

# THE SOCIAL CREDITER

## FOR POLITICAL AND ECONOMIC REALISM

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### Mr. NORMAN JAQUES

#### "Canada Should be Proud of Him As We Are"

As reported in last week's *Social Crediter*, Mr. Norman Jaques died at Ottawa on January 31. It is known that he contemplated and was preparing for a major attack in the Canadian House of Commons upon his enemies and ours, an event which his sudden death has postponed and transferred to other hands. He died fighting. To Mrs. Jaques and her family we extend, on behalf of Social Crediters throughout the world, the warmest sympathy in their bereavement.

On hearing the news, Major Douglas cabled to Mr. L. D. Byrne as follows:—

"Jaques's death world calamity. Canada should be proud of him, as we are."

#### From Mr. L. D. Byrne

The sudden and untimely death of Norman Jaques will be mourned by Social Crediters throughout the world. Those who were privileged to know him and to work with him will realize the irreparable loss which the Social Credit Movement and Canada has sustained.

Born in London on June 29, 1880, Norman Jaques went to Canada with his two brothers at the age of twenty-one. He settled in Alberta where he farmed for over thirty years.

In 1918 he married Esther Grace Portsmouth of Mission, British Columbia. There were three children—Elizabeth, Barbara and Nanette. Barbara died in 1929 at the age of 7.

Never interested in politics or economics up to that time, Norman Jaques's attention was arrested in 1933 by an article on Social Credit which he read in *The Western Producer*. He followed this up with an enthusiasm which surprised his family, and soon made contact with William Aberhart. He became a keen student of Social Credit, and particularly of Major Douglas's writings.

Following the Alberta provincial election of 1935, Norman Jaques was nominated to contest the federal constituency of Wetaskiwin as a Social Crediter in the national general election three months later.

First elected to the Canadian House of Commons in 1935, he was re-elected to represent Wetaskiwin constituency in 1940 and again in 1944. Only a month before his death, he was nominated again to contest the same constituency in the next federal general election, and there is little doubt that he would have been re-elected for a fourth term of office.

Though a Member of Parliament, Norman Jaques was not a politician. He despised the intrigue and compromise of party politics. To him the House of Commons was a battleground for the advancement of Social Credit, and the

position he occupied a means to carry the fight for his constituents beyond the confines of Parliament. Possessing that rare combination in character of integrity, courage and initiative, he did not know the meaning of fear or compromise.

Although not an eloquent speaker, his speeches carried conviction, and he developed a powerful form of expression in his writings. It is not surprising that he won the respect of a House of Commons which was, for the most part, usually hostile to the views he expressed.

Quiet in manner, cultured and a gentleman to his finger tips, Norman Jaques had a passionate antagonism to injustice and intrigue. British to the core, and with a realization of what the real British Empire meant to a crumbling civilization, he possessed a deep loyalty which could not brook the treachery responsible for the Empire's disintegration.

His fearless and uncompromising exposure of the Zionist plot and his onslaught against communism, socialism and monopoly finance established for him a reputation which extended beyond Canada to the United States. Feared and hated by his opponents, he was the focus of violent attacks in the press—which, in the case of the Zionist publications, were carried to the point of hysterical abuse. Despite this he was held in high esteem by hundreds of thousands of Canadians and Americans. To Social Crediters he was *the* outstanding fighter within the Movement. He won the admiration and regard of both the Christian Nationalist movement in the U.S.A.—for whom he had spoken as a Social Crediter—and the Arab communities of the North American continent. He was honoured by The Mark Twain Society for his outstanding service to Canada and the cause of human freedom.

After a critically serious illness in 1943, he made the journey to Great Britain in the following year under wartime conditions for the express purpose of meeting Major Douglas—a meeting that inspired him in his subsequent incomparably important influence in Canadian public life.

Norman Jaques will be enshrined in the memory of Social Crediters everywhere, and we shall remember him with pride and gratitude.

The following references in the Canadian House of Commons are quoted from the Official Report:—

#### Mr. St. Laurent

*Right Hon. L. S. St. Laurent (Prime Minister):* Mr. Speaker, I am sure that in common with all the other members of this house you were shocked to learn this morning of the death of Mr. Norman Jaques, member for the electoral district of Wetaskiwin. We knew that some years ago Mr. Jaques had suffered from a serious coronary attack, but he seemed to have made a complete recovery. From his appear-

ance in the house last week, one would have judged he was enjoying his usual good health. I understand he had a slight coronary disturbance on Thursday evening, but afterwards had been resting rather comfortably. But a further attack developed in the early hours of this mornnig, and it proved to be fatal.

Mr. Jaques was first elected to this house at the general election of 1935, and was re-elected at both general elections in 1940 and 1945. Those of us who were here during those years know that he was constant in his attendance in the house and took an active interest in its proceedings and in the proceedings of many of its important committees. On many matters he held strong views which most of us did not share, but no one could doubt his sincerity or his earnest desire to be of service to his fellow Canadians in the advocacy of those views. In his relations with other members of the house he was always most courteous. I am sure he will be remembered as an earnest, painstaking and courtly gentleman who served his constituents and his fellow citizens with zeal and devotion.

I wish to express to the members of the Social Credit group our deep sympathy. I am sure I shall also be expressing the wish of members in all parts of this house when I ask you, sir, to convey to Mrs. Jaques and to her two daughters, the assurance of our sincere condolence in their bereavement.

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#### Mr. Drew

*Mr. George A. Drew (Leader of the Opposition):* Mr. Speaker, I wish to associate myself with the words of sympathy uttered by the Prime Minister in regard to the untimely death of Mr. Jaques. I did not have the opportunity of knowing Mr. Jaques, but I join with the Prime Minister in extending deep sympathy to Mr. Jaques's family and to those who were so closely associated with him in this house. I concur in the suggestion that a message be conveyed to Mrs. Jaques and her daughters in the terms expressed by the Prime Minister.

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#### Mr. Coldwell

*Mr. M. J. Coldwell (Rosetown-Biggar):* May we join with the Prime Minister (Mr. St. Laurent) and the Leader of the Opposition (Mr. Drew) in expressing our sympathy to Mrs. Jaques and her two daughters in their sudden bereavement. We often disagreed fundamentally, and sometimes violently, with the late member for Wetaskiwin. None the less we do know that the views he expressed in this house were held sincerely and arose from deep conviction, and for this we respected him, as we respect any member who speaks from sincerity and conviction. We therefore join in expressing to the Social Credit group, as well as to the widow and family, our sympathy in the sudden loss they have all sustained.

#### Mr. Solon Low

*Mr. Solon E. Low (Peace River):* Mr. Speaker, there can be no more striking evidence of the integrity of the members of this house than the sincere and earnest tributes that are paid to an hon. member who has passed away, in spite of the fact that those expressing them may have held strongly divergent views. I wish to join with the Prime Minister (Mr. St. Laurent) and with the leaders of the other two parties in expressing our sincere regret at the passing of our friend and colleague, Mr. Jaques.

We were shocked to learn of his passing at an early hour this morning. Mr. Jaques arrived in the city last week to attend the present session of parliament, apparently in very good health. He was in this chamber on Thursday, and no one at that time had the remotest thought that that would be his last day in this house.

On Thursday evening, as the Prime Minister has already stated, Mr. Jaques suffered a slight coronary seizure, which at that time was not considered to be unduly serious. There seemed to be good reason to expect an early recovery, but a more serious and intense seizure, which occurred at two o'clock this morning, within a period of ten or fifteen minutes proved fatal.

Mr. Jaques was born in England. He came to Canada when he was twenty-one years old and took up farming in central Alberta, where he lived for the remainder of his life. He was always a reformer. For that reason, when Major C. H. Douglas of Scotland first issued his economic analysis Mr. Jaques was attracted to the new philosophy and at once became a keen student, not only of economics but of world affairs. He pioneered in the organization of the Social Credit movement of the world.

As has already been attested by those who have spoken, my colleague was a man of deep convictions. His determination was unshakable. These qualities, together with a high degree of personal courage, often drove him into vigorous debate as well as into strong denunciation of what he firmly believed to be social injustices or real threats to the peace and happiness of the people of the world. In spite of the fact that much personal criticism was directed to him, often amounting almost to character assassination, he stuck to his convictions, and to the very end continued in what he thought was his duty to humanity.

I found Mr. Jaques honest, sincere, humble, and ready to learn, in spite of his rock-like stubbornness when he thought he was right. There was in him in rare measure, I also found, a deep love for his fellow men and a respect for their individual rights. In my duties as leader of the Social Credit movement, I found Mr. Jaques loyal and always ready to carry the battle forward.

Almost six years ago in his home in Alberta he suffered a coronary occlusion which resulted in his being confined to bed for several months. He knew that his health was seriously impaired as a result of that seizure. But in spite of that knowledge, his conviction and his concern about the steady deterioration of world affairs drove him like a goad, with the result that he remained active all through these years. No doubt the strain of that activity contributed to his death.

We, his colleagues in the Social Credit movement, mourn his passing. We have lost in him a devoted advocate and a

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warm personal friend. Our deep sympathy goes out to Mrs. Jaques and her two daughters, in the loss of husband and father, and to all bereaved friends and relatives. I am sure Mrs. Jaques would want me to thank all those who have so generously tendered their condolences and expressions of sympathy. This I do.

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#### Mr. Smith

*Mr. A. L. Smith (Calgary West):* As a member of the party to which I have the honour to belong, and coming from the province in which Norman Jaques so long made his home, I am anxious to join in the tributes paid to him on the occasion of his sudden death. We who were best acquainted with him always knew that he was serious, even when in advocating a principle he stood alone. Then, more than ever, we admired his courage in that advocacy.

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#### Mr. Blackmore

*Mr. J. H. Blackmore (Lethbridge):* Mr. Speaker, two remarks that were made to me rather casually within the last hour or so I thought might express fairly well the general opinion of those who knew Mr. Jaques. One member of the opposition, although not a member of the Social Credit group, said to me "Too bad about Mr. Jaques. He was the very soul of integrity." A few minutes later one of the messengers who knew Mr. Jaques met me in one of the corridors and said, "I am sorry about Mr. Jaques; he was such a nice, quiet man."

Mr. Jaques was always a diligent, industrious worker and student. He wrote great numbers of letters; wherever there was a hint of an opening he sent one to a newspaper, a periodical or an individual. He read widely and voraciously. He spoke at a public meeting whenever an invitation came from anywhere on the American continent. He therefore became well informed and full of understanding. He was an able speaker and writer.

He was honest in the extreme.

He was a man of resolute courage. With his heart attack, which has already been referred to, I need not deal at all. For a good many years I have feared that we might lose Mr. Jaques as we now finally have lost him.

After his illness Mr. Jaques put himself under severe self-discipline in order to do the work he felt he should do in this house. He strove in every way he knew to recover his health; but he kept fighting on. Many a time I have sat by his side in this house while he spoke, holding his chair that he might support himself against its arm, and fearful that at any moment he might collapse in the chamber. In debate he was greatly handicapped. His voice did not carry well. His fine English, gentlemanly habits rendered it foreign to his impulses that he should engage in wordy battles. Despite those handicaps he persevered and drove home his message, frequently at the risk of his life.

He was loyal to his leader. Throughout the ten trying years during which I was charged with the responsibility of leading the Social Credit group in this house, Mr. Jaques stood steadily behind me. He often wrestled with me long and sternly over point of political strategy, or concerning certain forms of the practical application of the fundamental principles of social credit; but when the need was greatest,

he was with me. Since the hon. member for Peace River (Mr. Low) assumed the leadership, Mr. Jaques has been just as loyal to him.

Mr. Jaques was loyal to principle. He regarded the founder of social credit, Major C. H. Douglas, as a sort of inspired prophet heralding across the world the vital doctrines of a new gospel of freedom and security from want and fear; a prophet calling the peoples, particularly the Anglo-Saxon peoples to repentance from their unpardonable sins of selfishness, ignorance and blindness: calling them to awaken, to realize how rich are the material gifts with which their God has endowed them; how greatly, through the Anglo-Saxons, all families of the earth could be temporally blessed, and how fearful will be the responsibility upon the Anglo-Saxons if they fail.

Mr. Jaques always gave me the impression that he looked upon himself as being called as a sort of apostle of the new economics of abundance and equitable distribution. If he did so, then he magnified that calling ably and well.

In the midst of the battle he has fallen. The torch he so bravely held aloft must still be borne forward. Never in human history has the need been more urgent for enlightenment concerning the principles of social credit for which he stood. Social credit's quarrel with the foe must be carried deeper and deeper into the ranks of the opposition. Mr. Jaques has gone to his rest. But others must carry on.

His wife and children will be able to endure their bereavement the better knowing that throughout his life the husband and father did his full share so well.

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### A Social Occasion

The recent visit to Belfast, on business connected with the Housewives' League, of Mrs. Palmer, acting chairman of the League, who is also Director of Studies in the Social Credit Secretariat, gave the Belfast D.S.C. Group an opportunity of meeting her informally on the evening of February 2. It was interesting and heartening to hear of the Housewives' League's activities exemplifying principles in which all Social Crediters believe, even if they don't all succeed in demonstrating them.

The evening included in its agenda a presentation to the Group's Hon. Secretary, Mr. J. A. Crothers, in recognition of his services—services that must surely constitute a record in Social Credit circles—to the Belfast Group and in the Social Credit cause; stretching back as they do into the dim almost prehistoric of the appearance of "Economic Democracy" in the weekly pages of Orage's *New Age*. This was a period following the first World War, when, although the social agitation may have been less obvious and dramatic than what we are experiencing now, was no less profound, and when the warnings of Douglas, the fulfilment of which are to-day choking all the social and economic channels of the world, were still largely prophecy.

It was pleasant, too, that the occasion was merely a milestone in Mr. Crothers's executive ministry and not its grave-stone, so to speak. Equally pleasant to see how many from those early days were present to stand up and pay tribute, not to Mr. Crothers only, but to the substantiality and gripping force of the glimpse of reality obtained from the reading of the book *Economic Democracy*.—N. F. W.

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Saturday, February 19, 1949.

### From Week to Week

In its issue of January 29, 1949, *The Saturday Evening Post*, (U.S.A.) publishes a photograph of Sir Stafford Cripps at a Marshall Aid Conference, laughing.

We do not know how the laughter sounded, but the expression which accompanies it would chill the stoutest heart. Any mental asylum doctor would recognise it instantly.

A contract between the *de facto* Israeli State and the *de jure* Chemical Empire (Imperial Chemical Industries) for the minting of Israeli coinage has been disclosed.

No doubt Dr. Chaim Weizmann, President of *de facto* Israel, has assured Dr. Chaim Weizmann (ex?) Imperial Chemical Industries that no question of trading with the enemy can arise. If a few more R.A.F. pilots are shot down, the matter will be treated by both sides as of no importance.

It has long been a matter for amazement that the docility of the British appears to have no limits. This has been demonstrated in every possible way in internal affairs, and it should not be overlooked that it is accorded to widely differing institutions, to the Trades' Union demagogue, or Mr. Strachey, just as to the flogging captain of an eighteenth century frigate or the overseer of one of Engels's child labour cotton mills.

This being so, it may be supposed that the revelation in U.S.A. that heavy—probably the heaviest—pressure was placed on Mr. Chamberlain to ensure a guarantee to Poland which would not only involve us in war with Hitler on an issue which Great Britain and France could not win, but would ensure the post-war elimination of Catholic Poland will not cause a ripple. The callous indifference, to put it no higher, to the sufferings of the actual combatants is indicated in *The German Underground* (Allen W. Dulles, U.S.A.)

"It sometimes seemed that those who determined policy in America and England were making the military task as difficult as possible by uniting all Germans to resist to the bitter end."

Why drag in England? What has England, or Scotland or Wales, to do with policy, any time these past fifty years? Is anyone infantile enough to suppose that Mr. Attlee, or Mr. Woodburn (Secretary for Scotland, in case you forgot) or Mr. Aneurin Bevan, are "prime movers"?

We have previously referred to our belief in the importance of the *Zeitgeist*—that peculiar rush of awareness,

as of a mighty wind, which at long separated periods, sweeps the world.

The so-called Jewish problem is one instance; and another, and perhaps ultimately more important example, is the constitutional issue. The more serious reviews are full of it. Professor W. L. Burn concludes his current article in the *Nineteenth Century*: "Why should a man seek to be the owner of any form of property at any moment when it can be taken from him at any moment by the legislation of a sovereign parliament in which the unpropertied have the greatest influence? . . . One remedy is that of a fundamental constitutional reform which would create institutional barriers against confiscation."

And Mr. George Drew, the Leader of the Opposition in the Canadian House of Commons, in the course of a reply to the King's Speech remarked "Without an enforceable Constitution, an understandable Constitution, it is difficult for any nation to continue its course as a united nation . . . I think it would be well for us to recognise the importance which is given in the United States to the Constitution as the foundation of all their governmental responsibility."

Mr. Churchill and Mr. Eden no doubt have, to them, sound reasons for looking to an undisclosed and ultranational constitution above all law as the chart of their policies; but we do not think their opinion is widely shared by Conservatives. If not, the time is at hand for a showdown.

### "Sam Carr"

According to the Ottawa correspondent of *The Times*, Sam Carr and his wife were taken into custody by the Royal Canadian Mounted Police at Prescott, Ontario, on the morning of February 11, and had been brought to Canada from New York under deportation proceedings.

The message proceeds:—"Carr left Canada in 1946 at the time when investigations were being made by a Royal Commission into the circumstances surrounding the communication by public officials and others of confidential information to Russian agents. He was arrested in New York on January 27 by the Federal Bureau of Investigation, and the Canadian authorities have charges to lay against him. Carr was at one time organization secretary of the Communist Party in Canada.

### Colonel Charles Henry Churchill

A correspondent writes:—"In reading *The Zionist Movement* by Israel Cohen, I notice on page 47 that Colonel Charles Henry Churchill (grandson of the 5th Duke of Marlborough) in 1841 wrote a letter to Montefiore urging that the Jews should devote their energies 'towards the regeneration of Syria and Palestine,' and said there was no doubt they 'would end by obtaining the sovereignty of at least Palestine.' After other actions, 'Montefiore availed himself of the services of this zealous officer by entrusting him, in 1843, with a fund for the granting of loans to Jews in Palestine.'"

### In Father's Footsteps

"Any day now," writes a columnist in the *Daily Express* of February 10, "Franklin D. Roosevelt Jnr. will be off to Israel on a good-will tour."

## PARLIAMENT

House of Commons: January 26, 1949.

### Middle East

[The Debate continued]

(The conclusion of Mr. Norman Smith's speech was as follows:—)

The Balfour declaration, safeguarding Arab rights, was used at one Labour party conference after another to bring my party in on the side of Zionism. I believe it true to say that no single Labour Party Conference speech by any speaker on behalf of Zionism ever referred to Zionism or the aims and objects of the Zionist movement. No speaker ever told the Labour Party, "We are Zionist Jews because of our fanatical religious aims; and, because of the craving for power on the part of some of our wealthy co-religionists across the Atlantic, we want the Jewish State in Palestine." That was never said; they always appealed to the broad humanity of the Trade Unionists. Of course, they got it, and my Party became committed. When in 1945 the Election came I had a visit at Nottingham from the Rabbi and one of his congregation, to whom I felt quite quite cordial. I said I supported the principle of the Balfour Declaration. I support it still, but I am bound to admit that the Balfour Declaration was a very equivocal document issued in very fishy circumstances, not a credit to this country. It was that which queered the position all the way through the peace and made things difficult if not impossible for my right hon. Friend.

The hon. Member for Cheltenham (Mr. Lipson) mentioned the United States. In this connection the United States means wealthy Zionist people whose influence is exerted by virtue of their control over finance. In 1917, as Mr. Lloyd George said, American Jewry was influential. It was no less influential in the early days following World War 1. We all know as a matter of history that it was the insistence of America that this country should repay her war loan in gold that weakened this country, that gave us a perpetual unemployment problem for 20 years, and when Hitler came to power left us without the financial and economic resources to re-arm except after long preparation. My case against Zionism is not only that it is of its nature aggressive, not only that it is of its nature murderous, but also that Zionism in America has used its wealth ever since World War 1 to weaken this country in the world; with consequences which my right hon. Friend finds himself up against today.

In this Debate we have had a most extraordinary development, which I for one had not anticipated. The right hon. Gentleman the Leader of the Opposition in his speech not only reiterated what everybody knew—that at the end of World War 1, if he had had his way, he would have strangled Bolshevism at birth—[*Interruption*—yes, one can argue that. He not only did that, but also said that what ought to have happened should have been that in 1945, when we had troops under arms in Palestine, we should have used them to compel a settlement of this Israel problem. If that means anything at all, it can only mean that in the opinion of the Leader of the Opposition we should have used troops in Palestine to oppose the Arabs and establish the Jewish State. What else could it mean?

The right hon. Member for Woodford went on to commit the Conservative Party, so far as I could see, hook line and sinker to the Zionist cause. I think I detected a good deal of consternation on the other side of the House, because

it is well known that the Leader of the Opposition is a Zionist. One would expect him to be. There is a widespread superstition that the Leader of the Opposition is popular with the Party opposite. It is not true. There is a widespread superstition that the Leader of the Opposition is a great British leader. It is not true. He is a great Anglo-American leader, which is a very different thing, and in his case no doubt natural and appropriate. But I am an Englishman. My right hon. Friend the Foreign Secretary is an Englishman, and I am sure that the House will forgive us if we look at this question as Englishmen. We do not favour Israel, because Israel is the creation of the U.S.S.R. and the U.S.A.

What about the U.S.S.R.? The hon. Member for East Coventry talked ignorantly about the part played by the U.S.S.R. in the creation of Israel. Those of us who were on the Estimates Committee, and went to Austria in 1947, learned something of this at first-hand. Unofficially we visited a Jewish camp near Graz, a few miles towards Vienna. The hon. Member for Abingdon (Sir R. Glyn) was our Chairman. In that camp we saw about 3,000 Jewish refugees who had come from Russia. If there is one thing above all others which the Soviet does not do, it does not part with able-bodied men. If an able-bodied male is on the wrong side, that is to say the Soviet side, of the Iron Curtain, there he has to stay. Yet this tremendous migration of able-bodied Jews had originated from Soviet territory.

The few of those men whose language I could understand—it was the English of New York—said they had originally been citizens of Eastern Poland, and were deported to Russia when Russia went into Poland in September, 1939. I said, "Where are you going now?" They said, "We would like to go to the United States." Those who spoke English wanted to go there more than anywhere else. But the Zionists had arranged otherwise. The Russian part was this. Russia, contrary to practice, had allowed these able-bodied men out merely to embarrass Great Britain. America and Russia both want the State of Israel, because neither of them is interested in maintaining the strength of this country as a leading great power. But the Foreign Secretary and I and most working men in my constituency, and most Labour Members in Westminster, are interested in maintaining the strength of Great Britain as a great power.

We have now arrived at the stage at which we are compelled, by *force majeure*, to recognise Israel. The thing is there. Let us now face up to the question of what has now to be done.

*Dr. Segal (Preston):* Why compelled?

*Mr. Smith:* We are compelled because we are not strong and faced by American wealth and Russian malice, we have not been able to prevent the illegal immigration which has been the Zionist weapon throughout. There the thing is, and we have to consider now what we are going to do.

I would submit that, if it were not for this religious fanaticism which is the mainspring of Zionism—but which the Jewish hon. Members of this House are careful never to say anything about—if the Jews would be willing to accept national homes here, there and everywhere, the thing would fit in very conveniently with the latest Truman policy, which is to develop the backward areas of the world with the aid of American capital and, no doubt, in accordance with our own Colonial policy. As any member of the Estimates Committee last year knows who investigated colonial policy, the economic future of Great Britain depends on the develop-

ment of Africa, which supplies a good strategic reason for my right hon. Friend doing what he is doing. President Truman comes along with his new doctrine of developing various parts of the world. Why do not the Jews find their opportunity in that? They would do so, were it not for this religious fanaticism. But there is another motive at work, the dependence of Zionist Jews on Jewish finance, which happens for the moment to be located in New York more than anywhere else. Because of that, the whole system is queered.

I would say to the Foreign Secretary, let not his heart be troubled, his position is secure in the esteem of most of his fellow countrymen, and most of all in that of the working class people whose political instincts, so much more mature than the political instincts of any other people, lead them always to support a Foreign Policy which will go on keeping England strong—England, the historical opponent of dictators; England, now the repository of all that is politically decent against the forces, on one side of Russian Communism, and on the other side of Zionist finance located in the United States.

*House of Commons: February 1, 1949.*

### Juries Bill

*The Attorney-General (Sir Hartley Shawcross):* I beg to move, "That the Bill be now read a Second time."

... It provides, in the first place, that juries, should receive some limited compensation for the loss of earnings and expenses in which their service may involve them; and, in the second place, that that singular anomaly, the special jury, should be abolished.

*Mr. Quintin Hogg (Oxford):* ... I ask myself a question to which I try to give an absolutely objective answer. I speak as one to whom the law is bread and butter. ... I ask myself this simple question, trying to set aside any kind of prejudice at all: Do I believe that people will get as good justice under the proposed system as they get under the present system? Will causes be tried as well when we have abolished special juries as they are tried now? Will the results be as satisfactory from the point of view of justice to the parties? It is to that question and to no other that, I suggest, the House should address itself.

The hon. Member for Hornchurch (Mr. Bing) addressed himself to a very different set of questions. He addressed himself to a number of theoretical considerations which, I think, have absolutely no relevance to this issue. The right to vote is, as he correctly said, a right; and it is a right which is correctly sought after by, at any rate, the great majority of our people. Nobody, as far as I know, seeks after jury service in the same way. It is not a right in that sense, and if there be anybody who lusts to appear on juries, I can only say that he is probably most unsuitable to be a juror. The analogy between the right to vote and the so-called right to appear on a jury breaks down *in toto*. Jury service is a burden imposed on people for the purpose of giving right to other people, namely, the litigants—a civil jury in a civil case, and a criminal jury who do right as between the Crown and the accused person.

To my mind, at any rate, the only sanction is the prag-

matic sanction: is more justice or better justice to be done under the new system than under the old? Of course, opinion on that point may differ, but I am giving my opinion that I do not believe justice will be done as well when the special jury is abolished as when it was in full operation. Of course, it is not in full operation now.

Having tried to assert my own objectivity I find it distasteful, and perhaps embarrassing, in view of the fact that I appear as a member of a minority party, to assert the want of objectivity in the Attorney-General; but I nonetheless do make that assertion. My hon. and learned Friend reminded the House that the verdict in the Laski case was given on one day and that within a fortnight the hon. Member for Maldon (Mr. Driberg) was suggesting that the special jury system should be abolished; the Attorney-General obligingly replied that the matter was then under consideration and review, and shortly afterwards he said that it had been decided to abolish it.

... I am bound to say that, although I accept the Attorney-General's personal assurance that he is as unaware of personal bias in the matter as I on my side am unaware of personal bias, I could not but listen to the arguments which he adduced for the abolition of the special jury and reflect that however much he might believe that he was being unbiased, he was, in fact, adducing arguments which showed that his mind was influenced by bias of a kind which rendered his judgment less valuable on this than it is of other legal topics.

To my mind the first question one has to ask oneself in this matter is whether it is desirable, and if so to what extent, to restore the jury at all in civil cases. Obviously, if a jury is an unsatisfactory way, as many people think, of trying civil issues, then one ought not merely to abolish the special jury, but one ought at any rate to limit severely the burden which is placed upon ordinary people by making them try common jury cases. It is as well to reflect for a moment how far we have gone in a single generation from the traditional English system of trying issues of fact. When my father was first called to the Bar an ordinary county court case was, as often as not, tried with a jury; nearly all contested divorce cases were. Many is the story my father has told me of his triumphs or failures in front of county court juries. The ordinary divorce cases, in which there were issues of fact, were frequently, if not normally, tried with a jury; the ordinary motor accident case was seldom tried with a judge alone; an ordinary contract case was tried with a jury; and, as a learned judge said in my hearing in court yesterday, the jury was in fact the only normal method known to English law of trying issues of fact.

That situation was fundamentally altered during the course of the 1914-18 war, and the result of the practical abolition of the civil jury in that war was that in the inter-war period juries became more and more limited to cases where parties had a right to demand them—as in libel, slander and some other cases; and they are now limited even within that sphere to a relatively small number of cases. Now, is it desirable to go back upon that development? My own view is that on the whole it is. There is much to be said against juries. They are frequently perverse. A jury case nearly always takes longer to try, and they are for that reason more expensive to the parties. On certain aspects of the matter they are probably less experienced, and less quick

to see the truth, than a judge.

Nonetheless, I believe that the profession as a whole would welcome a return to an extended use of the civil jury. Their individual wisdom may be small, but the collective wisdom of 12 men is sometimes rather greater than that of one, however experienced. They are anonymous—a great advantage, because although a judge must in the course of a long career inevitably acquire a good deal of unpopularity, adding at least one to his list of enemies as a result of every decided case, once a jury has concluded its deliberations it disperses and as a body is heard of no more. It commands a good deal of public confidence. It ensures independence to the Bar and prevents the Bar from being servile to the Bench. It can be counted upon to give a broad approach to legal problems and not to fog itself with purely technical considerations. For all these reasons, I am certainly of the opinion, and I should expect that the profession as a whole would be of the opinion, that the civil jury is an advantage which should be retained.

If we come to that conclusion, we are bound to ask ourselves how far the civil jury are competent to deal with the ordinary issues of fact as presented to them time after time in the courts. Can they follow a long and intricate bundle of commercial correspondence? Can they listen to expert evidence on matters where experts can speak with authority? Can they carry in their minds evidence passing for 13 or 14 days, sometimes when, as we all know, either their ability or their willingness to take connecting notes is severely limited? I can only express the view, as my own, contrary to that of the Attorney-General—and divorced from any theoretical or political consideration—that on the whole for these cases the special jury gives a better consideration to the case than a common jury, and that a common jury is not a satisfactory tribunal for many cases which would otherwise go to juries. I am bound to say, speaking again as one who earns his bread and butter by the law, that if and when the special jury is abolished, I shall have to advise clients in cases where I would otherwise have asked for a special jury to ask for a judge alone, on the ground that I could not be sure that their case would have proper consideration by a common jury.

The Attorney-General counters that argument with the specious but, as I shall hope to show, wholly unfounded analogy of the criminal jury. He says—and says rightly—that for practical purposes, leaving out of account the theoretical conception, in criminal cases there is no special jury; the criminal case, he alleges with a good deal of force, is sometimes—although I think he might have added seldom—as difficult as the commercial case of the kind of which I have been talking. Why then, he asks, draw a distinction between the civil and the criminal case?

My answer to that is again a pragmatismal one, but I find it impossible to be convincing. In a criminal case the dice are deliberately loaded in favour of the accused. That is the system we adopt in this country. We adopt that system in order to prevent the conviction of innocent men, and although the blunders and follies of criminal juries are legion, as everybody knows, they are in the main the folly of acquitting the guilty rather than of convicting the innocent—and nobody minds very much about that in practice. We have all known criminal juries over and over again come to verdicts which we could only describe as perverse; but they were perverse verdicts of acquittal, and so, quite rightly,

nobody minded. But that has not always been the case.

All of us in this House have recollections of at least two cases, and I think three, in the last three years in which criminal juries have tried matters which I believe would, had they been civil cases, have been tried by special juries—had they been tried by juries at all—where the juries have come to perverse verdicts of conviction when there was, in fact, no evidence to justify convictions, and where I assert and believe there would have been acquittals had the tribunals been special juries. One, as the House will recollect, was the Tarran case; and the House will also recollect the Weitzman case, where again the Court of Criminal Appeal held that there was absolutely no evidence against the accused.

*Mr. Pritt (Hammersmith, North) rose—*

*Mr. Hogg:* I do not want to be diverted from the point I am making. In the Tarran case the Court of Criminal Appeal spoke in the strongest possible terms. Both the Weitzman case and the Tarran case were cases where ordinary criminal juries brought in verdicts of guilty where it was subsequently held they had no business whatever to do so. I am not satisfied, therefore, that the Attorney-General's analogy with the criminal jury would yield the satisfactory result which he desires, first because the dice are loaded in favour of the accused and secondly, because, as experience has shown, in prolonged and difficult cases of a kind suitable for special juries to try the criminal jury is not altogether the satisfactory tribunal which he pretends.

Therefore, I do not think that he has advanced any reason why this House should abolish the special jury in civil cases simply because it does not exist in criminal cases. Nor shall I be in the least tempted to draw an absurd conclusion in the opposite direction by being led into advocating the introduction of special juries in criminal cases, which I believe, for quite different reasons, would lead to undesirable complications of its own.

. . . I cannot help thinking that many hon. Members opposite have been impressed in their own minds—indeed, how could they fail to have been impressed?—with the suggestion that there is in a special jury some element of political bias. If that were so, which I do not believe to be the case, it could easily be dealt with either under the existing rules or by some small modification of them. If it were to be suggested by either party that in a particular case considerations of a political character were going to affect the issue, it might well be within the discretion of the Master, or whatever official directed how the case should be tried, to refuse whichever kind of jury it was which was suspected of bias; but in the great majority of cases, when one is dealing with the question whether there shall be a special jury or a common jury, one has no thought of political considerations entering into it. . . .

. . . I submit to the House that this part of the Measure is analogous to what has been done by the Socialist majority in the last two years. Whenever anybody does what they do not like, whether it is the publicans or the Press or the Opposition or the House or Lords or even a special jury, then hon. Members clamour for its abolition because they have no love for freedom in this country and because they despise its institutions and hate its privileges.

*(To be continued)*

## The Press and Soviet Justice

"Publicity and Finance are concentric."

We are interested in the following facts and comments on the handling of the trial of Cardinal Mindszenty by "reputable" newspapers particularly in this country:—

THE TABLET:

"Of the trial itself it is impossible yet to have any detailed and final account. Despite the reason given for the refusal to give facilities to a representative of THE TABLET, and of so many other journals, that there was insufficient room in the court, 'half of the thirty or forty seats for spectators at the rear of the court were still empty' when the trial opened, says the representative of the British United Press. Those journalists who did attend were almost all the permanent correspondents in Hungary of their newspapers and agencies, *working there on sufferance and accepted because they were approved men.* [Our emphasis.] It is perhaps worth giving a full list of the Press representatives. The *Daily Worker*, despite what we were told by Dr. Ignotus in London, was represented by the Rev. Stanley Evans. The *Daily Express* alone managed to send a special correspondent, the Australian Mr. Peter Burchett. *The Times* was the only other British newspaper to have a correspondent present, Mr. Michael Burn. The principal agencies were represented—A.P., B.U.P. and U.P., Reuters, the International News Service, *Agence France-Presse*, and, of course, *Tass*. Marshal Tito's *Tanjug* agency was excluded. The French papers *Action* and *Combat* were represented and so was the Austrian *Volkstimme*. Apart from these, however, every other journalist covering the trial was either from the Western Communist newspapers, like the French *L'Humanité* and *France Soir* and the Italian *Unita*, or from the Communist agencies and newspapers of Eastern Europe.

"It was remarkable to see what different impressions could be given by different observers of the same trial—apart from a whole range of minor inconsistencies. *The Times* correspondent, for instance, and Mr. Peter Furst, of Reuter's, hardly did justice to the Cardinal, if we are to trust the correspondents of the British United Press and the *Agence France-Presse*. The B.U.P. man especially, Mr. Edward Koriy, gave the best account that we have read, from which it was clear that the Cardinal handled with dignity and skill the situation in which he found himself. At the end of the second day of the trial a Government official called all these correspondents together and said: 'Mindszenty is not the brave man about whom so much has been written abroad, nor the alleged hero: on the contrary, he is a very weak and pitiable person. You should try to convince your editorial offices that he is not a hero.' Some of them appear to have followed that advice, and especially the correspondent of THE TIMES, and we were very glad to find our great contemporary taking on Wednesday a more understanding view of the trial and its significance." [Our emphasis.]

TRUTH:

"It is often very difficult to discover where the *Manchester Guardian* stands in the great controversies of the age. Most people, for instance, would have supposed that a newspaper with such illustrious traditions would have been repelled by the abomination of the Mindszenty proceedings, with their strict conformity with the barbarous Soviet pattern of enforced 'confessions' and mutual 'denunciations'. Instead, on the morning of the 'trial,' before any 'evidence' whatever had been heard, it devoted a long leading article to a mincing examination of the indictment, taking it with the utmost

seriousness, expressing opinions as to the truth or falsity of the various counts, and making such statements as 'The currency charges, which will depend on witnesses' statements, have yet to be substantiated in detail.' A charge is either substantiated or it is not substantiated, so that to introduce the phrase 'in detail' can only be falsely to suggest to the reader that in general terms there is strong presumption, if not proof, of guilt.

"As equivocal was the leader-writer's insistence on equating the Budapest 'trial' with procedure in Spain. The Franco régime does not stage obscene exhibitions in which the wrecks of human beings, beside themselves as a result of prolonged torture which has destroyed their last defence, go into the witness box to swear away their own lives or liberties and the lives and liberties of their friends. Almost as frightening as what is happening abroad is the thought of what is happening to the British sense of decency. Many of our politicians and periodicals seem to be so drugged by propaganda that they can no longer distinguish between right and wrong."

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