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FOR POLITICAL AND ECONOMIC REALISM

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On Michaelmas Morning

On Michaelmas morning, the morning that Douglas died,
The trumpets which sounded were all on the other side;
The Lord will forgive us if the World seemed suddenly grey
Because Douglas had come and gone and had passed on his way.

But once in an Age comes a spirit so royal and rare
Burning his way through the World, and the World does not care,
The indifferent World rolls on ignoring the flame,
Hoping that when he has gone it will all be the same,
Hoping to escape that inescapable sword,
The blazing, the blinding, the sundering blade of the Lord
Cleaving apart and for ever the false from the true,
The Death from the Life, in all that men say and do.

Douglas has come and has gone and has left us behind,
He went always in front, and we afterwards, stumbling and blind,
And now we must find our own feet, we must use our own eyes
To guide our own way through the maze of confusion and lies.
His sword is for him who can use it; to wield it and win
Needs the skill and the strength of the Kingdom, the Kingdom within;
And his shield is his constant reminder, in the heat as we strive,
That the letter killeth, but the spirit maketh alive.

On Michaelmas morning, the morning that Douglas died,
A part of us also died with him, and was laid by his side,
But the rest of us follows in wonder the path that he trod,
Here—on the sweet firm earth, leading us back to God.

PARLIAMENT

House of Commons: October 17, 1952.

VISITING FORCES BILL

[*Lords*]

Order for Second Reading read.

The Secretary of State for the Home Department (Sir David Maxwell Fyfe): I beg to move, "That the Bill be now read a Second time."

The occasion of this Bill is the Agreement entered into between the North Atlantic Treaty Powers relating to the status of their forces in the territory of another North Altantic Treaty Power. It was presented to Parliament in 1951 as Command Paper 8279, and this Agreement, for which right hon. Gentlemen opposite must take the credit, covers a large number of topics that must be regulated when a force from one country is stationed in the territory of another. It deals with entry procedure, aliens control, Customs and revenue facilities and such other matters.

Most of our obligations can be implemented without legislation, but the most important matter that is regulated by the Agreement, and that which is the main subject matter of the Bill, is the position of the visiting forces with respect to the criminal law and the settlement of civil claims. Until our law is modified in these respects this country cannot ratify the Agreement, which, as I have stated, was signed last year.

There are three preliminary points which I should like to make. The first is that we ourselves maintain forces abroad as well as being hosts in this country. To adopt the language of the Agreement, we are both a sending and a receiving State. If anyone thinks that we are granting generous terms to forces visiting this country, let us always remember that if we make these concessions here we may expect to obtain similar concessions for our forces abroad.

The second point is that, as will be seen from Clause 1, the Bill applies in the first instance to the Commonwealth countries only. It may, however, be applied to other countries, notably the North Atlantic Treaty countries—except Canada—under Clause 1 (2), as being countries with which we have arrangements for common defence. I have said that the occasion for the Bill was the North Atlantic Agreement, but it would be clearly wrong to give more to the North Atlantic Treaty Powers than to the member countries of the Commonwealth. These countries have been informed of our plans and are in agreement with the course pursued.

The method on which we are proceeding enables us to repeal not only the United States of America (Visiting Forces) Act, 1942, and the Allied Forces Act, 1940, which govern the position of foreign forces, but also the greater part of the Visiting Forces (British Commonwealth) Act, 1933, under which the position of Commonwealth visiting forces is at present regulated. We will thus have a complete code for visiting forces instead of three Acts which differ from one another in their treatment of the problem.

. . . I do not want to detain the House with a detailed account of the earlier legislation affecting visiting forces in this country. But I think there are some features of it which I must explain briefly in order to explain in turn the main provisions of the present Bill with regard to criminal jurisdiction.

Taking them in order of date, I would first refer to the Visiting Forces (British Commonwealth) Act, 1933, which enabled the authorities of visiting forces from the Commonwealth countries to exercise their own Service law in the United Kingdom in matters concerning discipline and internal administration. It put forces from the Commonwealth roughly in the same position as the home forces. In 1940, when we had in the United Kingdom forces from other allied countries, Parliament made rather similar provision for them in the Allied Forces Act.

. . . The third Act was passed in 1942, when American troops were coming here in large numbers. The United States Government claimed that American soldiers abroad in war-time should be subject only to American courts and not to the courts of the country where they were stationed. In the middle of the war, when a very large number of active service troops were on our soil, it was thought that the balance of advantage lay in acceding to the American request that their military courts should exercise exclusive criminal jurisdiction over their forces.

That was achieved by the third Act, the Visiting Forces Act, 1942, which ousted the criminal jurisdiction of our courts over members of the United States Forces, unless the Americans themselves decided not to deal with a particular case. Hon. Gentlemen will probably remember that some Defence Regulations were also made ruling out the possibility of American Service men being committed for trial on a coroner's inquisition.

From the Notes that were exchanged between the then Foreign Secretary and the American Ambassador, which were scheduled to the 1942 Act, it is apparent that it was contemplated at that time that the Act should come to an end soon after the termination of hostilities but there have always been American troops here since then, and the Act has remained in Force. That is the existing position.

. . . It is proposed that the arrangements provided for in the Act of 1942 should be replaced in peace-time by the provisions of Article VII of the Agreement. I should like to draw the attention of the House to that Article, which is implemented by the provisions of the Bill. It is a compromise between different views of what should be the position of visiting forces in respect of criminal jurisdiction. It provides that the Service courts of the sending country may exercise in the receiving State all the jurisdiction that the law of the sending country allows. They, that is the Service courts, and not the courts of the receiving State, can exercise their own domestic jurisdiction, if I may so term it, over members of visiting forces. I would make this perfectly clear to the House, because in my view it is the key to this problem.

The second of these propositions is that the jurisdiction which our own courts have goes without saying, so far as we are concerned. I mean virtually without saying, without its being necessary to put it in any Act of Parliament. Some provision is needed to implement the first proposition, that the military Service courts of the sending State should have their powers, which is clearly right if the visiting forces

are to maintain discipline. The necessary provisions are in Clause 2 of the Bill.

Paragraph 3 of Article VII of the Agreement deals with those offences over which the courts of the receiving State and the courts of the sending State both have jurisdiction. The courts of the receiving State are given the primary right to deal with offenders unless—again I ask hon. Gentlemen to note the exceptions—the offence was committed on duty, or was solely against the person or property of another member of the force or solely against the property or security of the sending State itself. In those cases, whose limits I have just indicated, the sending State has the primary right to exercise jurisdiction. The House will appreciate that this will mean that a number of cases will be withdrawn from the jurisdiction of the courts.

Let us face the position. I want to be entirely frank with the House and to justify the position. To put it at its most extreme, the implementation of this Article might result in a member of a visiting force who killed a British subject in the course of his duty being dealt with not by our courts but by a court-martial of his own force. To that extent the courts-martial of visiting forces will have greater power in this country than our own courts-martial possess for dealing with our own troops in this country but not greater than when our own courts-martial are operating abroad.

Bearing in mind that this treatment will be given to our Forces in any of the North Atlantic Treaty countries, it seems to Her Majesty's present advisers, as it seemed to the last Government, that these arrangemnts are not unreasonable. They provide, in our view, a worthy compromise which is commended for the favourable consideration of the House. . . .

. . . Clause 3 translates into United Kingdom law the provisions that I have just outlined about the primary right to exercise jurisdiction. It does this by providing that our courts are not to deal with persons charged with offences in respect of which the Agreement gives the primary right of jurisdiction to the sending State—on duty offences or offences involving only the person or property of another member of the sending State. If the sending State waives its rights, then our court, on receiving a certificate to this effect from the Director of Public Prosecutions or the Lord Advocate in Scotland or the Attorney-General for Northern Ireland can deal with the case in the ordinary way.

As I have indicated, there is no mention in the Bill about the primary right to deal with offences against our law because our courts have an inherent right to deal with offences in the United Kingdom, by whomsoever committed. It is our intention that the British courts should exercise their jurisdiction in the normal way in the cases in which they have the primary right, and that they should make no distinction between members of visiting forces and other persons.

Subject, however, to this exception: there may well be cases in which an offence may be a trifling matter from the point of view of our domestic law but a serious breach of discipline from the point of view of the military authorities. In such cases common sense would require the offender to be handed over to the military authorities to be dealt with, just as the British soldier is handed over in similar circumstances. . . .

. . . I turn now to civil claims against members of visiting forces: that is, the civil, as opposed to the criminal, side of the Bill. It is important that it should be clearly stated what the rights of our own people are when members of visiting forces are involved in accidents in which a British subject also is involved. Therefore, I shall state the position as I see it, and again I ask the indulgence of the House.

All that appears in the Bill on the important question of civil claims against members of visiting forces is to be found in Clause 9, which simply enables the Minister of Defence to make arrangements for the satisfaction of claims. The point is so important that although the Lord Chancellor has made a full statement, I think I ought to explain what is contemplated.

The necessity for the Clause and for the arrangements referred to in it arises from the fact the a foreign State is, by the law of nations, immune from proceedings in the courts of another State. I think that all my legal brethren will agree that among all the cases which they get, the breach of promise case which deals with that matter among others is a name that never passes from our minds from student days to this.

The 1951 Agreement, therefore, contains in paragraphs 5 to 10 of Article VIII the arrangements agreed to by all the contracting States for dealing with claims against members of a visiting force; and the arrangements contemplated by the Clause are based on the provisions of Article VIII. These provisions will be supplemented by other arrangements on procedural matters to be made with the States of visiting forces in this country. The United States and Canada each have a visiting force in this country at present and supplemental arrangements are being discussed with representatives of those two countries.

When the Bill is passed and the agreement is ratified, and when these necessary supplementary arrangements are made, appropriate steps will be taken to give public notice of the procedure to be followed by persons who have claims against a member of a visiting force.

. . . It has been arranged that all claims in tort against a member of a visiting force, whether committed on or off duty, will be dealt with by the British War Office Claims Commission. The Claims Commission, as hon. Members are well aware, has for some years dealt with claims against the armed forces and other officials in Government service in this country, and during the war it dealt with claims against the United States Forces in this country. . . .

. . . There is one important Clause I have not touched on so far, Clause 8. This Clause enables Orders in Council to be made applying relevant provisions of the law, with or without modifications, so as to put visiting forces in the same position as the home forces. I am as well aware as anyone here must be that, on the face of it, that is a proposal to confer very wide powers of delegation. We are considering in the light of work which has been done since the Bill was introduced in another place whether the Clause cannot be altered and drafted so that the power is more closely restricted. . . .

I think the House will agree that three conceptions are involved. The first is that the Government, under various

(*continued on page* 7.)

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From Week to Week

" THE PRINCIPLES OF ASSOCIATION FOR A COMMON OBJECTIVE ARE AS CAPABLE OF EXACT STATEMENT AS THE PRINCIPLES OF BRIDGE-BUILDING, AND DEPARTURE FROM THEM IS JUST AS DISASTROUS."

These words are Douglas's. The only orderly treatment of the principles of association referred to, ordered alike in its due regard for logical sequence and its methodical arrangement of observations concerning matters of fact, is the text of the introductory course of lectures on Social Credit published with the authority of the Social Credit Secretariat in 1946 for the instruction of students.

Through the generosity of a supporter, a supply of these, bound in stiff covers, under the title *Elements of Social Credit*, identical with the edition listed by our publishers at 6/- a copy, is available at the price of 2/- a copy, post free.

It is becoming more and more apparent that the great dividing line which concerns us is that between the movement genuinely stemming from Douglas and those groups and individuals who begin and end with the false premise that Social Credit is a scheme for the regeneration of political and ecnomic society which genius has made available for electorates to play with, and thus for the exploiters of electorates to exploit. Anything tending to adjust this perspective tends towards the restoration of social order. The existence of Governments claiming to be " Social Credit " in Alberta and British Columbia is a fact not essentially different from the fact that Great Britain has a Government claiming to be " Conservative." It is also a fact that nowhere in the world are Social Credit principles the foundation of social order, nor can any man say where first they will become so.

• • •

" Even in the time of the prophet Isaiah the individualist was in the minority. And even as Isaiah became discouraged because the masses would not listen to him, so does the individualist of this day frequently feel an urge to give up the fight for freedom and retire into obscurity. But, as the Lord told Isaiah, in every age, in every society, there is an unorganised and intelligent Remnant, an intellectual élite, whose capacity for understanding needs stimulation and encouragement; and it is to these that the prophet of individualism must direct his efforts. It is this Remnant who, when things go to pot, rebuild society and set it on its way again."

Such is the opinion of our American contemporary *Human Events*. Without our claiming to have much to do with élites (whose modern representatives do not encourage us to confraternity with them) and protesting that we are not by any means prophets of individualism, but merely advocates of social order in place of social disorder, and willing helpers to re-establish it, we accept that, for a time, but we believe not a very long time, it is but a remnant (certainly not a majority of any description) which is now resisting submergence by the powers of evil. Isaiah should have known better: masses never have and never will listen to anyone who wants to put things not already there into the masses' heads. There is no need for discouragement when a task is seen to be impossible. The possible alone is sufficiently attractive objective for sane and reasonable men—which is a long way from saying that all things possible of attainment are worth pursuit. A stable Social order is both possible (there have been social orders which stood for many centuries) and worthy of pursuit (since there has always been faith in the pursuit of them).

• • •

Human Events considers (before the event and in preparation for it) that Eisenhower's election offers an opportunity for Conservative Republicans to pluck victory out of a confused election aftermath—whereas the election of Stevenson would have provided scarcely an opportunity that was not sinister. It reports as an agreed opinion that the best speech of the campaign just ended was that of Herbert Hoover on October 19. A million copies were destributed in supply of demand. The following are quotations: —

" Our critics are correct that most Republicans opposed our joining with Stalin in the Second World War. We believed these monsters, Stalin and Hitler, should exhaust each other. We said repeatedly that by joining with Stalin in the war we would spread Communism over the earth. If this was isolationism, I am proud of it.

" Big business did not rejoice over the Sherman Act. Many of them have never become reconciled to it. They induced the New Dealers in 1933 to, in effect, repeal the Anti-Trust laws by an imitation of Mussolini's Corporate State through creating the NRA. Only the Supreme Court saved our competitive economy from Fascism. A Democratic President denounced this action of the Court as ' reactionary.'

" There were nine men involved in the Harding episode. The other members of the Administration were aghast. They determined to pursue these men implacably. Before we had finished with them, two of them had committed suicide, one died while awaiting trial, four landed in prison, and one escaped by a twice-hung jury. Can the perpetrators of the present mess in Washington point to any such vigorous house-cleaning?"

• • •

We wonder when the house-cleaning starts here.

" Is it not clear that ' the rule of law ' and ' the sovereignty of Parliament ' have both become polite and increasingly meaningless fictions?

" The movement to invest the adult population of these islands with political significance has been substantially a failure.

" The individual has been reduced to the status of a State-dependant.

" At long last the Revenue has broken down the citizen's last line of resistance and can now plunder him almost at leisure.

" Great Britain today illustrates in acute measure the

(*continued on page* 8.)

The Asia Institute

By E. MULLINS

From September 24 through to September 28, 1952, an International Conference on Asian Problems was held in New York City, under the auspices of the Asia Institute. It received little notice from the international news services, although serious discussions went on concerning the future of Asia's thousand million inhabitants. The background of the Asia Institute is interesting. Until his exposure as a Communist agent, Owen Lattimore was director of the Asia Institute's School of Asiatic Studies. The Treasurer of the Institute is Lionel Pereyra, of the international Jewish banking family. One of the officers and sponsors of the Institute is Edward M. M. Warburg, of the Kuhn, Loeb banking family which has played such a prominent part in the rise of world Communism.

The Asia Institute is the successor to the ill-famed Institute of Pacific Relations, which the McCarran Committee denounced as a Communist front organisation. At any rate, the job of the Institute of Pacific Relations, the delivery of China to the Communists, had been completed. Another agency would take over the Communising of the rest of Asia. At the conference, the Asia Institute showed its allegiance. Its town house headquarters came from the Hungarian Consulate, *via* one of those financial deals for which the aliens who control New York real estate are so notorious.

In spite of the discrediting of the Institute of Pacific Relations as a Communist agency, its publication, *Far East Digest* was displayed prominently in the lobby of the Asia Institute, along with pamphlets of the Royal Institute of International Affairs of London, which, together with the Council on Foreign Relations of New York, had founded the Institute of Pacific Relations. William Holland, editor of the Institute of Pacific Relations quarterly, *Pacific Affairs*, was speaker at a panel on "Public Opinion in Asia," on the subjects of "shaping public opinion in Asia," and "the role of propaganda." Professor James T. Shotwell, one of the founders of the Council on Foreign Relations at the Paris Peace Conference in 1919, was the Honorary President of the Committee of Sponsors of the International Conference on Asian Problems. This is the Shotwell who was rushed forward to fill the breach as President of the Carnegie Endowment for International Peace when his predecessor in that post, Alger Hiss, was hauled off to prison as a Communist spy. Shotwell is more discreet.

The sympathy with Marxism which characterised the principals at this conference is best illustrated by an observation of the man who was Chairman of its Organising Committee, Arthur Upham Pope, who also presided over many of the discussions. Professor Pope is the author of one of the most obvious books of Communist propaganda ever published in America, a 500 page biography of Maxim Litvinoff, born Meer Wallach, bearing the imprint of Louis Fischer Co., New York, 1944. Page 455 is as follows:

"On November 2, 1939, Russia invaded Finland. The world in general knew little about the Fascist element in Finland and were not aware that Mannerheim, a Swede who had been a Czarist general, and had a fearful record for cruelty, was, with others of the military clique, collaborating with Hitler. The public at large in the Western world was quite ignorant of the peril to Russia."

Pope wishes us to believe that Russia was in dire peril from tiny Finland. A glance at the map of Europe proves the absurdity of such a suggestion. A few pages further, Pope writes a eulogy of Stalin. His first three sentences are as follows:

"Stalin has brown eyes, exceedingly kind and gentle, and beautiful hands. His demeanour is kindly, his manner almost deprecatingly simple, his personality of reserve strength very marked, with a simple dignity. He has a very great mentality."

This drool continues for another two paragraphs, even more syrupy than these sentences. This passage demonstrates that Pope had the deep admiration for Stalin found only in the most rabid American Communists. On page 451 of his book, Pope sanctioned another famous item of the Communist party line, the Russo-German Pact of 1939:

"Russia had one final hope; if she refused this military convention with France and England, and if she made a non-aggression pact with Germany, the war might be localised between Germany and Poland, and Europe would be spared the holocaust. The Russians were wildly charged with double-dealing. As John Whittaker says: 'It was really the failure of the democracies to cooperate with Russia that had forced this mighty people to turn to isolationism and a pact with Nazi Germany.'"

This is Pope's justification for the greatest act of political treachery of the twentieth century. Even after this double-cross from Russia, England and America, under the leadership of Zionist sympathisers Churchill and Roosevelt, were happy to have Russia as their ally. Many Communists were disgusted, and left the party after the Russo-German Pact, but James Paul Warburg and Pope found justification for it.

Pope was the majordomo of the International Conference on Asian Problems. Many other leading Communist apologists, whose loyalties were well-known, failed to put in an appearance. Edward C. Carter, Owen Lattimore, and Gunther Stein of the Institute of Pacific Relations, who usually dominated conferences on Asia, were absent, because the McCarran Committee had exposed them and impaired their usefulness to the party. The speakers and delegates at this conference were a weird throng from the United Nations, of whom more than three-fourths were Israelis. Abba Eban, Israeli Ambassador, was one of the sponsors, and was to have spoken at several of the panels, but he was called away to Washington on some mysterious mission, and his place was taken by several flunkies from Israeli offices.

The appearance of these Zionists in force at this conference was the opening gun of their campaign to rename the Near East as "West Asia." On September 25, a panel was held on "Conflicts in West Asia," which was a bold attempt to whitewash the rape of Palestine. The same old slurs against the Arab peoples were brought forth by the lisping Israelis, until Benjamin Freedman, an outspoken critic of Zionist outrages, forcefully criticised the proceedings. He pointed out to a hostile audience that the United Nations, and particularly the United States and England, were disliked and distrusted in Asia because they had forced upon the native inhabitants of Palestine a horde of European refugees, and had driven the Arabs from their homeland.

He said that there could never be peace in Asia while four hundred million Moslems from Casablanca to Manile waited their chance to avenge this crime.

On the evening of September 25, a plenar session was held on "The Rehabilitation of Asia." Arthur Upham Pope presided. Abba Eban was to speak, but his place was taken by a subordinate from the Israeli Embassy. The other speakers were Harold Isaacs, Albert Mayer, Helen Stoll, and J. J. Singh. Although this discussion was devoted to plans which would affect the lives of a thousand million Asiatics, only one Asiatic, J. J. Singh, was allowed to be present. He represented the India League, which has on its Board of Directors Congressmen Emanuel Cellar and Jacob Javits, Isaacs, Mayer, Stoll, and Pope. These are not Asiatic names. Pope had been a Communist propagandist, the others were active Zionists whose ill-concealed ambitions dominated the proceedings. This panel of speakers was typical of the entire conference.

The session of September 26 on "Foreign Trade and Investments" was presided over by Martin Domke, of the American Arbitration Association, an organisation which forces smaller nations to bow to the interests of certain international bankers. Mr. Domke's characteristic East European accent prevented some listeners from appreciating all of his remarks. The other speakers were Morris Rosenthal, Martin Wilmington, Benjamin Javits, Dr. Ronal, and Ernest Aschner, the last two from the Israeli Embassy. An interesting point at this discussion was Mr. Aschner's assurance that "although Israel is a Socialist State, foreign investments there will be protected by the Government."

The background of Israel's adherence to Socialism is interesting. The original resolution before the United Nations calling for the establishment of Israel came from Russia. Admiral Zacharias, in his book, *Behind Closed Doors* tells us on page 137 that

"At the World Labour Conference in London, the Soviet delegate announced that his government proposed to support a projected Jewish State; on November 26, 1945, the U.S.S.R. made a formal proposal that the Big Five lay the groundwork for such a state. By late 1946, the Palestine policy was fixed in Stalin's mind and discussed in the Politburo. This was the decision which, when made, changed the course of Jewish, Russian—and possibly Anglo-American history."

James McDonald, in *My Mission to Israel,* says on page 268,

"Like many of her Israel colleagues, Golda Myerson, Minister of Labour, was born in Russia. In her teens she had become an ardent Socialist and Zionist, and was active in the Poale Zion Labour Party."

The Russian scholar Yarmolinsky tells us that the Poale Zion was known officially in Russia as the Jewish Communist Party.

The original resolution for the partition of Palestine was agreed upon by the United Nations in 1947. It allocated a small portion of territory along the Mediterranean to the Zionist State. The Zionists then invaded Jerusalem with munitions from Russia and America, and took this territory by force. The United Nations thereupon passed a resolution calling upon the Zionist forces to evacuate Jerusalem and return to their allocated territory. The Russian delegate to the United Nations informed the Israeli Government "If you will now recognise Red China, we will withdraw our support of the resolution calling upon you to evacuate Jerusalem."

The Israelis agreed, and promptly recognised the Mao Government. At the opening session of the United Nations on September 21, 1951, Secretary of State Dean Acheson pleaded with the delegates not to admit the Communist representatives from China to the seats still held by the Chinese Nationalists. This was indeed a strange tune for Dean Acheson to sing. He had been a member of the infamous midnight conference at the White House in November of 1933, when the vacillating Roosevelt was persuaded to recognise Stalin's Government, and he had been the paid legal representative of the Soviet Government. Why had he reversed his opinions? He had not. The admission of Red China to the United Nations would create an impossible diplomatic impasse, for the Chinese Nationalists still held the Chinese Embassy in Washington. The Lattimore-Jessup-Acheson Axis in Washington had failed to achieve its objective of getting Red China recognised by the United States, due in the main to Senators McCarthy and McCarran's sensational disclosures of Communist influences in the State Department.

After Acheson's speech, there was a roll call on the resolution to seat the representatives of Red China. The State of Israel joined the Soviet Union in voting for that resolution.

Another disclosure made by Mr. Aschner at the trade panel was the fact that the United States was now guaranteeing loans made by American citizens to the State of Israel. This was indeed a strange development of international finance. If these loans were based upon good security, they would not require a government's guarantee. Benjamin Freedman criticised this development, declaring that these frivolous financial transactions called loans, including the five hundred million dollars Israeli bond issue now being promoted in the United States by various prominent members of the Democratic Administration, had no security, because the Israelis held no valid title to the land which they now occupied. The security for these loans was land seized by force, which Israel was in no position to hold against a determined attack. Only the United Nations kept the Arabs from wiping out the inhabitants of Israel, and it was doubtful if member nations of the United Nations would agree to defend Israel from the wrath of the Moslems.

On September 28, 1952, the closing panel of the International Conference on Asian Problems was held at the Asia Institute. The subject was "The United Nations and Asia." Alvin Bahnsen was Chairman. The speakers were J. Schain, Walter Head, Levon Keshishian, John Freed, and Albert Edelman. This group was representative of only a tiny segment of Asia. Like most of their predecessors at this conference, they were unanimous in their opinion that the basic solution for the problems of Asia was collectivism in all of its forms. One after another, they reinforced their monotonous demands for collective security, collective farms, redistribution of land, and the other Marxist cliches which have never worked, despite the claims of the Zionists that these principals were being attended with success in Israel. Benjamin Freedman again voiced his

opposition to the Marxists, declaring that Asiatics were being excluded from this conference. He also pointed out that news reports from Asia were extremely biased against the Asiatics. For instance, the *New York Post* carried a headline "Iraq Kicks out American Jew on Tour," without informing its readers that the Arab nations were still at war with Israel, and that any Jew in their country could rightly be looked upon as a spy.

The conference ended with this "reactionary" criticism. Nevertheless, the Israelis showed that they were sincere in their intention of setting up a new order in Asia, an order founded upon the Marxian principles which they were practising in Israel. They would not forget Lenin's pronouncement that

"Who controls Asia controls the world."

PARLIAMENT— (*continued from page* 3.)

statutes, possess compulsory powers in relation to home forces. We want it to be possible for some of these powers to be exercised in relation—I repeat in relation—to visiting forces. For example there are powers to acquire land for the purposes of home forces and we may want these powers to be exercisable for the benefit of visiting forces.

It might be suggested that, as it stands, the Clause has the effect that the authorities of a visiting force might be allowed to exercise these powers themselves. The intention is that the power should always be in the hands of a British authority and should be exercisable by that authority in favour of a visiting force to no greater degree than it is exercisable in favour of the home forces.

That is the first point. The authority is to be exercisable by a British authority. The second concept which we have is that the home forces possess certain exemptions from the ordinary law. For example, they carry firearms without firearms certificates and matters of that kind. Although they are not grave constitutional exemptions they are matters of convenience which are essential if there are to be armed Forces at all. It is obviously necessary that the visiting forces should be similarly exempt in this and other respects. Again, may I make this proviso, which I want the House to appreciate? It is not proposed to take power to grant any wider exemption or privilege to visiting forces than can be enjoyed by the home forces.

The third conception is that there are a number of enactments which impose obligations in relation to the home forces. For example, a private person may not harbour a deserter from the home forces and it may be an offence if he deliberately does so. We want to make it possible for some of these enactments to operate for visiting forces in the same way as they operate for home forces. But again there is no intention to impose greater obligations. The obligations would, at the most, be the same as for home forces and are more likely to be less. . . .

. . . [This Bill] has provisions in it which may well cause difficulty to those who hold fast to the constitutional principle that the United Kingdom courts must be paramount throughout the United Kingdom. I fully understand that point of view but I feel that the Bill is a sign of the times.

We are depending for our defence on the North Atlantic Treaty alliance and it is an inevitable consequence of modern conditions of warfare and training for warfare that forces from our allies should be able to visit, and train in, this country just as do our own troops who go abroad on to the territories of various allies. . . .

Mr. Sydney Silverman (Nelson and Colne): . . . Why should British courts abandon jurisdiction with regard to anyone living here under the protection of the British Crown? I hope when we come to the Committee stage that the right hon. and learned Gentleman will again look very carefully at Clause 14 to see whether this absurd notion that the visiting forces shall themselves be the unchallengeable judges in their own courts as to who and who is not subject to their jurisdiction is really necessary.

It is no answer to say that it is to be reciprocal. I do not want such a power for our own country or for our forces in any country, and I would not be prepared to allow any other country to have such power here. The question of whether a man is really subject to this alien jurisdiction should be determined by the courts of this country. When it is determined that he is so subjected then he can be handed over and dealt with according to the law and the courts to which he belongs, but do not let them be judges in this question in their own courts. I stress that. It seems to me that the Bill goes far beyond what is necessary to give effect to the defence arrangements that have been made. . . .

Mr. A. J. Irvine (Liverpool, Edge Hill): . . . What the House is being asked to do in this Measure is to give support to a Bill which for the first time, so far as I know, in our history in peace-time excludes the jurisdiction of the English courts in respect of offences committed upon English territory, and it is a serious matter.

The trouble, as I see it, is that all this has been agreed upon outside the House in international discussions and arrangements. Of course that inhibits and restrains our discussion of the Measure. I know of no class of discussion which takes place in this House where discussion is generally more inhibited than it is upon matters that come up for ratification. The whole business has been gone into before, all the ground has been covered and agreement has been arrived at in international negotiations as to what shall be done. Representatives of different countries have discovered where there is common ground, what another representative will be prepared to agree to and what another representative will not permit.

The whole thing has been subject to complicated and long international discussion and then it goes to the separate legislatures for ratification. Few people are prepared to carry their objection to the length of making it necessary to go over all that procedure again. The same applies, I greatly fear, in our discussion today. One can but take the opportunity of expressing the hope that as arrangements for N.A.T.O. are made between the N.A.T.O. Powers and their representative in their international discussions, it will be found possible for N.A.T.O. arrangements to proceed in economic and legal matters with the minimum possible degree of interference with the municipal law and the economic systems of the countries comprising N.A.T.O. That would seem to me to be desirable in any of the discussions that take place between the North Atlantic Treaty Powers. . . .

Mr. Geoffrey Bing (Hornchurch): . . . I regret that so

many hon. Members opposite who could contribute so much more than hon. Members on this side of the House have, except for one contribution from Northern Ireland, left it to hon. Members on this side to raise these points. We have had no contribution from hon. Members on the Conservative benches, not one single contribution from anywhere in Great Britain otherwise than from the Government Front Bench, not one contribution from the party which, after all, rules this country at the moment.

It really is a matter for some comment that not one hon. Member on the benches opposite can be found to make any comment on a Bill which, for good or ill, alters the whole system of law as we have known it in this country and makes permanent a war-time arrangement. I hope we shall get a speech from at least one hon. Member opposite on a matter which, after all, is of great practical importance and may be of great practical importance to the people of this country. . . .

The Attorney-General (Sir Lionel Heald): . . . If it were not for the fact that it is necessary to have this organisation and to make it as efficient as it possibly can be, it would never be justifiable to do such things as we have to do under the Bill.

I am grateful to the hon. Member for Edge Hill (Mr. Irvine) who put the matter very clearly and helpfully when he said that we were moving in a territory where we are naturally restricted because we are dealing with an Agreement which was made by the last Government, and that we are honestly, properly, and loyally, endeavouring to carry out that Agreement made by our predecessors, in accordance with one of the fundamental principles of government in this country.

Therefore, while we always have the very highest respect for such views as were expressed on the question of constitutional safeguards, individual rights and so forth, by, for example, the hon. Member for Nelson and Colne (Mr. S. Silverman), we are bound, in our view, to carry out this Agreement. We are grateful to the Opposition Front Bench for having supported us in that view. Having said that, one must at once proceed to see that nothing more must be done for that purpose than can be shown to be necessary. . . .

A Queen's Bench Trial

We have not seen a report of the remarkable case of MRS. KATHLEEN ROSE SMITH (Widow) v. EAST ELLOE RURAL DISTRICT COUNCIL, and JOHN CAMPION & SON, LTD. (Builders), (Queen's Bench Division, October 17) anywhere else but in a circular issued by the Preston Common Law Council, giving the following particulars:—

Before Mr. Justice Devlin and a Jury:

"This was a claim for damages for trespass on land and buildings at Hall Hill, Hillgate, Holbeach, Lincs., brought by the owner, Mrs. Kathleen Rose Smith, of the Crescent, Norwich, against the East Elloe R.D.C. of Holbeach, Lincs., and John Campion & Son, Ltd., of Holbeach, Building Contractors.

"The Plaintiff claimed that the Council requisitioned the property in 1940, and, although it was no longer required, did not derequisition until January, 1951. In the meantime, the Council had acquired the land by compulsory purchase. It was contended that the requisition after 1947, was in bad faith. After January, 1951 both defendents entered on the land for the purpose of building houses.

"East Elloe R.D.C. denied acting in bad faith. A Compulsory Purchase Order had been confirmed by the Minister of Health in November, 1948, after a local Public Inquiry. If Plaintiff had suffered loss or damage by requisition or compulsory purchase she would receive or had received compensation.

"Mr. Richard Elwes, Q.C., Mr. Neil Lawson and Mr. K. Digby, (instructed by Wyeth & Co., agents for Mr. A. E. Hamlin, of Sheringham, Norfolk) appeared for the Plaintiff; Mr. Geoffrey Lawrence, Q.C., and Mr. W. L. Roots, (instructed by Lees & Co. agents for Mossop and Bowser of Holbeach) were for the defendants.

"Judgment was given on 17th October, 1952. The Jury were unanimous in finding the Council Clerk guilty of 'bad faith'—and assessed the damages at £850 and costs. Costs on a limited scale were allowed the Defendants on other issues which were not dealt with by the Plaintiff's Counsel.

Mr. Justice Devlin said:—'It is clear there has been an excess of power of a serious character, and I find it really shocking. I hope the Minister will think it proper to investigate and make some enquiries.' His Lordship added: 'I hope the enquiry the Minister will think it proper to make will be even more extensive than I supposed' . . . .

"The Ministry accepted liability for costs:—£1,500. The trial lasted five days. The Jury was out for 3 hours; added à Rider to their verdict condemning the Rural District Council, also, as a body."

FROM WEEK TO WEEK (*continued from page* 4.)

misfortunes of a country which has surrendered unconditionally to the planners. Very soon it will be impossible to place a dustbin in the backyard without planning permission.

"Great Britain today is a country in which an all-powerful Executive, acting through a subservient Parliamentary majority in one sphere, and subservient Departments, interfering with the life of the citizen at all points, and operating gigantic State-monopolies, exercises despotic power."

These are extracts made by Sir Carleton K. Allen, Q.C., from a book by G. W. Keeton, Dean of the Faculty of Laws in University College, London, *The Passing of Parliament* (Benn, 21/-). Sir Carleton Allen reviewed the book for the *Daily Mail*. But, after all, it is not Parliament which we want to pass, but the corruption of it.

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