legitimize their candidacy while at the same time affording themselves the luxury of picking-and-choosing a favourite member from this select group.

Obviously, the candidates want to manage public opinion in their favour. And, it is here, most would argue, that media and government fundamentally conflict. The main goal of this chapter is to highlight these instances of conflict, while at the same time we are aware of the critical perspective outlined above. Here it will be shown that most governments from the Aberhart Socreds onward have in the least, partly abused or unfairly interfered with the 'free press process' on isolated occasions. Indeed, it will be shown that there are few instances where governments have 'squeaky clean' records in this regard. This chapter will highlight these occasions of abuse/interference. It will also show instances of sophisticated government manipulation of the press; or depending on one's political perspective, governments' clever employment of techniques for 'media management'.

There have been few instances where Canadian federal/provincial governments and their press/media have clashed along the same lines as those between the Aberhart Socreds and Alberta's press. Most
governments, unlike Aberhart’s, have had some form of unsponsored media support— even when under critical media fire. This, then, may explain why no Canadian government, except for Duplessis’ Union Nationale government, has ever resorted to such harsh press measures as the Accurate News and Information Act. The Duplessis government and its extremely draconian Padlock Law, requires no less than one full chapter of discussion. Let it suffice to say at this point though, that the draconian elements of the Accurate News and Information Act pale in comparison to those of the Padlock Law.

The closest, and probably only true illustration of a government under similar universal press condemnation as the Aberhart Socred government was that of Tommy Douglas’s Saskatchewan Co-Operative Commonwealth Federation (CCF) provincial government. Despite being under similar media fire though, the Douglas Administration never resorted to such crude brute force techniques as the Aberhart government’s Accurate News and Information Act. And interestingly, not only did Douglas’ government survive, it flourished.

After his fifth straight provincial victory in Saskatchewan, Premier Douglas humbly commented:

This is one of the great marvels. We are a party without a single newspaper. We have no sugar daddies. We have no radio stations. We just haven’t anything. (Higginbotham, 1968: 69)

Douglas’ election victory comments were somewhat misleading. While it is true that his government did not own a radio station, it did have access to radio. And this access gave Douglas open,
unfettered contact with the majority of Saskatchewanians.

The importance of radio in garnering electoral support for such parties as the CCF and the Socreds needs to be underscored. In his analysis of Social Creditism, for instance, J.H. Irving feels that: "It may be doubted if there could have been a Social Credit movement without Aberhart's use of radio." (Irving, 1963:92) The same can be said for the CCF's electoral success. (Soderlund, Romanow, Briggs, and Wagenberg, 1984: 15)

While no scientific study has measured the influence of the media on the 1935 Alberta election, evidence from other elections at this time indicates that radio was more effective than the press in influencing election outcomes. For example, a study of the 1940 United States presidential election showed that radio was more effective in influencing vote intention or actual votes than newspapers. (Lazersfeld et al., 1954: 252) These researchers found that listeners got a sense of personal access from radio which was absent from newspapers. Radio came closer to establishing a personal relationship and hence, was more effective. (Lazarfeld et al., 1954:126)

It is interesting to note that the areas where Aberhart's Social Credit government had its weakest support were those areas which had poor reception of CFCN's 10,000 watt transmission signal. (Flanagan, 1972: 158)

Prior to radio, the press' ability to influence Canadian election outcomes was enormous. Unlike today, the press was far more partisan. Each political party had a newspaper which
supported it. If a party did not have some newspaper support it virtually stood no chance of being elected. As W.S. Wallace noted in 1941, Toronto politicians, for instance, were "made or unmade" by the editor of The Toronto Globe. (Wallace, 1941:24)

With the advent of radio, politicians could over-ride the press. They now had at their disposal a clear line of communication capable of directly reaching mass numbers of individuals. Of course, direct unfettered access alone will not guarantee political success. The economic, political, and social infrastructure of society must be conducive to the message of the sender.

The message sent by Premiers Aberhart, Douglas, and Duplessis focused on the economic plight of those affected by the depression. Aberhart and Douglas (as radio evangelists) injected religion into their speeches. Speculatively speaking, this injection of religion during this religious era [if one uses such measures as 1) Church attendance records as well as 2) listenership ratings of Aberhart’s and Douglas’ religious radio programmes prior to when the two entered politics, for example] must have garnered further support. Both also emphasized the bankrupt nature of their political predecessors and the domination of central Canada. Premier Duplessis of Quebec, as will be shown in the next chapter, included similar themes in his speeches; though he expanded upon Aberhart’s and Douglas’ provincialism into a form of nationalism. The religious elements of Duplessis’ speeches centred on preserving Catholicism in Quebec.

48
If radio helped politicians usurp the power of the press, television helped usurp the power of politicians. It was not a coincidence that relations between the media and politicians began to take a turn for the worse with the widespread use of television.

On the whole, politicians prior to the television era had excellent media relations. Federally, for instance, Prime Minister Mackenzie King, unlike more recent Prime Ministers, had the luxury of dealing with a small press gallery. Indeed, so small was the Parliamentary press gallery that King personally knew all its members. His two favourite members—Grant Dexter and Bruce Hutchinson—would on many occasions find themselves invited for tea and a "chat". On many of these occasions, it was not uncommon for King to ask the two to disclose their views on how the press might respond to various hypothetical government policies to use them as "trial balloon" outlets. (Zolf, 1976:2; McGillivray, 1983:64)

For the most part, this cosy relationship between government and press continued up to the end of Prime Minister Pearson's tenure. However, as early as Prime Minister St. Laurent's government, tensions between government and the press began to take a turn for the worse.

Parliamentary press analysts such as Blair Fraser consider the major turning point to be during the summer of 1956. For him, coverage of the Pipeline debate started a new trend of "interpretive" political writing in which speeches tended to be "reviewed" rather than reported and policies "appraised" rather than summarized. (Fraser, 1964:1-2) [This parallels what Schudson
(1978) describes as the decline of objectivity as a journalistic standard in the 1960's]. The Pipeline debate roused nationalist passions in Canada. In brief, it involved the construction of an oil pipeline from Edmonton to Sarnia funded and controlled by an American company. Those opposed to the pipeline feared that American influence on Canadian economic policy would increase if the Canadian government gave the go-ahead for this construction project.

Television may have been instrumental for this change in political writing. Using statistical figures compiled by Jowett (1983), it is interesting to note that between the years 1955 and 1957 the number of households with television sets had jumped from thirty-nine per cent to sixty-three per cent. (Jowett, 1983:170) Thus, virtually overnight, the public now had considerably expanded media access for the discussion of public issues. This expansion was occurring at the same time that newspaper circulation continued its steady decline from a figure of 1.001 newspapers per household to 0.988. (Jowett, 1983:161) Thus, the print medium, already facing declining circulation, had a new formidable news competitor. While it would be rather unscientific to make any concrete inference from the above correlation, one might speculate that newspaper publishers quickly realized the need to expand their newspaper's coverage of issues beyond that of television. Of course, this correlation needs to be analyzed more extensively.

The Pipeline debate was the first major Canadian issue of importance to be widely discussed on television. One might further
speculate that this debate, as important as it was, gained further psychological importance because of its sheer novelty, i.e. its coverage on this new medium, coupled with the above mentioned expanded access factor. This added psychological factor in turn, may have permeated into the print media’s agenda setting mechanism—in turn resulting in further analytical/interprettive reporting.

Again, like the just used newspaper circulation statistics, this interpretation of the Pipeline debate is rather difficult to verify empirically or quantitatively. For this analysis though, what needs to be underscored is that from Prime Minister St. Laurent onward, politicians had to deal with a new and formidable medium. That is, from now on politicians would have to radically reconstruct their media strategies if they wanted to be elected. They no longer could just depend on their personable voices on the radio medium or their close ties with partisan newspapers or their folksy wavings into movie newsreel cameras. In the surest sense, Canadian politicians now found themselves in a brave new media world. Ultimately, of course, politicians would turn this new medium to their advantage.

While some analysts may disagree that government and media relations began to take a turn for the worse during the Pipeline debate, few would argue that soured relations between the two became evident by Diefenbaker’s Prime Ministership. Indeed, soon after Diefenbaker was elected relations between this "Messiah" (as some member's of the press dubbed him) and the media began to take a permanent turn for the worse.
This turn in press relations left Diefenbaker extremely bitter. Years later, he would continue to rationalize this as the key factor in his political downfall. As Toronto Star columnist Anthony Westell wrote: "John Diefenbaker went to his grave convinced that Liberal sympathizers in the press had conspired to bring him down." (January 24, 1986) Of course, there are many who argue that much of Diefenbaker's undoing by the media was a result of what they consider to be his truculent personality.

The press in Diefenbaker's time still remained partisan. This was especially true for parliamentary press gallery members, who according to one member, Maclean's columnist Don McGillivray, were either in the "pockets" of the Progressive Conservatives or the Liberals. (Maclean's, 1983:64)

Diefenbaker, perhaps because of weaker interpersonal skills than Mackenzie King, for instance, failed to diminish the partisan nature of the press gallery. However, unlike future Prime Ministers, most notably Pierre Trudeau, Diefenbaker was shrewd enough to continue the standard approach of disclosing information to special newspaper cronies. Among those he most favoured, according to Father Sean O'Sullivan (Diefenbaker's executive assistant and former Member of Parliament) were Mike Duffy of the CBC, Arthur Blakely of the Montreal Gazette, and Richard Jackson of the Ottawa Journal. These three would often act as sources for floating Diefenbaker's "trial balloons." (O'Sullivan, 1986:12)

Diefenbaker's friendship with Mike Duffy, given his well documented dislike of the CBC, was rather surprising. For years,
Diefenbaker had expressed his dissatisfaction with the CBC which had operated under Liberal governments throughout its history. (Ellis, 1979:48) Throughout his tenure, Diefenbaker made a series of moves which weakened the CBC. David Ellis, in his thorough work: The Evolution of the Canadian Broadcasting System, has outlined these moves.

In November of 1958, for instance, his majority government weakened the CBC's regulatory powers over private stations by passing a bill that established the Board of Broadcast Governors (BBG). Many of the members of the BBG were members of the Conservative Party. Also included in this bill was a provision which impaired the CBC's financial autonomy. (Ellis, 1979:49)

In 1960, the BBG was holding hearings in eight cities across the country. In Toronto, the most lucrative Canadian market, the BBG approved the license of CFTO- owned by Aldred Rogers Broadcasting. In Ellis' words:

It had not escaped public attention that most of the principals involved in CFTO- John Bassett, John David Eaton, John Aldred, and others- had very close links with the Progressive Conservative Party, and strong protests went up over what seemed to be a blatant exercise of political favouritism. (Ellis,1979:51)

The Diefenbaker government not only made moves to restructure Canada's broadcasting infrastructure. In June of 1959, for example, CBC Ottawa headquarters instructed the Toronto office to cancel a three-minute radio editorial programme called "Preview Commentary," with the warning that "heads will roll" if it did not act immediately. "Preview Commentary" was often critical of the
Diefenbaker government. With no other explanation other than "heads will roll," and given the nature of the programme, "the assumption was made that the directive had come from a high governmental source." (Ellis, 1979:55)

Frank Peers, the supervising producer, and two of his colleagues were so outraged over this directive that they tendered their resignations. "Presumably, because of the threat of scandal," as Ellis argued, these resignations were refused and the programme stayed on the air. (Ellis, 1979:55)

A Parliamentary Committee investigated this incident a year later claiming to have found no evidence of interference. But, some analysts, Ellis in particular, were not impressed by the investigation. In Ellis' view, the Committee findings tended to ignore the Peer affair and were, in Ellis' words, "a reflection of its [the Parliamentary Committee's] officious and belligerent attitude to the CBC." (Ellis, 1979:55)

While Diefenbaker's actions toward the CBC raised tensions between him and the media these tensions were pale in comparison to those between the media and Prime Minister Pierre Trudeau. According to Maclean's columnist Don McGillivray, relations between government and the press took a turn for the worse during the Trudeau era. (Maclean's, October 3, 1983: 64) McGillivray felt that Trudeau's refusal to court the press corps like previous Prime Ministers forced the parliamentary press gallery to become more independent than it intended or wished to become. With the advent of House of Commons television broadcasts, and Trudeau's "malign
neglect", members of the parliamentary press gallery became, in
McGillivray's view, more detached from the government. (Maclean's,
October 3, 1983: 64) This detachment helped create a more critical
press.

McGillivray's points, while partly valid, fail to take into
consideration the significant social, political, and economic
changes that took place during Trudeau's Prime Ministerial era.
These numerous changes, an outline of which goes beyond the goals
of this chapter, had a profound influence on political reporting
by the media.

Trudeau undertook a variety of steps to over-ride press
criticism. For example, during his tenure, Canada's federal
government spent more than $60 million on government advertisements
for the fiscal year 1980-81.(McDowall, 1982: 8) This made the
federal government the largest advertiser in the country. Many of
these advertisements were government advocacy advertisements— a
form of advertising intended to counter media criticism of
government programs and policies by 'informing' the public of the
'true' intentions/objectives of government.

Critics consider such advertising as a threat to democracy
since government with significantly larger financial resources than
opposition parties can gain an unfair advantage of access in the
market place of political, social, and economic ideas. Conversely,
advocates of advocacy advertising argue that such advertisements
provide government with an open-line of communication. And, thus,
government can defend itself without fear of having its perspective
distorted by an unfair press.

One has to wonder though, if governments only create further distortions through such advertisements—particularly those used on television. After all, it seems highly unlikely that complex issues can be addressed in a thorough and factual manner in just thirty seconds of commercial air time. This may explain why the Trudeau government employed ‘image making’ techniques such as showing flying geese as the visual background to its advertisements promoting Canada’s new Constitution. Is this how Canadians should be sold on their support of governmental policies?

Trudeau also made persistent use of prime time television as another ‘clear’ channel of communication. This created tension between him and members of the CBC.

Peter Kent, for example, in 1978 (then national television newscaster for the CBC) filed a seven page intervention to the Canadian Radio-Television and Telecommunications Communications Commission [CRTC] during the network’s license renewal application charging that the CBC had been compromised politically by giving into pressures from the Prime Minister’s Office [PMO] and changing news coverage. (Winnipeg Free Press, September 8, 1978:1) Kent detailed four cases in which interventions by the PMO resulted in special national television coverage of an event involving the Prime Minister; or in broadened coverage.

In April, 1977, for instance, Kent felt the PMO pressured the CBC to cover a speech by the Prime Minister before the Canadian Association of Broadcasters despite what Kent felt was a relatively
unimportant address. On March 22, 1978, the PMO again pressured the CBC news department, despite objections by the CBC, to cover Trudeau's address to the Economic Club of New York. In February, 1978, the PMO pressured the CBC into covering only the opening and closing sessions of the day of the provincial premiers economic summit in Ottawa- "at which," as Kent notes, "the Prime Minister spoke." Initially, according to Kent, the CBC had scheduled news specials Monday and Wednesday of that week to highlight the conference. However, after what Kert alleged as "representations from the PMO," the CBC president's office changed this schedule. In the first instance, the Prime Minister got coverage of his first speech and then with further pressure by the PMO, Trudeau got his second speech broadcast that afternoon. As Kent critically remarked: "That address was broadcast live...then, as the conference continued...the CBC english network service returned to American soap operas." (Winnipeg Free Press, September 8, 1978:1)

Trudeau not only interfered with the CBC's english network. Many analysts, for instance, believe that Trudeau's establishment of a committee headed by CRTC chairman Harry Boyle to inquire whether the CBC was fulfilling its parliamentary mandate to contribute to national unity was translated as a command to hunt down separatists in Radio Canada- the CBC's French arm. This committee was a response to the furor created by the accusations of some top Quebec Liberals that Radio Canada was riddled with separatists distorting the news.

The committee report (the Boyle Report) failed to find evidence
that would substantiate these accusations. The report employing quantitative analysis techniques found 'bias' as something that is "difficult to detect" and often impossible to "pinpoint" in an official report. Some analysts, Whitelaw in particular, felt that the Boyle Report's use and mention of quantitative analysis techniques was a deliberate move on this well-seasoned civil servant's part to "diffuse" a potential witch hunt. (Vancouver Star, July 22, 1977)

Another area where Prime Minister Trudeau drew considerable criticism regarding his actions with the CBC involved his appointment of Pierre Juneau as president of the CBC. Juneau, a long time friend of Trudeau from the CRTC and former Minister of Communications for the Trudeau government in 1975, replaced CBC President Al Johnson. Analysts at the time such as Jim Travers argued that Johnson was denied his second term as president because he:

tumbled out of favour with the Liberal party’s large and powerful Quebec caucus. Johnson, the caucus argued, was soft on what the Liberals thought were separatists in Radio Canada and had failed to strengthen the corporation’s voice in Quebec at a time when Ottawa desperately wanted to be heard." Calgary Herald, April 19, 1982)

There is no doubt that Juneau was well qualified for the Presidency. He was a distinguished member of the National Film Board, serving one decade as chairman of the CRTC. And as a former Minister of Communications he understood the internal workings of government. However, given his close political and personal ties
with Trudeau as well as Kent's aforementioned allegations, there now existed (at least in the eye's of Trudeau's critics) a greater potential for prime ministerial influence/interference in the internal goings-on of the CBC.

The appointment of Juneau, as Jim Travers contends, also diluted the sincerity of the Liberal government's then-planned press rights panel. After all, in Traver's view: "If the Liberals [could not] resist appointing one of their friends to the CBC, would they show any more restraint in choosing the chairman of the press rights panel?" (Calgary Herald, April 19, 1982)

Trudeau's interference lay not only with the CBC. Other media bodies and journalists, notably those critical of the Liberal government, sometimes found themselves either harassed or threatened with government reprisals. Indeed, even as early as 1968, where to some extent 'Trudeau-mania' carried over into the press, Lewis commented that the then new Prime Minister warned a "friendly" newspaper, "the first cabinet leak you get, I'll have your phone tapped by the RCMP." (Lewis, 1975:51) The tone of Lewis' column did not indicate that the Prime Minister was joking.

For less friendly newspapers, the Trudeau government went further. In April of 1978, the Trudeau government charged the Toronto Sun with receiving and communicating a top secret RCMP document. The government only charged the Sun despite the fact that other media as well as Conservative MP Tom Cossitt released similar information.

The Canadian Newspapers Publishers Association accused the
federal government of discrimination for charging the Toronto Sun under the Official Secrets Act. Publisher J.P. O'Callaghan of the Edmonton Journal, who introduced the motion to the Canadian Newspapers Publishers Association, said the government decision to prosecute the Sun was based on vindictiveness. He accused the government of attempting to silence the Sun, which he described as "a persistent and probably cruel critic of the Liberal party." (Winnipeg Free Press, April 21, 1978)

The Trudeau government also drew considerable media criticism when it barred economic writer and broadcaster Dian Cohen from the 1983 budget lock-up. This lock-up, in which media journalists are sealed off for eight hours before the federal government’s budget speech is delivered before parliament, gives journalists time to thoroughly review and intelligently assess the grey/finite points of the budget. The Trudeau government rightly felt that any discussion of the budget should have been presented after the Minister of Finance had spoken to Parliament and the nation. The year prior, though, Cohen refused to follow this presumed protocol by commenting unfavourably on CBC television to then Finance Minister Allan MacEachen’s budget while he was still delivering it.

The Liberal government claimed that Cohen was denied access because there was no room for "part-time" journalists in the lock-up. (Cohen was both an economist and journalist). The Trudeau government chose to classify her as such.

It was (and still is) a commonly held view that Cohen was denied access to the lock-up because of her actions the year prior.
As Don McGillivray commented at the time:

We’ve come to expect attempts at manipulation and news management from this government. But an attempt to subvert freedom to comment by making things tough for critical journalists is more sinister. It should be stopped. (Calgary Herald, April 14, 1983)

One has to wonder though whether this "freedom" should have been granted at the expense of the Minister of Finance’s ‘right’ to deliver his speech without interference. After all, Cohen and the rest of the press would have had hours, weeks, perhaps months to criticize the budget after its delivery. Moreover, the public should have been afforded the right to assess the budget speech without any potentially biased/erroneous interruptions Cohen might have delivered. By the same token, the Liberal government should not have barred Cohen from the lock-up. It should have sought out a compromise with the CBC. For instance, it could have asked the CBC to turn down all its reporter’s microphones while the budget speech was in progress. [For a more detailed study of the impact of ‘instant analysis’ see Henderson, 1988 ].

Trudeau also drew critical media fire for his attacks on the media’s coverage of his administration’s alleged shortcomings. Some of these attacks by Trudeau, according to some Liberal insiders, were politically motivated. For example, on November 17, 1978, the Prime Minister accused the power hungry news media of giving his administration less-than-fair treatment. In one attack, he accused un-named editorial writers, television commentators and radio reporters of suffering from a bad case of
"Watergate envy" and other shortcomings. (Calgary Herald, November 18, 1978)

Not all Liberals at the time agreed with Trudeau's comments. Several notable delegates at the Liberal convention Trudeau was to address two days later felt that his attacks on the media were used to deflect attention away from the humiliation of thirteen by-election defeats suffered in the month prior—defeats which many Liberals felt were the result of Trudeau's leadership at the time.

Trudeau's alleged deflection tactic seemed to have worked. As columnists Don Stellar and Bill Fox commented: "The prime ministerial attack was well-timed, well-executed, and well-received by delegates who afforded their leader a standing ovation at the end." (Calgary Herald, November 20, 1978)

Relations between the media and the next Prime Minister, Joe Clark, were no better than those between Trudeau and the media. Clark bitterly blamed his short-lived political stewardship on the "media elite." (Financial Post, December 8, 1984) Some of this bitterness must have been carried over by both Clark and his fellow Progressive Conservatives when their party was swept into power under the new leadership of Brian Mulroney. At the least, the Tories were much more prepared to deal with and/or manage the media than they were in 1979. As one senior Mulroney advisor put it: "If this government is going to centrally run anything, it's the media." (Canada and the World, 1985:8)

Right from the outset, the Progressive Conservatives imposed measures to control news flow. In 1984, for instance, External
Affairs Minister Joe Clark's office sent out to all 3,000 employees of his department a stern directive to avoid expressing any personal opinion on government policy to the media unless they had official permission to do so. They were also to limit themselves to releasing facts about actions already taken without trying to interpret them. The policy applied to social as well as business contacts.

Both the Public Service Alliance and opposition parties were appalled by this "gag order." They argued the Mulroney government was breaking its promises of open government. Indeed, in August 1984, Mulroney stated in a pre-election speech: "Secrecy and stonewalling have become a habit with the government of Canada and we will never [my emphasis] break the habit until we change the government." (Canada and the World, 1985: 8)

Buckling under media and parliamentary opposition criticism, the Mulroney government announced a new set of guidelines which on the surface, seemed to fulfill its promises; namely, civil servants were now encouraged to give out factual information about their departments. However, the manner in which this factual information was to be given out seemed to offset the sincerity of these new guidelines. For example, when facts were to be given out, the name(s) of the civil servant(s) giving out the facts would have to be printed or mentioned by the media. Further, these new guidelines continued to disallow off-the-record briefings except in "exceptional circumstances" and with "prior ministerial approval." And, finally, civil servants were prohibited from
discussing policy deliberations or future policy decisions.

For reasons stated earlier, namely the analysis of the Aberhart government's Oath of Secrecy, and the naming of sources provision in the Accurate News and Information Act, such a policy as the above chokes-off public discussion of government policy by limiting discussion solely to a minister's statements. It also leaves civil servants vulnerable to ministerial retribution (i.e. in terms of job security, promotions, etcetera) if the 'wrong' information is leaked out.

The Mulroney government has attempted a variety of other media management techniques to win public favour. One of its more expensive techniques, in terms of government-spent tax dollars, involves its widespread use of advocacy advertisements. Indeed, despite its criticisms of the advertising expenditures of the previous Trudeau government, the federal government still remains Canada's largest advertiser. In the fiscal year 1988, for example, the Mulroney government spent just over $66.4 million on advertisements. (Blue Book of Canadian Business, 1988: 722) When one takes inflation into account, this figure is still slightly higher than the previous Liberal government's expenditures.

In recent times, a substantial portion of advertising expenditures, roughly $30 million, was poured into promoting the government's position on the highly divisive free trade debate. The Mulroney Conservatives also graciously accepted the assistance of the business community's multi-million dollar pro-free trade newspaper supplements during the recent federal election. Liberal
opposition leader John Turner, blames his election defeat in large part, on this last minute advertising blitz for free trade.

Whether this advertising campaign played a key role in Mulroney’s majority victory needs to be both quantitatively and qualitatively verified in future mass communication research studies. It is interesting to note though that prior to the pro-free trade advertising campaign Mulroney’s popularity had dropped to the point where Turner led in public opinion polls.

Another recent manoeuvre by the Mulroney Conservatives to manage the media involved its pre-election campaign blitz. As early as June, 1988, according to Globe and Mail columnist Hugh Winsor, the media were speculating on the date of the next federal election. If Mulroney had called an election at this early juncture, public opinion polls indicated that he would have won by a very close margin— if that. Mulroney’s advisors, in Winsor’s view, advised him to capitalize on this anticipation. That is, until his announcement of an election in September of 1988: "It was almost impossible to turn the [television] dial without stumbling over another ‘exclusive’ interview [with the Prime Minister]." (The Globe and Mail, September 12, 1988)

Winsor also argued that since Canada was not formerly in an election period, most of the news media did not feel (as would happen during an election campaign) that the other two main party leaders should be given equal billing. Moreover, this pre-election campaigning, in Winsor’s view, gave the federal government additional spending dollars to garner electoral support. For
instance, the Conservative party did not have to pay the $20,000 costs to lease the government's jet for Mulroney's widely reported August trip to Yellow Knife/Iqaluit. (The Globe and Mail, September 12, 1988)

This pre-election media management technique seemed to have worked. Just prior to the Mulroney government's announcement of an election, his party commanded a majority lead according to public opinion polls. Again, though, this inference of a direct causal relationship is purely speculative. It needs to be quantitatively/qualitatively verified by future academic research.

In addition to the above media management techniques, the Mulroney government has also made moves to weaken the CBC. On several occasions, Prime Minister Mulroney has openly expressed criticism of the CBC. For instance, on an open-line radio show in February 1987, The Prime Minister stated: "It is a well-known fact that a Conservative leader would never win a popularity contest within the CBC." (The Globe and Mail, February 13, 1987).

Such a statement may explain the Conservative government's initial reluctance to approve the CRTC's license for the new CBC all-news service. The CRTC felt that with the CBC's existent national and foreign system set-up for gathering and distributing news, it had no option but to grant the all-news channel to the CBC. In the words of CRTC chairman Andre Bureau:

If Canadians were to receive a good quality, all-news service at this time, and for the foreseeable future it would have to be done by the CBC....Any other participant would have to invest so much that it's virtually impossible to imagine that we could have the same kind of service. (The Globe and Mail, January 1988)
Many analysts have alleged that a number of Conservative ministers as well as many western MP’s instead favoured licence approval of the all-news channel for Allarcom Limited of Edmonton. Allarcom Limited is owned by millionaire broadcaster and conservative supporter Charles Allard. Former Minister of Communications Flora MacDonald denied these allegations. She argued that the government was primarily concerned about over-concentration of the CBC in the broadcast media and the CBC’s lack of planning for a similar French language service. (Playback, February 8, 1988)

While there may be some truth to MacDonald’s explanation, it should be remembered that this government has in the past, supported pro-Conservative news broadcasting services. In particular, the Progressive Conservative party set up a national television news service in September of 1987 headed by veteran broadcaster Ken Lawrence and his company Ken Lawrence Enterprises. According to Southam news correspondent Joanne Thompson, Lawrence signed a $250,000 contract to run the service. Tory MP’s and the Prime Minister defended the television network as a way for the government to reach the largest number of people. Critics of the service alleged it was at best misleading and at worst a blatant attempt to circumvent legitimate news services. These critics also feared that because this news was to be offered free to all Canadian television stations, it might have been used by smaller stations, without the knowledge of viewers, to cut costs. They
also criticized the Conservatives for not setting up a similar network for other political parties. (Vancouver Sun, September 17, 1987)

More recently, there appear to be signs that relations between the Mulroney Conservatives and the CBC have begun to thaw. Just prior to their recent election victory, the federal Tories finally gave approval to the CBC's all-news service. In addition they unveiled their new Broadcasting Act. One provision of this act will give the CBC another $35 million a year for prime-time programming on top of the CBC's current $907 million grant.

The new Broadcasting Act has received widespread approval by members on both sides of the House. This makes sense. The Conservatives incorporated several key amendments from critical opposition MP's - the most crucial of which was an amendment to reduce cabinet's ability to interfere in the daily regulatory business of the CRTC. (Playback, February 8, 1988) [Addendum: There have been a number of changes regarding the Broadcast Act since the Tories unveiled it in February of 1988. The most notable change was the Mulroney government's decision, just prior to when the November election was called, to issue an order paper that would terminate the new Broadcast Act. According to the Toronto Star writer Val Sears, "sources say" that this proposed bill will now "likely be delayed until the fall (of 1989)." (Toronto Star, March 21, 1989) ]

Are these measures positive signs that government is finally attempting to loosen its 'managerial' grip on various media? It
seems unlikely given the record of this and previous federal governments. After all, governments both in the past and in the present have aspired to gain a more favourable public image via the media. And, as has been illustrated, (hopefully in a non-partisan manner) whenever these aspirations have been endangered, governments have executed a number of creative and ethically questionable media management techniques to re-establish this image.

Some of these measures have been similar, though less severe than the Accurate News and Information Act. For instance, the Mulroney government's demand that all civil servant sources be named in any government related press disclosure, does not threaten the news media with fines or levies if they refuse to comply. It therefore does not have the same potential 'chilling effect' as did the Aberhart government's measure.

In general, though, Canadian governments have been far more sophisticated in their ability to manage the news media than were the Aberhart Socreds. The Aberhart government was too overt in its news management intentions. Canadian governments since, have met many of the same goals the Socreds aspired to meet, but without the same notoriety. Indeed, instead of demanding their right to reply to press criticism, governments now simply buy newspaper space or broadcast time and disclose their views through image laden advocacy advertisements. If these fail to sway public opinion, they then may resort to prime time television speeches. Or, perhaps, in conjunction with both of the above, they will appoint 'friendly'
individuals in key media outlets such as the CBC or CRTC. Such ploys, they hope, will give their government more subtle media control. There is also of course, *prima facie* evidence, as indicated earlier, that newspapers and government are serving the same corporate interests.

If all else fails, a government may even follow Aberhart's effective ploy of verbally lashing-out at its media critics. Governments hope that such an action will deflect public attention away from their own deficiencies. The inevitable fallout of such a ploy, though— the public's growing mistrust of the 'unfair and overly critical' news media— is scarcely considered in most government's political calculations.

It would be politically naive to assume that governments would be willing to throw themselves completely at the mercy of the news media. Thus, many of these media management measures have made political, though not necessarily moral, sense. They have also been perfectly legal. In a democracy, though, such measures dilute the public's ability to obtain 'truth'. That is why a strong, independent, and diversified press to rebalance these management techniques is so crucial. Unfortunately, as will be shown later on in this thesis, such a press does not exist in Canada. Solutions to remedy this problem will therefore also be addressed.
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71
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Chapter III

The prime goal of this thesis has been to illustrate the nature of the Accurate News and Information Act. As the previous chapter illustrated though, the Aberhart government's actions were not entirely unique. There have been many instances where Canadian governments have interfered with the "free press process." Indeed, it should be emphasized that the Accurate News and Information Act was not the most draconian government measure to suppress press liberties in Canadian history; This dubious distinction belongs to the Union Nationale's Padlock Law.

The previous chapter only made passing reference to the Padlock Law. This was deliberate. Discussion of this legislation which stifled civil and press liberties as did virtually no other government measure in Canadian history, requires, in the least, one full chapter.

Some may argue, and rightly so, that a complete and thorough analysis of the Padlock Law cannot be fully covered in a single chapter. However, for the purpose of this thesis, no complete analysis of the Accurate News and Information Act can be accomplished without a comparative discussion of the Padlock Law—especially, the federal government's reactions to both measures; which were passed roughly at the same time. Thus, while this exploratory chapter will not be a thorough, exhaustive, discussion on this broader topic, it will directly address Eugene Forsey's comparative thesis on the two pieces of legislation.
The main goal of this chapter will be to show that the federal government's responses to both the Accurate News and Information Act and Padlock Law were more vivid illustrations of the Mackenzie King government's political and philosophical leanings. The King government sought to win back Liberal party seats that had been lost to both the Union Nationale and Social Credit parties. Through a combination of several unanticipated lucky breaks as well as a series of well calculated measures, the King government met its prime goal of strengthening its power bases in Alberta and Quebec. The federal government's responses appear not to be, as Eugene Forsey (1974) contends, based on its pro-establishment leanings.

The federal government's vocal reaction to the Accurate News and Information Act was limited. Debates within the House of Commons and entries from Prime Minister Mackenzie King's diary indicate that the Accurate News and Information Act was not a priority issue of discussion. Indeed, when the Supreme Court announced its decision on March 4th, 1938, King devoted only one paragraph to his seven page (single spaced) typewritten diary entry of that day. More discussion, at least within the House of Commons, focused on Quebec's notorious Padlock Law.

An Act to Protect the Province Against Communist Propaganda—more commonly known as the Padlock Law—empowered the province's Attorney-General to close for twelve months any establishment suspected of harbouring communist activities. It also made unlawful the printing, publishing, or distributing in the province
of "any newspaper, periodical, pamphlet, circular, document, or writing whatsoever propagating or tending to propagate communism or bolshevism." Since the terms "communism" or "bolshevism" were not defined, the Union Nationale Duplessis regime could therefore label any of its enemies as proponents of these political creeds. Victims of the Padlock Law had no means of legal recourse. Without a fiat or consent from the Quebec government, no suit could be brought upon the government of Quebec. The Padlock Law, which was on Quebec's statute books for nearly 18 years was finally struck down, after eight years of legal squabbling, by the Supreme Court on March 8th, 1957, in the famous Elbling vs. Switzman trial.

In this trial, John Switzman, an active member of the Labour Progressive (i.e. Communist) Party [according to Robert's (1963)], had his apartment padlocked for his political leanings. This meant that his apartment would now be barred to anyone for a period of one year. A few days later, his landlady, Mrs. Freda Elbling demanded that Switzman's lease be cancelled and that he be forced to pay her $2,170 in damages. Through this unexpected legal squabble, the Union Nationale government now found its Padlock Law being examined in the courts.

The Padlock Law was an odious piece of legislation. Comparatively speaking, it made the Accurate News and Information Act look almost respectable! The Canadian Bar Association, in 1937, likened the Padlock Law's measures to those enacted in Nazi Germany at the same time. In one press release in 1937, the Bar Association commented:
The [Padlock] Act gives the Attorney-General powers which he can exercise in the first instance without the slightest judicial restraint, and takes away all the safeguards which even an ordinary criminal enjoys before conviction... it is under laws such as this that in other lands the homes of respectable and law abiding citizens are ransacked simply because their owners do not wear a brown or black shirt. (Montreal Gazette, August 16th, 1937)

So broad and sweeping were the powers of the Padlock Law that even 'mainstream' political parties and newspapers were harassed. For instance, on February 23rd, 1938, the leader of the Liberal Party of Quebec, the Hon. Mr. Bouchard, publically complained that copies of his newspaper, En Avait, had been seized under the Padlock Law in a raid in Montreal and that the police refused to return them. In another instance, a New York Times correspondent named John MacCormac reported that on March 23rd of that same year, some person or persons unknown, entered his Montreal apartment and thoroughly searched all his papers. Apparently, according to federal MP C.G. MacNeil of Vancouver South, MacCormac's "comments on the Quebec situation had been the cause of bitter resentment on the part of the Premier of Quebec." (House of Commons Hansard, 1939:3380) MacNeil, citing statistics from the Civil Liberties union of Montreal, revealed that within the first year of the Padlock Law alone, there had been 124 raids and seizures. He described these raids and seizures as "acts of terrorism." (Hansard: 3380)

The Accurate News and Information Act, by comparison, posed a much softer threat to press liberties than the Padlock Law. It still allowed editorial criticism. Principally, it served to
intimidate newspapers fiscally by taking valuable printing space and by limiting the press' ability to uncover the internal goings-on of the Aberhart government. It would not have completely eliminated government criticism. [Though, as has already been outlined, the Socreds theoretically could have forced the shut down of a newspaper by handing out an excessive number of fines].

The Padlock Law, on the other hand, both eliminated any discussion of alternate political views and intimidated opposition groups while at the same time offering no legal recourse. At least Aberhart, unlike Duplessis, offered to test the validity of the Accurate News and Information Act in the Supreme Court; though, as will be discussed later in this chapter, Aberhart's motives were questionable.

The federal government's reaction to the Padlock Law was rather subdued. On the surface, this was surprising, given its actions regarding the Accurate News and Information Act. There are a variety of speculative explanations which may account for this response.

As mentioned earlier, Eugene Forsey argues that the federal government's reluctance to intervene as swiftly with the Padlock Law as it did with the Accurate News and Information Act was based on the federal government's pro-establishment leanings. That is, it reacted swiftly to the Accurate News and Information Act because the Social Credit government challenged the economic establishment and the establishment press while the Padlock Law challenged the anti-establishment communist press and credo. In addition, Forsey
cites the establishment press' limited attacks on the Padlock Law, unlike those on the Accurate News and Information Act, as further evidence for his establishment thesis. (Forsey, 1974)

As Forsey states, "it seems impossible" to explain the federal government's actions "in other than Marxian terms." (Forsey, 1974:204) After all:

In the case of the Alberta legislation, enormously powerful vested interests were insisting on action, and swift action.... Those who petitioned or protested against the Padlock Law were in the main, poor people or organizations of poor people. In its favour were the Roman Catholic hierarchy of Quebec, who had publically and rapturously endorsed it, and probably most of Montreal's big businesses, whose leaders had been significantly silent (though their journalistic mouth pieces had been almost as ecstatic as the hierarchy). [Forsey, 1974, 204]

Forsey's inevitable conclusion, therefore, is that:

The Dominion Government will be on the side of the big battalions... over such provinces as try to do things which the dominant economic interests of Canada dislike. (Forsey, 1974: 204-205)

While there is some validity to Forsey's thesis, the explanation of the federal government's response to the Padlock Law and the Accurate News and Information Act is far more complex than a simple establishment versus anti-establishment theory. As stated earlier, the federal government's responses to these provincial measures were essentially sophisticated-cautious political calculations designed to win back and solidify the Liberal party's base in both Alberta in Quebec.

In Alberta, for example, King's main measure to meet the above goal was a policy of "conciliation" to the Aberhart government.
This policy, in combination with the fortunate break that Aberhart himself proposed reference to the Supreme Court for the Accurate News and Information Act, reduced the potential that Aberhart could make 'political hay' from the federal government's actions on this matter.

The Prime Minister was relieved when Aberhart proposed reference to the courts for the Accurate News and Information Act. As King summed it up:

So I see day light and better than I had expected. I think of inviting Aberhart to come and confer with me - it would be a triumph to settle this provincial problem by conciliation [King's emphasis] (Diary: 720)

King felt that "the Court would probably declare the [Accurate News and Information Act] ultra vires." (Diary: 778) King was thus fortunate enough to gain the elimination of "an additional grievance" through Aberhart's suggestion. (Diary: 730) Without this "additional grievance" and his assumption that "public opinion [regarding the Accurate News and Information Act] may become increasingly strong against the measure," (Diary: 730) King felt that this change would lead to improved support from Albertans for the federal government.

This policy seemed to have paid off. Support of Aberhart's government began to falter. Indeed, King was "delighted" to see that the Socred candidate in Lethbridge had been defeated by a Liberal during a federal by-election on December 2nd, 1937, by a margin of 77 votes. This, along with an earlier result in Victoria "looks well" as King commented, "for our present position
and course to date." (Diary: 860) Likewise, on March 21st, 1938, the Liberals placed second in the Edmonton East by-election. The Social Credit candidate carried the election with a minority of votes. King was glad to see that Liberal popularity now moved ahead of the Conservative party's in Alberta. (Diary: 235)

Aberhart may have recommended that the **Social Credit Act** be referred to the Supreme Court so as to ensure the Act's demise. As outlined earlier, Aberhart had privately stated that he had no intention of implementing his election promises. He was also familiar with Major Douglas' remarks regarding the major jurisdictional problems associated with implementing Social Creditism on the provincial level. The prime reason Aberhart moved toward enacting the **Social Credit Act** was a major backbenchers' revolt. (Creighton, 1970:229) Given these facts, Aberhart may have asked for reference of this Act to the Supreme Court to rid himself, once and for all, of the political thorn of his campaign promises and subdue dissention within his party's ranks. After all, he could argue that it was the Supreme Court - a 'puppet' of the federal government (under the control of the Eastern financial interests) which would not permit Alberta to enter a new political and economic course. Such an argument may also explain why King felt that "the Government of Alberta was none too anxious to have the **Accurate News and Information Act** immediately in force." (Diary:730) The **Accurate News and Information Act** may have turned public opinion against Aberhart (if one uses Alberta's federal by-election results as a barometer). Second, the **Accurate News and**
Information Act was probably not drafted by Aberhart but by G.F. Powell and L.D. Byrne (Melynk, 1977:13) [the two men who forced members of the Aberhart government to sign an oath of secrecy]. Thus, it may not have been completely designed to Aberhart’s likening. Finally, the Accurate News and Information Act was also a bill drafted in the heat of the moment—typical of this neophyte government. When cooler heads prevailed, Aberhart must have realized the folly of his measure: he had instantly reversed martyr roles with the press. And, with this role reversal, Aberhart had now lost a large number of sympathy votes—votes that he had so masterfully cultivated prior to the passage of this bill.

There are further flaws to Forsey’s thesis. To begin with, initial opinion within the King cabinet regarding the Accurate News and Information Act was "divided", at least according to King. (Diary: 730) Indeed, Justice Minister Lapointe’s initial view "rather favoured letting the Bill go into force." (Diary: 778) Surely, if an 'establishment' oriented government was divided on whether to react to a bill intended to subvert the 'establishment' press, then there must have been other reasons for the federal government’s actions.

For instance, the federal government may have felt that the Accurate News and Information Act, and the Social Credit Act per se, threatened the federal government’s power base—a base that it was trying to expand upon from the 1937 Rowell-Sirois Commission on dominion-provincial relations, onward. The federal government may also have sincerely felt, what most scholars do, that: the
Accurate News and Information Act deprived Albertans of their press liberties. King, himself, never explicitly stated his views either in Parliament or in his diary. Implicitly, though, he referred to the government's actions on the Social Credit Act (including therefore the Accurate News and Information Act) as "upholding the Constitution." (Diary: 692)

It is interesting to note that King makes numerous comments throughout his diary which show contempt for the economic establishment—especially for the control he believed it exerted on his two arch enemies: Premiers Hepburn and Duplessis. King absolutely despised Hepburn and Duplessis. Virtually as soon as they were elected, King viewed Hepburn and Duplessis as "incipient dictators." (Diary: 867) The same cannot be said of Aberhart. He scarcely mentioned Aberhart in his diary.

With regards to Hepburn, King felt that: "We have right in Ontario today what they have in Italy and Germany in leading political organs controlled by moneyed power." (Diary, 847) And, as for Duplessis, King felt that the Premier had "obligations" to fulfill as a result of his election with the "big power interests of Quebec." He was also angered that both Premiers had used the "bogey" of communism for their own political ends. (Diary: 807)

Given these private comments, Forsey's suggestion that the King government philosophically sided with the establishment on its actions concerning the Accurate News and Information Act becomes somewhat blunted. Moreover, it should be noted that King felt that Aberhart's reference to the courts "...would let Aberhart
carry on without an election." King did not seem too concerned by this likelihood. For him, "this as matters are is all for the good." (Diary:721) Obviously, King did not feel too threatened by this supposedly 'anti-establishment' government. Or, conversely, King probably felt that he was making better political gains for his party via a long-term conciliatory approach.

On the surface, it seems strange, given King's animosity to Duplessis, that he failed to react to the Padlock Law: especially when King felt that his government was the true "protector" of the interests and freedoms of Canadians. (Diary:8867) With Quebec, though, King was walking on a different tight rope.

King, like most Prime Ministers before and since, had a number of special considerations when dealing with issues concerning Quebec. King, whom Douglas Creighton appropriately described as a "characteristically cautious" man (Creighton, 1970: 227), did not want to irritate Quebec's sensitivities. He must therefore have realized that conditions in Quebec were conducive to such measures as the Padlock Law.

What were these conditions? First, King knew that Duplessis had been elected, in part, on the "bogey" of communism. Duplessis had convinced enough of Quebec's electorate that the Padlock Law was an instrument to preserve the Province's traditional institutions from the challenges that communism posed.

It is true, as Forsey argues that at least one hundred and eight organizations in Quebec protested the Padlock Law. (Forsey, 1974: 203) However, from an electoral standpoint, their voting
power was significantly off-set by the voting block from rural Quebec. [The electoral map continued to favour rural Quebec despite the heavy movement of population to the cities (Cook, 1979: 6)]

In Leslie Roberts' view, the Padlock Law was seen by the large and less "sophisticated" rural voting block as "no violation of freedom, but a frontal attack on the anti-Christ, communism." (Roberts, 1963:187) The Padlock Law was also perceived by most Quebeckers as a symbol of self-governance. It should further be remembered that an additional element in Duplessis' "electoral sorcery" was his attacks on Liberal centralizers in Ottawa. (Cook, 1979: 4) Thus, government interference in a 'popular' measure would have been used as evidence by Duplessis of the King government's 'centralist' leanings.

Given these social, political, and demographic variables, it therefore seems highly unlikely that King would have mustered much political support from Quebec's electorate if he made any moves to protect the liberties of communists.

It should also be remembered that King's Quebec wing implicitly supported the Padlock Law - perhaps they too were familiar with the political strength of rural Quebec's voting block. While King made no mention of the Padlock Law in his diary, or in Parliament, comments made by several Quebec Liberal M.P.'s in Parliament suggest the Government's implicit support of this law. Justice Minister Lapointe, for instance, [King's most devoted and influential associate from French Canada (Creighton, 1976:8)] responding to questions by J.S. Woodsworth on the Padlock Law on
March 30th, 1937, avoided explicitly stating his support of the Padlock Law. However, his views of "revolutionary communism" were explicit:

I am opposed to everything that they teach and preach. I am against this doctrine on moral, religious, and sociological grounds. With few individuals, I think our whole population is opposed to the spreading of this doctrine. (Hansard: 2294)

Later Lapointe commented:

Experience in religious and political matters has shown that arbitrary methods of repression have always failed. But law and order must be maintained. If those men do or say things which are prohibited by law they must be treated accordingly, and as far as I am concerned, they will be.... The Dominion government will help the provincial authorities to enforce internal peace and order in Canada, within the sphere of our jurisdiction; and let it be understood that we have the means of doing it. (Hansard: 2295)

Given Lapointe’s early leanings favouring the Accurate News and Information Act, and given his contempt of "revolutionary communism," it would be fair to infer that he supported the idea of increased provincial control of the press in Quebec through the Padlock Law.

Lapointe’s official explanation for his refusal to disallow the Padlock Law despite doing so for the Accurate News and Information Act was that the Padlock Law was passed unanimously by both Houses of Quebec’s Legislature and that: "The numerous protests against the Act... have come almost exclusively from persons in other provinces unaffected by the law." (Forsey, 1974: 203)

Such an excuse seems rather lame. After all, the Accurate News
and Information Act was unanimously passed by the Alberta legislature. Further, as has just been outlined, there were a number of Quebec organizations which vociferously protested the Padlock Law.

Lapointe, as cited by Forsey, also felt that, "it would be preferable that any question as to the validity of the [Padlock Law] should be determined in a concrete action, rather than upon the submission to the court of an abstract question." (Forsey, 1974:203)

Of course, without a fiat or consent from the Quebec government, Lapointe must have known that no 'concrete action' would be submitted to the Supreme Court. Such a comment, from such a skilled lawyer as Lapointe, reveals both his and the King government's reluctance to intervene in this popular provincial measure.

Another Quebec member of the Commons, L.D. Trembley, did not like the interference of non-Quebec M.P.'s on this matter. In response to a question from Woodsworth on May 30th, 1938, Trembley argued:

If a majority of citizens of my own province think that they should oppose those who preach opinions which we do not approve in that province; if they think that we should have such a law, it is up to them because we are still living in a democracy, and while I do not think the majority should dictate, at the same time the will of the majority should prevail...Please do not interfere with whatever the province of Quebec thinks. (Hansard:3379)

Lapointe made no opposition to Trembley's response by remaining silent.
Thus, the King government’s initial response to the Padlock Law was far more complex than some of Forsey’s claims. Of course, I would be committing a great disservice to Forsey’s fine work, if I fail to mention that he acknowledges that this response involved some political considerations by both King and Lapointe.

In the years following the King government’s initial response, matters grew increasingly complex. For instance, two weeks after Canada’s declaration of war in 1939, the Union Nationale government dissolved the Quebec Legislature and called for a general election. The pretext for this general election centred on Duplessis’ claim that the federal government, under the War Measures Act, was seriously invading provincial jurisdiction. Duplessis also argued that Canadian participation in the War, despite the federal government’s claims to the contrary, would lead to conscription. He called on Quebeckers to show their unwillingness to support these federal measures by re-electing him and his party to office.

Duplessis’ decision to call an election on these grounds upset King’s Quebec caucus. These Quebec M.P.’s vowed to fight Duplessis head-on. Earnest Lapointe, for example, referred to Duplessis’ claims and actions as "an act of national sabotage," (Cook, Ricker, and Saywell, 1963: 257) and publicly announced that if Quebec did not reject Duplessis and declare its support for the King government’s War policies, he and all other Quebec members of King’s cabinet would resign.

Lapointe’s gamble paid off. Duplessis’ Union Nationale government was defeated by the Aelard Godbout Liberals. Imagine,
though, how much more difficult Lapointe's gamble would have been
had the federal government made any moves to disallow the Padlock
Law.

Despite the election victory of the Godbout Liberals in Quebec,
this new government made no moves to annul the Padlock Law; it
simply ignored implementing the law during its tenure. The Godbout
government, too, must have realized the popularity of this law.

The issue of conscription which aided in Duplessis' defeat in
1939, brought about his re-election victory in 1944. In 1942, the
King government tried to diffuse this extremely volatile issue
through a national plebiscite. This plebiscite asked Canadians to
release the federal government from its previous pledge of no
conscription.

The results of this plebiscite indicated that French Canada
was overwhelmingly opposed to conscription. The exact opposite
was true in English Canada. King now found himself trying to
accommodate two diametrically opposed positions. Being the
cautious conciliator that he was, King took the position of "not
necessarily conscription, but conscription if necessary," after
the plebiscite. (Cook et al., 1963: 258) As Cook et al. remarked:
"While the government's cautious policy completely satisfied no
one, it did at least have the virtue of partially satisfying
everyone." (Cook et al., 1963: 259)

By November, 1944, King's government was under enormous pressure
to enact conscription. His cabinet was on the verge of breaking up
over this issue. Had it not been for the leadership of his new
Minister of Justice, Louis St. Laurent (Ernest Lapointe died in 1941) the King government would have been toppled. St. Laurent had convinced his Quebec parliamentary colleagues to support King's plans for limited conscription. (Creighton, 1970: 259)

While the King government's position on conscription largely aided Duplessis' re-election victory in 1944, its approach to this highly volatile issue produced political dividends federally. That is, French Canadians, while not pleased with conscription, respected the sincerity of Mackenzie King's attempt to understand the French Canadian perspective. Thus, once more, the Mackenzie King Liberals were re-elected in 1945 with considerable French support. (Cook et al., 1963: 280-81). Again, and not for the sake of being redundant, imagine how these electoral results would have changed had the King government aggravated tensions in Quebec by challenging the legality of the Padlock Law.

In summary, then, the Mackenzie King government during World War II was walking on a very thin political tight rope. Any actions which would threaten its stronghold in Quebec were politically unacceptable. This is not to suggest that the government's inaction on the Padlock Law was morally acceptable. However, most governments try to stay in power. And, any moves to disallow the Padlock Law probably would have meant political suicide.

It should also be remembered that during this time the War Measures Act was in full force. This act gave the federal government broad and sweeping powers at the expense of individual
liberties. Under such a political environment, there was little room for debating the rights that the Padlock Law had usurped. Indeed, any debate for the disallowance of the Padlock Law would only have embarrassed the federal government's own actions both within French and English Canada.

In post war Canada, social and political conditions were still not conducive for a government-led Supreme Court challenge of the Padlock Law. In September, 1945, for example, the Canadian government was informed by a Soviet code clerk at the U.S.S.R. embassy in Ottawa of the existence of a soviet spy ring in Canada. This came at a time when the U.S.S.R. was a formal ally of Canada. The code clerk named Igor Gouzenko, presented federal authorities with documented evidence showing that this ring had been gathering intelligence on atomic research activities since 1942.

While this was not made known to the public until June, 1964, one has to wonder how distressed the federal government felt about a law which could supply it with further information on communist activities within the province of Quebec. Of course, this assumption is rather speculative. Further analysis on this historical incident and its relationship with the federal government's response to the Padlock Law, needs to be undertaken.

Duplessis was elected twice more in the 1950's. If he had lived until the 1960 provincial election: "Nothing suggests that his government] would not have been swept back into power for a sixth consecutive term." (Roberts, 1963:187)

Part of Duplessis' electoral success was attributed to his
use of the Padlock Law. As Roberts comments:

In the elections of 1952 and 1956, he was able to point to his Padlock Law as the shining lance with which he had defended both the Church, and the democracy and autonomy of Quebec. At no time during its existence did his opponents specifically attack it or pledge themselves to strike it from the statute books. Clearly, the Liberals realized the popularity it enjoyed with the masses and this gave Duplessis added confidence. (Roberts, 1963:147)

For these reasons, in addition to the post-War McCarthyist social environment of the mid 1950's, it seems rather unlikely that the federal government would have gotten much support by disallowing a law intended to control the spread of communism.

Just as there are weaknesses in Forsey's explanation that the King government's actions regarding the Padlock Law were primarily influenced by its economic establishment leanings, so too are there weaknesses in his claim that the press was "ecstatic" at the Duplessis government's passage and use of the Padlock Law. To begin with, there were many instances where the 'establishment' press voiced opposition to the Padlock Law. The pro-capitalist Financial Post, for instance, opposed the Padlock Law from the outset. In one editorial entitled "Personal Liberty Worth Preserving," the Financial Post stated:

Communism is an economic and social theory which is offensive to a great many people. But those who believe in communism have as much right to present their point of view to the public as those who believe in capitalism, a competitive economy, or state socialism.... There are some things worse than the propagation of new and unpleasant and unsound doctrines. Among them are the tyranny of the state and loss of personal liberties. (March 27, 1937)

In Parliament, CCF M.P. J.S. Woodsworth cited editorial
comments made by the Ottawa Journal to buttress his arguments against the Padlock Law. In the Ottawa Journal's view:

Its [the Padlock Law's] threat is against freedom of opinion- against freedom of print...this bill is not aimed against lawlessness. It is aimed against liberty. Against liberty to write and speak, to discuss and speak, to discuss and debate. (Ottawa Journal, March 24, 1937)

One year later, Woodsworth, one of the most vocal Parliamentary critics of the Padlock Law, cited the Montreal Star as evidence of press opposition within Quebec. The Star argued that the Padlock Law challenged firmly entrenched Canadian freedoms. In the Star's view:

We [Canadians] are the legitimate heirs of England's...blood-bought bulwarks of liberty from Magna Charta down....Is it not a fair inference to say that we are the heirs of her most signal achievements in establishing freedom within her borders, free speech, freedom of conscience, and a free press. (Hansard: 3378)

It is true, as Forsey argues, that the press in Quebec generally remained silent on the Padlock Law. However, the reasons behind this silence were far more complex than Forsey's 'establishment' thesis suggests.

First and foremost, the press knew full well that the federal government would not protect it from the Padlock Law. The press thus realized that it would have to fight the highly retributive Duplessis government on its own.

Duplessis was a ruthless, vindictive man who virtually always got his way. No newspaper, regardless of its political credo was free from Duplessis' interference: he was not called Le Chef for
nothing.

Victoria Daily Times publisher, Stuart Keate, cited one instance of the Duplessis government's retributive nature in his introduction to Pierre Laporte's: The True Face of Duplessis. According to Keate, the "ultra nationalist" French daily Le Devoir, frequently felt the "iron boot" of Duplessis because it often critically commented on the Duplessis government. For example, Keate mentions that Duplessis on several occasions advised advertisers to stay out of Le Devoir's columns or face retributive actions. And, like Aberhart, Duplessis spared no mercy in his verbal attacks on critical reporters. Duplessis, for instance, branded his press foe, Pierre Laporte, a "pig" and "snake" and ordered him to stay away during press conferences. (Laporte, 1960: 12-13)

Keate, citing views from fellow press colleagues in Montreal's English dailies, mentions another important factor limiting the English press' criticism of Duplessis: they feared being branded as racists. Keate summed up their views as follows:

You must appreciate that we [were] a minority culture in this environment. Continued criticism of Mr. Duplessis' policies could [have been] regarded as racial rather than political, and [stirred] up a lot of trouble. (Laporte, 1960: 12)

Surely, these arguments go a long way towards dispelling Forsey's claim that the establishment's "mouth piece" press was entirely "ecstatic" about the Padlock Law. The press, like Mackenzie King's government, was simply limited in its ability to bring down the
Padlock Law.

Having said this, though, the press, like the federal government, had just as much a moral duty to criticize the Padlock Law as it vociferously did the Accurate News and Information Act. And, this, leaving Forsey's marxian framework aside, is the crux of his thesis.

From a moral standpoint, Forsey is completely on the mark. Unfortunately, though, both morality and cold reality—at least in this instance, were incompatible. And, this is why Forsey's thesis should be considered flawed.
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95
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Chapter IV

On March 8th, 1956, the Supreme Court of Canada rendered its judgement on the Union Nationale’s *Padlock Law*. Finally, twenty years after its enactment, the Supreme Court eliminated the *Padlock Law* from Quebec’s statute books.

The Supreme Court, in its decision, echoed many of the same arguments advanced by its fellow justices on the *Accurate News and Information Act* on March 4th, 1938. Mr. Justice Abbot, for instance, cited in his arguments Chief Justice Duff’s view that “the right of free and public discussion of public affairs, not withstanding its incidental mischiefs, is the breath of life for parliamentary institutions.” (Canada Law Reports, 1938: 132-133) Justice Abbot added:

The right of free expression of opinion and of criticism, upon matters of public policy and public administration, and the right to discuss and debate such matters, whether they be social, economic or political, are essential to the working of a parliamentary democracy such as ours. (Canada Law Reports, 1957: 326)

Justice Abott was not alone in his references to the Supreme Court’s *ratio decideni* in 1938. Virtually all the Court’s Justices, [except (ironically?) for Mr. Justice Robert Taschereau—the son of Quebec’s former Premier, whom Duplessis had unseated in 1936 and "sent back to private life in political disgrace," (Roberts, 1963:167)] incorporated the previous *Accurate News and Information Act* ruling in their decision. Clearly, then, the
Supreme Court's decision on the *Accurate News and Information Act* has had an historical impact on Canada's judiciary.

This chapter will examine this historical impact. It will also examine and speculate on the reasoning behind the Supreme Court's decision. There are some scholars, Tollefson (1976) in particular, who regard the Supreme Court's ruling as being a "bad decision". Before examining these two areas, though, it is first essential that a brief chronological overview of the decision be given.

Hearings within the Supreme Court regarding the *Alberta Social Credit Act*—which of course, included the *Accurate News and Information Act*—began on January 10th, 1938. The origins of this legal squabble though, began on October 5th, 1937; the day after Alberta's Lieutenant-Governor, J.C. Bowen, chose to reserve the *Alberta Social Credit Act* and its three bills for "signification of the Governor-General's pleasure." A Lieutenant-Governor has a similar status to that of the Governor-General the federal level. The *British North America Act* [BNA Act] empowers the Lieutenant-Governor to give or refuse assent in the Governor-General's name. (Forsey, 1974: 191) Never before, though, had a Lieutenant-Governor from Alberta exercised this Constitutional prerogative.

The Aberhart government was both naturally surprised and infuriated by Bowen's action. Aberhart maintained that reservation was not a prerogative enshrined in the *BNA Act*. He thus asked the federal government to refer to the Supreme Court both this and the issue of disallowance as well as the constitutionality of all three
bills of the *Alberta Social Credit Act*.

Aberhart was willing to include the *Accurate News and Information Act* for reference to the Supreme Court. He did not have to. Just why he did, as was outlined in the previous chapter, is open to considerable speculation. At any rate, Prime Minister Mackenzie King announced on November 3rd, that his government had decided to refer everything—all three bills of the *Alberta Social Credit Act*, and the question of the constitutionality of the Crown exercising the royal prerogatives of reservation and disallowance—to the Supreme Court.

The federal government was not alone in its legal challenge of the *Accurate News and Information Act*. Two factums were also filed by newspaper interests. One factum was filed by the *Edmonton Journal*, *Calgary Herald*, *Lethbridge Herald*, *Edmonton Bulletin*, *Calgary Albertan*, *Medicine Hat News* and the Alberta division of the Canadian Weekly Newspapers Association. The second factum was filed by the Canadian Press, the Canadian Daily Newspapers Association, and the Canadian Weekly Newspapers Association.

The Supreme Court's judgement on Friday March 4th, 1938, on the validity of the three bills of the *Alberta Social Credit Act*—of course including the *Accurate News and Information Act*—as well on the powers of reservation and disallowance, was unanimous. Reservation and disallowance were to remain operative powers of the crown while all three bills of the *Alberta Social Credit Act* were declared *ultra vires*.

Much of the focus of discussion in the Supreme Court decision
centred on the division of power between the federal and provincial governments. Considerably less discussion was made on the issue of press rights/privileges. Indeed, most of the Court's Justices made no comment on this issue in their written decision. The Supreme Court essentially agreed with the federal government and newspaper factum's view that the Accurate News and Information Act was part of the "general scheme of Social Credit legislation, the basis of which is the Alberta Social Credit Act"—an act that was deemed ultra vires. (Canada Law Reports, 1938: 106-109) In other words, since the Alberta Social Credit Act was deemed ultra vires, so too, therefore, was its ancillary and dependent Accurate News and Information Act.

The Aberhart government decided to challenge the Supreme Court's decision through the Judicial Committee of the Privy Council. The Privy Council, though, refused to hear council on the Accurate News and Information Act. It felt that the Accurate News and Information Act was ancillary to the Alberta Social Credit Act—an act that it, like Canada's Supreme Court, felt was ultra vires.

Upon the advice of Cyril Radcliffe, the counsel for Alberta's Attorney-General, the Aberhart government decided to repeal the Alberta Social Credit Act. In other words, it now eliminated the supposed main barrier prohibiting the implementation of the Accurate News and Information Act. However, despite the expressed desire of counsel for both the Attorney-General of Alberta and Canada, as well as for the Alberta newspapers, the Judicial Committee refused to hear arguments on this press bill. The
Judicial Committee felt that since the **Alberta Social Credit Act** was repealed, all its bills, including the **Accurate News and Information Act** were now made inoperative without amendment. And, as a result, their Lordships pointed out that it was not the Committee’s practice to express an opinion on a matter which was of academic interest only. (Tollefson, 1976:185) Thus, the Privy Council deprived Canada of a definitive judgement on the issues of press rights/liberties. Any abstract legal reference on these issues, therefore, must be drawn from the Supreme Court of Canada’s decision.

Unfortunately, the Supreme Court only included as a postscript any mention on the issue of press rights/liberties. As was mentioned above, the bulk of the Supreme Court’s explanation to strike down the **Accurate News and Information Act** focused on its view that the **Alberta Social Credit Act** was **ultra vires**.

This factor alone, tempers Kesterton’s claim that the Supreme Court’s decision was a "distinct victory for freedom of the press" in Canada. (Kesterton, 1967: 233) Indeed, it seems that G.S. Adam is closer to the mark when he argues that the Supreme Court’s decision on the **Accurate News and Information Act** did not entrench free press liberties, rather it marked a beginning in which Canada’s judiciary addressed the issue of which branch of government, and in what instances, had jurisdictional control in this area. (Adam, 1986:50-51)

While most scholars are careful not to make similar claims as Kesterton’s, few are willing to consider the Supreme Court’s
decision to the Accurate News and Information Act as being poorly thought out. E.A. Tollefson, through his work entitled: "Freedom of the Press" is one of the few exceptions. He considers the Supreme Court's decision as being a "bad decision." In Tollefson's view, it was "bad" not so much for its actions to protect press liberties, rather, it was "bad" because of its faulty reasoning within the BNA Act's frame work. (Tollefson, 1976: 172)

Tollefson goes out on a limb with his thesis. As he puts it: "To attack the [Supreme Court's] decision is to lay oneself open to the charge of advocating tyranny." (Tollefson, 1976: 172) This is not his intention. Tollefson essentially advocates the right of provinces to reply in newspapers, to unfair criticism.

Superficially, what he advocates is noble. However, it must be emphasized, given the introduction chapter's analysis, that the Aberhart government had less noble than intentions for its use of the Accurate News and Information Act. Tollefson's failure to understand this crucial point seriously flaws his overall analysis. Never the less, because Tollefson takes such a unique position on this decision, it would perhaps be a rather fruitful exercise to examine his criticisms so as to highlight the wisdom/weaknesses in the Supreme Court's decision. Such an examination will also reveal the difficulties associated with the Court's interpretations of the issue of press rights/liberties under the British North America Act. Before assessing Tollefson's analysis, though, it is first important that some discussion on the British North America Act and the Supreme Court's traditional mode of interpretation of this act.
be addressed.

Up to the passage of Canada’s Charter of Rights and Freedoms in 1982, Canada’s judiciary was never truly considered as being activist. In general, it resolved disputes between citizens on the basis of pre-existing legal norms. Only on rare instances had the Supreme Court attempted to actively develop or advance values and policies governing the conduct of Canadians. (Anisman and Linden, 1986: v) To a certain degree, the Supreme Court’s decision regarding the Accurate News and Information Act was one such instance. However, for reasons cited above, the advances created by the Supreme Court’s decision were limited.

Canada’s Supreme Court justices have not elaborated or defined press rights/liberties like their counterparts in the United States. As Adam states:

Courts in the United States have turned the First Amendment provisions forbidding the abridgement of freedom of the press into a fully elaborated philosophy. By contrast, justices on Canada’s Supreme Court have only hesitatingly elaborated a theory, and then only within the rather limited framework provided by the British North America Act. (Adam, 1986: 50)

According to Peter W. Hogg, in his superb pre-Charter analysis of Canadian constitutional law entitled: Constitutional Law of Canada, the original framers of the BNA Act deliberately structured this constitutional document so that the Supreme Court would not model the United States Supreme Court. (Hogg, 1977: 4) To begin with, the Supreme Court was not intended to be the final court of law on Canadian judicial affairs. This judicial function was to be left in the hands of the Judicial Committee of the Privy
Council.

Though there is no explicit mention of relying on the Privy Council for final judicial decisions in the BNA Act, when this act was enacted,

[Its] framers were accustomed to look to the Judicial Committee of the Privy Council in England as the final appellate authority.... This was regarded as so natural and obvious—like responsible government—that the Judicial Committee of the Privy Council is not mentioned anywhere in the BNA Act. (Hogg, 1977:4)

Likewise, the framers of the BNA Act were determined not to emulate the United States' Constitution. After all, the BNA Act gives no suggestion of breaking away from British Colonial rule. It is a document that recognizes the supremacy of the United Kingdom's Parliament and adheres to British traditions in the legislative process. Indeed, the lack of a general amending clause in the BNA Act leads one to the "inescapable" conclusion "that the Canadian framers of the BNA Act were content for the imperial Parliament to play a part in the process of amending the new constitution." (Hogg, 1977: 3) And, finally, these same framers "eschewed the alluring American precedent of a bill of rights, and instead left the civil liberties of Canadians to be protected by the moderation of their legislative bodies and the rules of the common law—as in Britain." (Hogg, 1977:4)

With no bill of rights included in the BNA Act, as well as the fact that all constitutional decisions could ultimately be decided in the United Kingdom, the Supreme Court of Canada was not designed as an activist judicial body. Its chief function was to interpret
the division of powers allotted to Canada's Parliament and its provincial Legislatures in the BNA Act. Interpretation of this division, especially on such abstract notions as press rights/liberties involves a rather arduous process.

The totality of legislative power in Canada is distributed among its Parliament or Legislatures. In brief, the BNA Act divides federal and provincial power as follows: The provinces are "generally" in charge of "matters of a merely local or private nature in the province." [s.92(16)] The federal government is in charge of matters having a national dimension. (s.91, opening words) The opening words of s.91 give the federal Parliament the residuary power "to make laws for the peace, order, and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces."

As will be shown later, some debate regarding the Accurate News and Information Act centred on the issue of whether the regulation of criticisms by a provincial government of its local press, constituted a "matter" of purely "local or private nature" or had a national dimension affecting "the peace, order, and good government of Canada."

The exact process which the Supreme Court's justices went about in making their judgement on such an abstract concept as press rights/liberties and their jurisdictional domain is open to considerable speculation. After all, only two of the Supreme Court's justices—Duff and Cannon—made any reference to this
issue. The Supreme Court struck down the **Accurate News and Information Act** because it was deemed to be ancillary legislation to the **ultra vires Alberta Social Credit Act**. The issue of press rights and liberties was scarcely addressed. Thus, one can only speculate on how Justices Duff and Cannon’s postscript arguments came about.

All Supreme Court decisions involving federal and provincial jurisdictional disputes inevitably involve an analysis of sections 91 and 92 of the **BNA Act**. Hogg outlines two steps in this analysis. The first step is to identify the "matter" (or pith and substance) of the challenged law; while the second step is to assign the matter to one of the "classes of subjects" (or heads of legislative power). The first step essentially asks: "what does this law do, and why?" It also looks at the most important/dominant characteristic of the challenged law. The second step involves the interpretation of the power distributing provisions of the **BNA Act**. Both steps are dependent on one another. (Hogg, 1977: 79-80)

As will be shown, the Supreme Court’s justices essentially identified the "matter" of the **Accurate News and Information Act** as being an integral propagandist outlet for the promotion of an illegal economic act. Because they came to this conclusion, the Court’s justices did not need to assign this matter to the federal government. However, they did make an acknowledgement, in their post-script, of instances in which the Dominion and legislatures had jurisdictional authority in the area of press regulation. Rather than elaborate on these instances at this point, it is
important that we first examine some well-established doctrines affecting the above two steps in Supreme Court decisions.

Part and parcel of the above two steps are the Supreme Court's consideration of such established doctrines as the "double aspect doctrine", "federal paramountcy", "intention" or "purpose", "legislative history", and "effect". (Hogg, 1977: 80-87)

The "double aspect doctrine" acknowledges that some laws have both a federal and provincial "matter" and are therefore more competent to both the federal government and the provinces. In such cases, the Supreme Court has adopted the doctrine of "federal paramountcy". That is, the federal law prevails.

The Supreme Court justices often look at the "intention" or "purpose" of a law in their decisions. That is, they look at the language of the statute and the ends which its rules seem designed to achieve. This analysis may entail some examination of the "legislative history" of the statute. In a similar connection, Supreme Court justices also consider the likely "effects" of a challenged statute.

In the most difficult cases, where the above controlling rules are in conflict, Supreme Court Justices must "inevitably" base their decision on their own concept of federalism. That is, they must ask themselves: "Is this the kind of law which should be enacted at the national level or at the provincial level?" For Hogg:

The reasoning at this point should not be affected by judicial approval or disapproval of the particular statute in issue nor be affected by the political situation which provided the controversy, let alone the political allegiances of the
contending parties. The only 'political' values which may be accepted as legitimate to judicial review are those which are generalizable in neutral language and which bear on the long-term balance of power in the federation. (Hogg, 1977:87)

From this brief analysis of both the BNA Act, and the general controlling rules of Supreme Court decisions, we can now more readily understand some of the background complexities involved in the Court's ruling on the Accurate News and Information Act. The following section will highlight these background complexities and contrast them with E.A. Tollefson's claims that the Supreme Court used "bad" reasoning on its ruling on this press statute.

As was mentioned earlier, all of the Supreme Court's justices unanimously found the Accurate News and Information Act to be ultra vires. Chief Justice Duff, delivering the judgement for himself and Justice Davis stated the reason for the decision in the following manner:

This Bill contains two substantive provisions. Both of which impose duties upon newspapers published in Alberta which they required to perform on the demand of "the Chairman," who is by the interpretation clause, the Chairman of "the Board of The Alberta Social Credit Act." The Board, upon the acts of whose Chairman the operation of this statute depends, is, in point of law, a non-existent body (there is, in a word, no "board" in existence "constituted by section 3 of The Alberta Social Credit Act") and both of the substantive sections, sections 3 and 4, are, therefore, inoperative. The same, indeed, may be said of sections 6 and 7, which are enactments creating sanctions. It appears to us, furthermore, that this Bill is part of the general scheme of Social Credit Act; the Bill presupposes, as a condition of its operation, that The Alberta Social Credit Act is validly enacted; and, since that Act is ultra vires, the ancillary and dependent legislation must fall with it. (Canada Law Reports, 1938: 132)
Such a decision reveals the limited activist nature of the Supreme Court. After all, this decision clearly ignores the issue of press rights/liberties entirely. This is not surprising. For reasons just outlined, the Supreme Court was not designed to make activist decisions like its American counterpart. Such an explanation also goes a long way towards explaining why the "ancillary and dependent legislation" argument was contained in both the Dominion and newspaper interests’ factums.

Both factums, represented by Messrs. Ralston for the newspaper interests, and Geoffrion for the Dominion, also felt that the Accurate News and Information Act did not deal with a matter of a purely local and private nature. In their view, newspapers disseminate news beyond provincial boundaries. Thus, they argued that newspapers should fall within the scope of s.92(10) of the BNA Act which stipulates that it is under the federal government’s domain to regulate," other works and undertakings connecting the province or provinces or extending beyond the limits of the province." After all, other inter-provincial communicational entities such as the postal service, telegraphs, telephones, and radio broadcasted signals were considered to be under the Dominion’s jurisdiction.

Mr. Geoffrion further argued that the matter of freedom of the press was a matter of national concern and thus came under the Dominion’s power to make laws for the peace, order and good government of Canada. As Geoffrion argued:

The Central Government, the Central Parliament and the people
of every part of Canada have also an interest in [extra-provincial affairs]. They are interested in knowing what is happening in any province for the purpose of remedying any evils which may arise there or of supporting or combating theories of government there advanced. The press is a powerful agency for the dissemination of news and information and its freedom to fulfill this important service is of vital importance to the preservation of the peace, order and good government of the nation. More than that, the security of the nation, its capacity to present a united front in time of emergency, may well depend upon it. The press service should therefore be free, or controlled, if at all, only by one central authority." (Forsey, 1974: 193-94)

Mr Geoffrion also warned the Supreme Court's justices that if a province could control the newspapers at all, it could also establish complete control. In Geoffrion's view, (according to Eugene Forsey) if the court upheld the Accurate News and Information Act, this bill might become the forerunner to "the complete domination of the newspapers in any province by the Provincial Government, to licensing and complete control of reporters for papers outside the province, and to the placing of policemen at provincial borders to stop information from going in or out." (Forsey, 1974: 194)

Finally, both factums felt that the Accurate News and Information Act fell within the sphere of criminal law i.e. sedition and criminal libel, which is under the federal government's jurisdiction. Mr. Geoffrion argued that the alleged evils that this act intended to rectify were not private wrongs but wrongs affecting the community as a whole, namely the publication of false news relating to government policies. (Forsey, 1974: 193)
The factum by the Alberta government, in contrast, argued that newspapers were like other businesses and were thus subject to restrictions which might be imposed on their operation by the provincial government.

As will be shown throughout this chapter, the Supreme Court adopted a considerable portion of the Dominion's and newspaper interests' arguments as its own. Before examining these arguments though, it is first important that we return to the Court's main "ancillary and dependent legislation" argument. Tollefson (1976) finds this ratio decidendi to be "rather remarkable."

He feels that the **Accurate News and Information** could have independently survived in absence of the **Alberta Social Credit Act**. As Tollefson puts it:

> Even if the ancillary legislation is clearly a part of a scheme of legislation which is ultra vires in its ultimate goal or effect, why should the ancillary legislation be struck down if, viewed by itself, it is clearly intra vires? There are many grand legislative schemes which are composed of many individual statutes, each contributing something to the ultimate goal. If the ultimate goal is ultra vires, is it sensible that each statute of the scheme should be declared ultra vires regardless of its individual jurisdictional merits? (Tollefson, 1976: 177-78)

But could the **Accurate News and Information Act** have survived independently of the **Alberta Social Credit Act**? Was there "nothing" in this press bill, as Tollefson argues, that would identify it as part of the ultra vires economic plans of the government? (Tollefson, 1977: 178) Justice Cannon identified one such area. In his words:

111
It seems obvious that this kind of credit [i.e. the credit scheme outlined in the Alberta Social Credit Act] cannot succeed unless everyone should be induced to believe in it and help it along. The word 'credit' comes from the latin: credere, to believe. It is, therefore, essential to control the sources of information of the people of Alberta, in order to keep them immune from any vacillation in their absolute faith in the plan of the government. The Social Credit doctrine must become, for the people of Alberta, a sort of religious dogma of which a free and uncontrolled discussion is not permissible. The bill aims to control any statement relating to any policy or activity of the government of the province and declares this object to be a matter of public interest. The pith and substance of the bill is to regulate the press of Alberta from the viewpoint of public policy by preventing the public from being misled or deceived as to any policy or activity of the Social Credit Government and by reducing any opposition to silence or bring upon it ridicule and public contempt. (Canada Law Reports, 1938: 144)

Despite his etymological discussion of "credit" and its relationship in promoting the doctrine of Social Creditism, Justice Cannon felt that the Accurate News and Information Act was ultra vires because it invaded the "domain of criminal law". In Justice Cannon’s view, the Criminal Code, in dealing with what constituted seditious words and publications, provided an exception with respect to bona fide criticism of the government. (Criminal law is under the domain of the federal government).

Mr. Justice Cannon felt that the Accurate News and Information Act was an attempt by Alberta’s provincial government to amend the Criminal Code. According to section 133 (a) of the Criminal Code:

No one shall be deemed to have a seditious intention only because he intends in good faith, -

(a) to show that His Majesty has been misled or mistaken in his measures; or
(b) to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any
legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter of the State; or to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of His Majesty's subjects.

For Justice Cannon, the **Accurate News and Information Act** was an attempt by the Aberhart government to amend section 133 (a) of the Criminal Code and thus deny Alberta's press privileges available to journalists across the rest of the country. Tollefson feels that "His Lordship's judgement on this point is open to some serious objections." In Tollefson's view:

> No doubt the Parliament of the United Kingdom could make criticism of the government a crime; but,....The question is whether the Canadian federal government could make it a crime to criticize a provincial government. A strong argument could be advanced that such legislation was a colourable attempt to encroach on the exclusive jurisdiction of the provincial legislatures under section 92 [of the BNA Act]. (Tollefson, 1976:179)

Tollefson, though, fails to take into account several crucial points. For instance, subsection (b), of section 133 (a) above, clearly allows for criticism of "any legislature" in Canada. Moreover, nowhere in section 92 of the BNA Act is there any explicit mention of provincial jurisdiction of press rights/liberties.

Both Chief Justice Duff and Justice Davies did acknowledge that "there is a wide field in which the provinces undoubtedly are invested with legislative authority over newspapers." (Canada Law Reports, 1938: 134) For instance, they felt that the provinces have a recognized jurisdiction in relation to libel. Further, Tollefson
feels that," so long as the impugned enactment can be found to have a provincial aspect, the enactment should be valid and enforceable, unless its operation prevents the enforcement of federal legislation in the same field." (Tollefson, 1976: 179-80)

Finding an exclusive provincial aspect in the area of government criticism is rather difficult. In many instances, press criticisms of a provincial government's policies usually involve some federal concerns. In the Alberta context, for example, the press often focused its criticisms on the unconstitutional elements of the Aberhart government's Social Credit policies. Moreover, many of the Social Credit government's comments involved criticism of the federal government and eastern Canadian political and financial interests. Thus, a significant portion of the press' criticisms involved federal concerns. Did the Alberta government have a jurisdictional right to confiscate newspaper space for the purpose of commenting on criticisms by Alberta newspapers on such non-provincial issues?

If the Supreme Court had sided with Tollefson's arguments it might also have theoretically opened the door to a numerous series of individual judicial confrontations between the Dominion/newspaper interests and the Aberhart government over deciding which criticism was an exclusive federal and provincial concern. After all, with some creative legal thinking, council for either the newspaper interests or the Dominion could have argued that a number of so-called provincial concerns also contained a federal concern.
Though Justice Cannon did not address this theoretical concern, he did agree with the arguments advanced by the Dominion and newspaper factums that all debates within the Alberta Legislature served an important national interest. And, thus, government regulation of the press in this regard resided with the Dominion. As Justice Cannon remarked:

...citizens outside the province of Alberta have a vital interest in having full information and comment, favourable and unfavourable, regarding the policy of the Alberta government and concerning the events which would, in the ordinary course, be subject to Alberta newspapers' news items and articles. (Canada Law Reports, 1938: 146)

Despite this view, the crux of Justice Cannon’s arguments boiled down to his belief that:

The federal parliament is the sole authority to curtail, if deemed expedient and in the public interest, the freedom of the press in discussing public affairs and the equal rights in that respect of all citizens throughout the Dominion. These subjects were matters of criminal law before Confederation, have been expressly dealt with by the criminal code. (Canada Law Reports, 1938: 146)

As was mentioned earlier, Chief Justice Duff acknowledged that some regulation of newspapers was conceded to the provinces. However, he qualified this acknowledgement by saying:

...the limit, in our opinion, is reached when the legislation effects such a curtailment of the exercise of the right of public discussion as substantially to interfere with the working of the parliamentary institutions of Canada as contemplated by the provisions of the British North America Act and the statutes of the Dominion of Canada....The legislation now under consideration manifestly places in the hands of the Chairman of the Social Credit Commission autocratic powers which, may well be thought, could if arbitrarily wielded be employed to frustrate in Alberta those rights of the Crown and the people of Canada as a whole. (Canada Law Reports, 1938: 134-35)
Justice Cannon agreed with the main substance of Duff's remarks. In addition, he also expressed the view that the Accurate News and Information Act challenged one of the foundations of our democratic system: freedom of discussion. In Justice Cannon's words:

As stated in the preamble to the British North America Act, our constitution is and will remain, unless radically changed, "similar in principle to that of the United Kingdom." At the time of Confederation, the United Kingdom was a democracy. Democracy cannot be maintained without its foundation: free public opinion and free discussion throughout the nation of all matters affecting the State within the limits set by the criminal code and the common law. Every inhabitant in Alberta is also a citizen of the Dominion. The province may deal with his property and civil rights of his own while the province; but the province cannot interfere with his status as a Canadian citizen and his fundamental right to express freely his unhampered opinion about governmental policies and discuss matters of public concern. (Canada Law Reports, 1938: 146)

Tollefson disagrees with Justice Cannon's remarks; especially Justice Cannon's interpretation of the BNA Act's preamble. In his view:

Freedom of discussion was not a constitutional fact in the United Kingdom in 1867. Freedom of discussion was a condition which existed in the law at the time, but a condition which was subject to the constitutional fact of supremacy of Parliament. If any conclusion is to be drawn from the statement in the preamble that the Canadian constitution is similar in principle to that of the United Kingdom it is that the full range of legislative powers have been distributed by the British North America Act. It follows that Parliament is supreme within their spheres of jurisdiction....the provincial legislatures are...supreme within their own spheres of jurisdiction— supreme to the point that they can lay down rules restricting debate in relation to provincial politics in the same way that the Parliament of the United Kingdom can. (Tollefson, 1976: 182)

Tollefson completely ignores the importance of precedent in
Supreme Court decisions. The United Kingdom's Parliament, between the period 1867 to 1938 never used its supremacy to curb government criticism by enacting right of reply laws. And, it certainly never combined such a law with a provision which would force newspapers to disclose any of its sources upon Parliament's will. There was thus no parliamentary precedent to support such a measure as the Accurate News and Information Act. Moreover, Tollefson's arguments regarding the supremacy of Provincial legislatures can only make sense if one can narrowly define what instances of debate are exclusively related to provincial politics.

As has been shown to this point, Tollefson's thesis suffers from several crucial flaws; the most crucial of which, concerns his mistaken belief that the Accurate News and Information Act was intended to "remedy...the publication of falsehoods and half-truths." (Tollefson, 1976: 179) As was clearly outlined in this thesis' introduction though, the Aberhart government, apparently had more underhanded plans for the Accurate News and Information Act than simply to gain fair access in the press through a right to reply section. The Accurate News and Information Act was intended to act as another propagandist outlet for the Aberhart government while at the same time intimidating newspaper sources from disclosing unfavourable information.

The Supreme Court's justices were well aware of the Aberhart government's intentions for this act. Comments made by the Court's justices, concerning: their opposition to the "autocratic powers" the act allotted to the Social Credit Commission; their belief that
part of this act forbade "uncontrolled discussion"; and their frequent use of such terms as "freedom" and "democracy", strongly suggests their clear understanding of the nature of this act.

Of course, the Court’s justices for the most part, shied away from fully discussing their views on press rights/liberties. They essentially took their traditional non-activist approach to judicial decisions by their ‘ancillary and depended legislation’ ruling. Never the less, the Supreme Court’s ruling has had an important historical judicial and political impact on this issue. The incorporation by some of the Supreme Court’s justices in 1956 of some of the 1938 justices’ arguments regarding the Accurate News and Information Act to strike down the notorious Padlock Law, is the most obvious example.

The Supreme Court’s decision also has had a powerful psychological impact on freedom of press notions in Canada. It would appear that many journalists, and politicians have an ingrained belief that the Supreme Court’s decision on the Accurate News and Information Act was a hallmark decision establishing press liberties in Canada. This may explain why no government (except for Duplessis’ Union Nationale government in Quebec) has since tried to implement any press measure similar in scope to that of the Accurate News and Information Act.

The Supreme Court’s ruling on the Accurate News and Information Act will likely influence future press rights/freedoms decisions under the new Charter of Rights and Freedoms. After all, the Charter demands that a decision be ultimately based on its ability
to be "reasonably and demonstrably justified in a free and democratic society." The Supreme Court's post-script arguments may be used as such in future freedom of the press cases. For example, it seems reasonable that some mention will be made of Mr. Justice Duff's dicta that "free public discussion of public affairs...is the breath of life for parliamentary institutions." (Canada Law Reports, 1938: 146)

Likewise, a government may use this dicta to justify the implementation of regulatory measures for concentrated newspaper ownership. So, too, may Duff's belief that the federal government is the ultimate authority on press limitations be used to support the implementation of such measures. The issue of newspaper concentration will be further elaborated upon in chapter four.
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Chapter V

When Justice Duff argued that "the right of free and public discussion of public affairs, not withstanding its incidental mischiefs, is the breath of life for parliamentary institutions," (Canada Law Reports, 1938:132-33) he was supporting Justice Cannon's libertarian view that the public needs to be informed on public matters from "sources independent of government." (Canada Law Reports, 1938: 133) Few would disagree with these views. Nevertheless, it must be emphatically stated that government is not the only threat to 'freedom of the press'. Concentrated media ownership can interfere as much in the free flow of political, social, and economic ideas as government intervention.

To Aberhart's credit, he was one of the first people to point out this problem with his claims that a great portion of Alberta's press was controlled by Canada's Eastern Financial and commercial interests—Social Creditism's greatest enemy. However, given the universal condemnation of the Accurate News and Information Act including such 'non-establishment' newspapers as the Alberta Labour News and the government-owned The Albertan, as well as for reasons outlined throughout this thesis, the Aberhart government's response to this matter was rather questionable. At any rate, one can give Aberhart some measure of credit for pointing out this serious, and worsening, problem.
The main goal of this chapter will be to highlight both the extent and dangers associated with concentrated press/media ownership in modern Canada. This will help contextualize (as did the previous chapters regarding both the Supreme Court's decision on the Accurate News and Information Act and government interference of the press) the Aberhart government's views and actions in recent history. It will also offer several reasonable first-step remedies to this serious problem. A few of these remedies will incorporate some of the principles behind Aberhart's 'right of reply' provision. That is, it will acknowledge, in principal, the merits of Aberhart's desire for greater media access by government (i.e. the right of government to reply to press/media criticism). The majority of these remedies though, will be based on the more reasonable and equitable principles of democratic social theory.

The scope and pace of concentrated newspaper ownership in Canada over the last two decades has been staggering. A Royal Commission on Newspapers (the Kent Report) reported that in 1970, newspaper chains, primarily Southam, Thomson, and F.P. Publications, accounted for 58 per cent of all copies of daily newspapers published in Canada; ten years later, the Kent Commission reported that this figure had risen to 77 per cent, while the purchase of F.P. Publications by Thomson in January, 1980, shrank the number of dominant newspaper chains to two. (Kent Report, 1981:9) This level of concentrated ownership, as Hall and Siegel contend, is "unmatched" in any other developed country with
a private enterprise press system. (Hall and Siegel, 1983: 69) [Addendum: These figures have worsened since 1981. For instance, in August 1985, Southam and the large Toronto daily, The Toronto Star, became more closely linked through a share swap and exchange of directors. Meanwhile, in Quebec, 90 per cent of daily circulation is now under the control of three chains. (Winter, 1989: 3)]

This trend in concentrated ownership is not just isolated to the newspaper medium. The Senate Committee on Mass Media (the Davey Committee), found that in 1970 nearly half (48.5 per cent) of Canada's television stations were managed by "groups" with multi-media holdings, while about the same percentage (47.4 per cent) of radio stations were managed by multi-media interests. (Davey Committee, 1970: vol. 1, p 5)

A study by Clement (1975) found that 49 per cent of what he termed the "media elite", were simultaneously members of the economic elite, i.e. members of the executive or directors of one of the 113 dominant corporations in the economic sector. (Clement, 1975:325)

Similar patterns of media concentration exist in the United States. Bagdikian (1987) estimates that the vast majority of daily newspapers, magazines, book publications, TV stations, and movie studios are controlled by twenty-nine corporations. This represents a decline from fifty such corporations in 1983. At that time, he likened this small select group to a "Private Ministry of Information and Culture." (Bagdikian, 1983:xvi)
For Picard (1985), such concentration diminishes the democratic process. After all, concentrated media ownership makes it "more difficult for diverse opinions to be heard and permit(s) elite groups and individuals to have more say on public policies than other, less privileged members of society." Picard reminds us that the true ideal of democracy is full participation by all members of society. By this he means that "individuals participate equally in the decision-making process and no one is more capable of achieving his or her desires through official action than is any other member of society." Of course, he acknowledges that this "ideal has obviously never been achieved in any society, and the degree to which it is approximated varies over time in any society." (Picard, 1985: 5)

There have been a number of instances where minority views have been denied access to the media. A blatant example was illustrated by the 'Kitchener Market Fight' case. In this dispute over whether to replace the traditional Kitchener Farmer's Market with a new structure as part of a downtown urban renewal scheme, the media owners and their managers used a variety of methods, from imposing a "news blackout" to inserting a "bogus" letter campaign to discredit the opposition movement. (Hannigan, 1983: 56)

In another instance, Cameron and Hannigan (1978) reported a case where the near monopoly ownership of the local media in London, Ontario, by the Blackburn family, led to abuses in the local flow of news. This was highlighted in the 'John Dickins affair,' where John Dickins, a formerly bland open-line radio host
for a Blackburn owned radio station, developed a social conscience and began to challenge the traditional views of the London establishment on the air. The Blackburn family first responded to Dickin's new found social conscience by not renewing his contract. Dickins protested this action by sending a letter to the Blackburn's *London Free Press*. Though the letter was published, it was first edited to soften Dickins' criticism of the Blackburn's interests.

Given the fact that such abuses have been reported and made known to the public by other news sources, analysts unconcerned with concentrated newspaper ownership will argue that media owners, out of fear of embarrassment and/or potential criminal charges will be significantly deterred from committing such actions. The news blackout attempt by the Kitchener media for instance, was a colossal failure. Not only did the Kitchener media fail to hush the forces opposed to the new Kitchener Market, they also brought upon themselves embarrassing national attention about this exclusively local issue. In fact, so widespread was discussion of the Kitchener Market debate, that it even reached *Maclean's* where in a lead editorial Peter C. Newman wrote that "the relationship between the men who make news and the men who report it has seldom been more abused than it was in Kitchener." (*Maclean's*: June 1972)

Many analysts, though, feel that other media sources are less likely to uncover more "subtle" abuses. (Fletcher, 1981: 45) Breed (1955), for instance, found that news stories were primarily initiated by editors -not by journalists- or were garnered from
institutional sources. Stories incongruent with a newspaper's policy were "blue-pencilled" such that junior reporters soon learned what would be acceptable and what would not. (Breed, 1955: 326-356) Walter Stewart, a veteran Canadian editor and journalist, confirmed this institutional control when he suggested that "anyone who proposed doing a major investigative article would begin by preparing a long memo which would then be fought through a successive layer of editors, probably with limited success." (Stewart, 1980: 24) Indeed, according to Breed, a common approach by editors for controversial stories was to assign them to "safe" reporters i.e. reporters who could be expected to utilize the correct degree of discretion. (Breed, 1955: 326-35)

For Bagdikian (1983), the correct degree of discretion for high ranking newspaper personnel means eliciting a sympathetic view for the economic status quo. The reason for this, in Bagdikian's view, is that "the corporate leaders who desire to control their image among the public now own most of the news and other creatures of public images." (Bagdikian, 1983: 223) Thomas McPhail, as cited by Robert Picard, would agree with Bagdikian's views. He considers the press to be "an ideological arm of the capitalistic and free enterprise system....it provides free and paid for (via advertising) support of a social and political system consistent with basically maintaining the status quo." (Picard, 1985: 133)

In Winter's (1989) view, this support of the status quo seriously diminishes the potential to address and change systemic
weaknesses. Using the examples of industrial pollution and accidents, for instance, Winter feels that the media portray:

Industrial pollution and accidents [as] isolated and unconnected events. Blame is placed with individuals who are rotten apples in an otherwise O.K. system. To dig deeper and expose systemic weaknesses, to challenge the status quo perspective, is to exhibit a 'bias' which is anathema to journalists and their corporate sponsors. Thus, to hold a coherent view of events, to be able to relate causes and effects and to strive to truly understand our society, is to court the label of "ideologue." Again, obviously, this is an anathema to the press and society. So deeply has the shallow and fragmented, one-day, ahistorical world view taken hold of the press and society generally, that anyone attempting to relate so-called "disparate" events is dismissed as belonging to the lunatic left fringe element. (Winter, 1989: 4)

As Charles Ferris, former chairman of the U.S. Federal Communications Commission [FCC] observed:

It is now becoming clear that free speech can be surrendered to market pressures as easily as it can be subverted by government. Today, commercial competition for the broadest possible audience has stilled divergent voices and left us with the monotone of commonly held values and viewpoints." (Charles Ferris, quoted in R. Picard, The Press and the Decline of Democracy, 1985: 133-34)

Hall and Siegel would agree with these views. They see newspapers as essentially being "wrapping for advertisements." This, to them, has meant that newspapers now offer "neutral or less biased news coverage" intended for "maximum public appeal." (Hall and Siegel, 1983: 64)

The net result of this orientation towards maximum public appeal has been the development of newspapers that are generally bland, and unlikely to disturb the status quo. For Picard, by catering to a mass audience, newspapers primarily present accepted ideas and shun those that are novel or strange. "As a consequence,
what is stale and accepted gets public exposure; but what is fresh and controversial often does not." (Picard, 1985: 16)

"Despairingly," Winter quotes H.L Menken who wrote: "As a consequence, about the only subject newspapers are able to discuss with unfailing sense and understanding is baseball" while their "Large circulations [have] prevented newspapers...from attacking anything but the man-eating shark." (Winter, 1989: 4) Winter feels that this emphasis on: "Shallow and frivolous information in the press has led to a subsequent decline in knowledge and increased susceptibility to manipulation." Here, he is supporting Harold Innis’ view that the media have partly helped create a more volatile electorate. This volatility, in Innis’ view may have been partly responsible for the rise of dictators such as Hitler and Mussolini, as well as the increasing length in office of administrations in democratic countries (for instance Mackenzie King in Canada and Roosevelt in the U.S.). In the current context, Winter cites the massive majority governments of Trudeau, Thatcher, Reagan, and now Mulroney, as further evidence of Innis’ arguments. (Winter, 1989:3)

Concentrated newspaper ownership only worsens these trends. Newspaper chains do not purchase newspapers to enlighten communities with diverse perspectives. Rather, they purchase newspapers to make a profit. Indeed, as Globe and Mail publisher Roy Megarry has stated, as cited by Bagdikian:

By 1990, publishers of mass circulation daily newspapers will finally stop kidding themselves that they are in the newspaper business and admit that they are primarily in the business of
carrying advertising messages. (Bagdikian, 1987: 195)

The late Roy Thomson, of the Thomson newspaper chain, made similar comments. According to Clement, Thomson once stated that he bought:

...newspapers to make money to buy newspapers to make more money. As far as editorial content, that's the stuff you separate the ads with. (Clement, 175: 288)

In order to ensure that this 'bottom line' objective is met, chain purchases tend to lead to cutbacks in staff and resources, which in turn, lead to an over-reliance by reporters on such general sources as CP, AP, UPI, as well as potentially biased government statistics and commissions. An over-reliance on such sources helps create a uni-dimensional news perspective.

As was briefly mentioned earlier, the issues relating to newspaper concentration have not been confined to academe. Government commissions, the Davey Committee, and the Kent Report in particular, also have examined these issues and have echoed many of the same concerns as academe. The Kent Report, which was "born," in the words of its author", "out of shock and trauma," resulting from the dramatic acceleration of concentrated ownership of Canadian newspapers, concluded that:

Freedom of press is not a property right of owners it is a right of the people. It is part of their right to free expression, inseparable from their right to inform themselves. This commission believes that a key problem ...is the limitation of those rights by the undue concentration of ownership and control of the Canadian daily newspaper industry. (Kent Report, 1981: 1)

In a similar way, the Special Senate Committee on Mass Media (the Davey Committee) eleven years earlier argued that:
The more separate voices we have telling us what's going on, telling us how we're doing, the more effectively we can govern ourselves. In this sense, the mass media are society's suggestion box. The more suggestions there are below, the better will decisions be made at the top....And in a technological society, the media are one of the chief instruments by which this need is met. (Davey Committee, 1970: vol.1, p 3)

Some libertarians will argue that an individual can find such diverse ideas or "suggestions" through alternative media. However, as Picard contends, "one could easily spend $1,000 a year [U.S.] seeking diversity. This kind of expense is well beyond the means of most individuals." (Picard, 1985:16) "And libraries", as Picard further adds,

no longer offer a ready answer to the problem, either. Government cutbacks have caused many of them to reduce periodical subscriptions at the expense of less-used serials, such as those with unorthodox viewpoints. Further, the convenience and time required to visit a library undoubtedly make the library an impractical source of day-to-day information for most people." (Picard, 1985: 16-17)

The first step towards combating concentrated newspaper ownership is government intervention. Government cannot remain idle on this important issue. Indeed, government inaction should be considered a form of intervention. After all, by allowing concentrated ownership to continue, government is helping to diminish the flow of ideas in the "free" market place.

The Kent Report adds three other reasons for government regulation in the area of newspaper ownership. First, newspapers deal in public information, not in the manufacture of cars or shoes. The modus operandi of the press, as opposed to the above
industries, should thus not be directed toward generating maximum profits. By thinking profits first, newspapers are likely to reduce staff and hence journalistic diversity. This in turn, helps diminish the flow of ideas in the intellectual market place. (Kent Report, 1981: 166) Second, as newspapers become larger than themselves, values can be lost. After all, the people who run chain papers are less likely to be professional journalists. Rather, they are more likely to be run by well qualified business people primarily concerned with the financial interests of their owners and shareholders. As the Kent Report asserts: "From a narrow business viewpoint, what is spent on editorial content becomes simply a cost." (Kent Report, 1981: 89) Third, as has been suggested by many analysts:

Too much power is put in too few hands; and it is power without accountability. Whether the power is in practice well used or ill used at all is beside the point. The point is that how it is used is subject to indifference or to the whim of a few individuals, whether hidden or not in faceless corporations. (Kent Report, 1981:220)

The Davey Committee drew similar conclusions when it prophetically argued:

What matters is the fact that control of the media is passing into fewer and fewer hands, and the experts agree that this trend is likely to continue and perhaps accelerate. The logical...outcome of this process is that one man or corporation could own every media outlet in the country except the CBC. The committee believes that at some point before this hypothetical extreme is reached, a line must be drawn. (Davey Committee, 1970: vol.1, p6)

Finding consensus among government, publishers, academicians, and laymen as to where to precisely draw this "line" is no simple
matter. Government, the group that will ultimately decide, is 1) fearful of repercussions from the press; and 2) is often closely linked with members of the economic elite (which newspaper publishers are part of) and is thus somewhat sympathetic to newspaper publishers' libertarian free enterprise arguments.

Libertarian scholars will also argue that government regulation of the press may be used as a means to increase its power for Machiavellian ends. And, as strong evidence, they will cite the actions undertaken by the Aberhart Socreds. However, as has already been mentioned, government inaction will in itself subvert the democratic process.

Clearly, then, some form of government regulation is necessary. This form of regulation should be structured to accommodate the true ideal of democracy: full participation by all. And, thus, it should be structured along the lines of democratic socialist theory.

This theory, as articulated by Picard states that: "press freedom no longer means the right to publish but also the public's right to access to the press and full accounting of the events and opinions of society." (Picard, 1985:137)

While it would be "ludicrous", as Picard states, for this European theory to be fully accepted in North America, it has some features which could be integrated into our press system. For instance, Picard suggests that the growth of independent newspapers can be fostered by higher tax rates on the profits of corporations owning multiple newspapers, limiting the number of newspapers that
a company or individual may own; by removing tax advantages arising from the acquisition of newspapers; by removing or reducing inheritance taxes on independently owned newspapers; and by reducing the postal rate for small newspapers. (Picard, 1985: 148)

Other measures suggested by Picard include opening avenues of expression for groups with diverse ideological and political viewpoints. This can be accomplished by government or some quasi-governmental agency purchasing [my emphasis] space in newspapers for such groups. (Picard, 1985: 148) Indeed, it’s not inconceivable that some form of right-to-reply could be incorporated, the Accurate News and Information Act notwithstanding. It has been suggested by press critics for the past one hundred years, and is no more Machiavellian in theory than is the CBC.

Of course, such measures may raise new problems. For instance, should members of racist political organizations receive tax supported governmental subsidies? Could government restrict access for such groups under the Charter of Rights and Freedoms?

Whether or not such groups can be restricted, should not deter government from at least controlling the level of concentrated ownership. The survival of our democratic system demands it.
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Chapter VI: Conclusion

Given the foregoing analysis which suggests the immediate need for government intervention to prevent further concentrated ownership, it seems somewhat contradictory that I have adamantly opposed the press regulatory measures of the Accurate News and Information Act. After all, to a large degree, the prime 'moral' argument the Socreds used for the implementation of the Accurate News and Information Act centred on their claim that the press, under the control of the "monied interests," conspired to rid them from office by deliberately misinforming Albertans of their true actions and policies. However, as has already been outlined, such claims, while partly valid, were apparently used by the Aberhart government to deceptively gain public support for an act that would control the flow of Alberta's news in the government's favour.

With a government owned radio station and newspaper to offset newspaper claims as well as numerous verbatim newspaper publications of Aberhart's speeches, there was no real need for the Social Credit government to commandeer newspaper space to present its "truth". Moreover, given the timing of the passage of this act- several days after Aberhart revealed his outrage at the press' disclosures of events relating to a Sacred backbenchers' revolt, and a short time after the passage of a morally questionable trades licence act- it is difficult not to infer that the intentions of the naming of sources provision (including the
professions of these sources) in the Accurate News and Information Act went beyond ensuring the flow of news "truth". The naming of sources provision, like the third provision which theoretically empowered the Sacred government to close down a newspaper, acted as an un concealed threat to those who refused to publish the government's propagandized "truth."

As for moral arguments regarding concentrated control by Canada's "monied interests," degree of newspaper concentration was significantly less in Aberhart's era than now. Unlike our modern context, each major party had its own partisan paper—primarily dedicated to promoting its own party's interests. And, yet, these papers ranging from the anti-capitalist Alberta Labour News to the conservative Edmonton Journal overwhelmingly opposed the Aberhart government. Indeed, as was mentioned earlier, even the government owned Albertan opposed the Accurate News and Information Act.

In many ways Alberta's press reacted in the same responsible manner as America's press reacted to the Nixon government's involvement in the Watergate scandal. Indeed, comparatively speaking, Alberta's press acted more responsibly in the dissemination of 'truth' than did the Aberhart government.

It should also be remembered that the Accurate News and Information Act was an act structured for 1935 Alberta. 1935 Alberta, despite lacking technological innovations such as television, satellites, fax machines, etcetera, managed to have media access for all major parties. Indeed, it might be argued that Alberta, with the government's enormous audience access through
radio, had the most 'free' free press system in Canada at that time. By commandeering space in newspapers and threatening to punish those who spoke out or revealed government wrong doings/inadequacies and/or internal crises, the Aberhart government through the Accurate News and Information Act was threatening to erode what semblance of 'freedom' existed in Alberta's press system during this era.

In the modern context, if we strip away Aberhart's apparent intentions for the implementation of the Accurate News and Information Act and look at the act solely on its own, there are still numerous problems associated with it. These problems, which principally concern its cumbersome and dangerous nature, have already been highlighted. Rather than repeat them, one other argument should be mentioned concerning the dangerous nature of the Accurate News and Information Act. Namely: there was no mechanism included in this act which checked or limited the government's power. Nowhere did it explicitly state what should be deemed accurate news and what should be the fate of sources named by a newspaper. Without such checks or limitations, the potential for abuse by an unscrupulous government would be a distinct possibility. No government, no matter how trustworthy, should be privy to such powers. At the same time, as outlined in Chapter 4, some form of government regulation is now called for. Before introducing my own regulatory suggestions on this matter, it is first important to make a final review of 1) the federal government's responses to both the Accurate News and Information
Act and the Padlock Law; 2) the Supreme Court’s decision on this act; and 3) the on-going concern of media-government relations.

With regards to the federal government’s decision to challenge the Aberhart government’s Accurate News and Information Act while at the same time ignoring the more draconian Padlock Law, it appears the Mackenzie King government was primarily motivated by its desire to strengthen its power bases in both Alberta and Quebec. That is, the King government realized the enormous popularity of the Padlock Law among Quebec’s electorate and thus did not want to diminish its power base in this province which for reasons outlined earlier was both politically volatile (namely- on the issue of conscription) and important (in terms of its large representation in Parliament).

Through his interpretation of by-election results which went against the Aberhart Socreds, it appears that Mackenzie King became convinced that the Accurate News and Information Act was considerably less popular in Alberta than the Padlock Law was in Quebec. As a result, he felt that he did not have to worry about the political repercussions of his government’s Supreme Court challenge of the Accurate News and Information Act. For these reasons, as well as those outlined in the second chapter, the Mackenzie King government’s actions do not appear to be, as Eugene Forsey argues, based on its alleged "pro-establishment" leanings.

Forsey’s claim that the "establishment" press was "ecstatic" at the Duplessis government’s passage of the Padlock Law also appears to be over stated. As was outlined in the second chapter,
a number of ‘establishment’ newspapers, including the pro-capitalist Financial Post, expressed outrage at the Padlock Law. Forsey, however, is correct to stress that the press did not criticise the Duplessis government as vociferously as it did Aberhart's.

In Quebec there are two explanations, for this. First, and foremost, the press was intimidated by the near dictatorial powers Duplessis, Le Chef, possessed. Second, the English press in Quebec, knowing the popularity of the Padlock Law, feared being labelled as racists. Of course, if the press was willing to fully assume its theoretical role as the watchdog of government—regardless of the retributive costs, it may have been able to influence Quebeckers to no longer support this legislation.

Leaving the issue of concentrated newspaper ownership for the moment, it is also important that a few final comments be made regarding the Supreme Court's decision on the Accurate News and Information Act. First and foremost, it appears that G.S. Adam (1986) is closest to the mark when he argues that the Supreme Court's decision did not entrench free press liberties, rather it marked a beginning in which Canada's judiciary addressed the issue of which branch of government, and in what instances, had jurisdictional control in this area.

This view appears to be more accurate than Kesterton's (1967) claim that the Court decision marked "a distinct victory for freedom of the press" in Canada. After all, the Accurate News and Information Act was not struck down by the Supreme Court because
it was considered to be a draconian piece of legislation. Rather, this Act was struck down because the Court considered it to be ancillary and dependent to the ultra vires Social Credit Act. Indeed, only two Justices made any remarks regarding the draconian elements of the Accurate News and Information Act— and these were included in their postscript comments.

The Supreme Court’s decision, for all intents and purposes, was a reflection of its non-activist leanings. These non-activist leanings stemmed from the fact that the framers of the British North America Act specifically designed the Supreme Court to be a non-activist judicial body. This role was reserved for the Judicial Committee of the Privy Council. Given these facts, it appears that Kesterton has over-stated the intended significance of the Supreme Court’s decision.

Likewise, it is difficult to support Tollefson’s (1976) claim that the Supreme Court’s ruling on the Accurate News and Information Act was a "bad" decision. For Tollefson, this ruling was "bad" because: 1) it refused to sever the Accurate News and Information Act from the Social Credit Act— particularly the right of reply provisions of the Accurate News and Information Act; 2) it failed to acknowledge what Tollefson considers the province of Alberta’s right to counteract unfair criticism on matters which he felt were of a local nature; and 3) it did not invade the federal government’s criminal law domain.

While Tollefson is technically correct when he argues that the Court could have severed the Accurate News and Information Act from
the Social Credit Act (if it chose to do so), there were a number of factors which prevented this action from occurring. For instance, if one takes into consideration such complex variables as interpretation of sections 91 (i.e. matters having a national dimension) and 92 (i.e. "matters of a merely local or private nature in the province") of the British North America Act, and places them alongside such well established doctrines as "federal paramountcy", "the double aspect doctrine", "intention" or "purpose", "legislative history", and "effect", it appears that severance would have created more problems than the Accurate News and Information Act's right of reply provision would have redressed. After all, the Accurate News and Information Act's bid to regulate news flow could have: 1) denied Albertans some of the basic press rights/liberties possessed by Canadians in other provinces at the time; 2) denied Canadians of 'truthful' news flow coming out of the province; and 3) opened the door to a number of potential lawsuits by newspapers asking the Supreme Court to define what instances of government criticism can be defined as having an exclusive local nature. Of course, this assumption is dependent on one's interpretation of the Aberhart government's intent regarding the Accurate News and Information Act. Tollefson believes that the Accurate News and Information Act was intended to "remedy...the publication of falsehoods and half-truths" concerning the Aberhart government.

This is not to deny the "local nature" aspects of the Accurate News and Information Act. After all, this Act was designed to
counteract press criticism of Alberta’s provincial government i.e. criticism of the ‘local’ government by the ‘local’ press. Never the less, given the above discussion, as well as the Supreme Court’s apparent concerns (as outlined in the third chapter) regarding the intent of the Aberhart government’s use of the Accurate News and Information Act, the Court wisely chose to side with the Dominion and Newspaper fuctums.

With regards to his third argument, Tollefson fails to acknowledge (as was outlined in chapter three) that Section 133a of the Criminal Code allows for criticism of provincial governments. This factor alone damages Tollefson’s claim that the Accurate News and Information Act did not invade the federal government’s domain of criminal law. Indeed, if one accepts the belief that the flow of political news has a national dimension, then the Supreme Court was correct to assign the intended powers of the Accurate News and Information Act to the federal government—the body assigned, according to s.91 of the BNA Act: "to make laws for the peace, order, and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively [my emphasis] to the Legislatures of the Provinces."

With regards to the on-going concern of media-government relations, there is no doubt that the Aberhart government’s Accurate News and Information Act, was one of the harshest measures ever enacted by a Canadian government to counter press criticism. (Of course, this excludes the Duplessis government’s Padlock Law) No other Canadian government has ever passed a press measure where
1) it could commandeer newspaper space at will; 2) demand that a newspaper disclose its sources without due process of the law; and 3) enforce these actions with fines.

Nevertheless, there have been few instances where Canadian governments have not tried to gain greater control of the media in order to get their message of "truth" across. Much of this interference by governments involves their use of sophisticated legal, though ethically questionable 'media management' techniques. Other methods of interference have included such overt actions as spending massive amounts of tax dollars for government advocacy advertisements to the federal government's selection of presidential candidates for the CBC based in part, on the political leanings of these candidates.

Of course, the media have reported many of these instances where government has interfered in the 'free press process.' Indeed, a large portion of the general public feels that the media have gone too far in their critical reporting of government. There are many scholars though, who will argue that despite the growing acrimonious relationship between the media and government, the media' criticism of governing parties is based on its secure belief that the replacement of one major Canadian political party with another will not bring any fundamental changes to the political-economic status quo.

This then brings us back to the issue of concentrated media ownership. Concentrated ownership of the media makes it more difficult to make changes which go against the political-economic
status quo. As a result, systemic weaknesses gain less media exposure.

It is not the intent of this thesis to argue for widespread changes in our present society. Rather, the crux of this thesis has been to argue the need for greater media access for all political, social and economic groups in Canada. Their versions of 'truth' may offer solutions to systemic weaknesses which if left unaddressed, may lead to our society's demise. For this reason alone, some form of government intervention is obligatory. At the same time, this thesis has argued against any form of government intervention which demands unpaid access to private media or demands any medium to disclose its news sources without due process of the law.

As was outlined earlier, there are better means for governments to intervene or to establish greater free press liberties than those proposed by the Aberhart Government. Never the less, we should not entirely discard all of the Accurate News and Information Act's solutions for greater government access to the media and its desires to curb the concentrated media ownership. For instance, some solutions worked within the context of the Accurate News and Information Act's right of reply provisions may include: First the use of community cable television to air, at prime time, (or the time most likely to generate highest ratings) a live phone-in program with local MP/MLA's as hosts. Each MP/MLA would be on once a week. This would give seven MP/MLA's per community channel a chance to be seen at least once a week and face
criticism/praise from callers presumably representing a variety of political groups within his or her riding. This program may be broken into two half hour segments where the first half hour of the programme can show video segments of the MP/MLA's speeches in Parliament or the provincial Legislature. This would ensure that constituents could see their MP/MLA 'in action'. At present, because of the numerous ridings, the average constituent only sees his MP/MLA by chance on his Parliamentary/Provincial Legislature channel. If the MP/MLA cannot return to his or her riding, special TV facilities should be set up in Ottawa or the provincial capital to at least provide MP/MLA's with video taped speeches.

Second, in order that all Parties can provide the public with their version of the 'truth', each should be allotted one hour per week on the Parliamentary Channel during dead air time (which is usually free by no later than 7:00 pm) to present newspaper, TV, or radio clips of reports for and against their party, etcetera. Again, with the addition of a toll-free number for viewer responses, fledgling political parties may be able to make some inroads into the political process. Such a weekly programme, can be employed to 'correct' misleading press statements while at the same time viewer input may discourage the political parties from using unfettered propagandist purposes such as Aberhart employed with radio.

While suggestions such as those above are not necessarily definitive measures in combating the serious problem of concentrated media ownership, they are, never the less, reasonable
first steps. Without more stringent actions though, the media will lose any remaining credibility as the 'watch dog' of government. In order for the media to fulfil this role they must be free of both corporate and government control. Otherwise, their biting and barking will truly cease.
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Eustratius Terrence Costaris was born on March 5th, 1963, in Halifax, Nova Scotia, Canada. He and his family moved to Toronto, Ontario, in 1967. Mr. Costaris attended Humberside Collegiate Institute from 1977 to 1982. Upon his graduation at Humberside he then attended the University of Toronto where he completed a four year History Specialist degree in 1986. In 1987, Mr. Costaris enrolled in the University of Windsor’s Master of Arts Program in Communication Studies. His Master of Arts degree was completed by the Summer of 1989.