

SECTION III. 9

HAROLD SAMUEL GERSON, Montreal and Ottawa

Gerson (cover-name *Gray*) was born in Montreal on the 17th April, 1905, of Russian parentage, both father and mother having been born in Kiev. He hold the degrees of Bachelor of Science and Master of Science in Geology from McGill University. Previous to his employment with the Canadian Government or Agencies thereof he was engaged as a geological engineer with mining companies.

At the end of December, 1941, he applied for and obtained employment in Montreal with Allied War Supplies Limited, a Crown company incorporated to supervise the construction of facilities for the production of chemicals and explosives and later the production of these materials. Gerson was Assistant to the head of the Production Control Committee. Gerson's duties consisted in analysing production figures for all the filling plants, and maintaining production records. He remained with the Allied War Supplies, Limited, until July, 1944.

Following this Gerson was employed on the staff of the Department of Munitions and Supply in Ottawa, until in or about November, 1945. At that time he was Secretary, and Chief of the Records Division, of the Ammunition Production Branch. He then became, and still was at the outset of this Inquiry, an employee of War Assets Corporation, also a Crown company.

While still with Allied War Supplies, Limited, Gerson was, on occasion, on loan to the Department of Munitions and Supply, and even after going to War Assets Corporation he had still some duties to perform in that Department.

It was on the recommendation of Dr. Boyer, upon whom we report in Section III. 11 that Gerson obtained his first appointment in the Government Service, and it was in turn through Gerson that Benning, his brother-in-law—upon whom we also report in Section III. 12—got his appointment with Allied War Supplies Corporation in June, 1942.

In the course of his various duties Gerson obviously had access to much secret information, and in connection with all his positions he was under an oath of secrecy.

Amongst the Russian documents there are eleven relating directly to Gerson, whose cover-name was *Gray*.

1ST DOCUMENT

From this document it appears that before Zabotin's arrival in Canada in June, 1943, Gerson had already been a member of the Montreal espionage group, part of the Sokolov (*Davie*) organization, under Fred Rose since 1st August, 1942. This is shown by an extract from one of Zabotin's notebooks, which outlines the espionage network as he found it. Part of this outline, which is set out in full elsewhere in this Report, reads as follows:—

Prior to Re-organization

Director Davie

1. Fred — director of corporation.

Previously worked at the neighbours, up to 1924.

.....

Fred's Work

Group in Montreal (activists)

1. Gray

Jew. Head of a section of the Directorate for securing war materials for the Allies. Taken on to the work on 1.9.42. He works well. Gives materials on shells and cannons (on films).

2. Green

.....

From the above it appears that Gerson had been only nine months in the employment of Allied War Supplies, Limited, when he was "taken on to the work" for the Russians and was giving them "*materials on shells and cannons on films*" (photos)—all matters with which he had to do in the course of his employment. Questioned on his associations with Rose, (*Fred* or *Debouz*) Gerson said:—

Q. You know him personally?

A. No.

Q. You never met him personally?

A. Well, I would go to a party and he would be there, if that is what you mean by 'personally'.

Q. Would you be introduced to him, and would you know him to speak to?

A. Yes.

- Q. And where would you meet him? First of all, how often have you met Mr. Rose under circumstances such as those?
- A. Well, that is a hard question to answer, because it might be three or four times or it might be a dozen times.
- Q. Just at the present moment — take your time and search your memory, and see if you can tell the Commission somewhere within the three or four up to a dozen times?
- A. Well, you can say in ten years, ten times. It might not be for a year or so, and then it might be two or three times. You see, we were living out of town, and when we would come in, if there was a party we might meet.
- Q. You have selected a period of ten years. Would that take you back to the time you met Mr. Rose first?
- A. The first time I ever met him was, I was invited to a picnic, and I didn't know what it was for but apparently it was for Mr. Rose. That would be at least ten years.

Questioned later on the above document, Gerson said:—

- Q. Then under the heading of '*Fred's work*' passing over the balance of the first paragraph — this is Mr. Rose's work —

1. *Gray*—

That again has been identified as the cover name for Harold Samuel Gerson.

Group in Montreal (activists). Jew. Head of a section of the Directorate for securing war materials for the allies. Taken on to the work 1.9.42. Works well. Gives material on shells and cannons (on films).

Can you suggest any reason why the Russian Embassy should credit you with this work?

A. No, sir.

Q. I did not hear that answer.

A. No, sir.

Q. You mean that from September of 1942 you had never given any information of any kind to Mr. Rose?

A. Yes, sir.

Q. But you had met him a number of times?

A. Yes, sir.

Q. And spoken to him?

A. Yes, sir.

2ND DOCUMENT

From the second document, a telegram addressed by Zabotin to *The Director* on 28th April, 1944, it appears that the possibility of using Mrs. Gerson's acquaintances in Roumania for the secret transmission of letters was submitted to Moscow.

The telegram reads as follows:—

To the Director.

Gray's wife has relatives in Bukovina and Bucharest. Apart from relatives she has many acquaintances among doctors and other specialists. Recently Gray handed over to Davie a reply from the Canadian Red Cross of March 1942, wherein it was announced that the relatives of Gray's wife are in their own places, that is, in Roumania. Gray's wife asked through Gray to advise as to whether it is possible to send them money or other things.

Davie replied that this was a complicated and difficult question, and that therefore, I could not promise anything. Would suggest that he secure addresses and letters from Gray's wife with a proposal of contact with a woman for these acquaintances. In the letters it could be proposed (that is through Gray's wife—will agree to that).

That they contact with the person who delivers the letter. If you agree to such an idea—we shall receive the—addresses and letters from the wife of Gray. Roofs—the doctors and other specialists. Letters from Lesovia—there are no suspicions against us.

Grant

28-4-44

As to this document, Gerson said.—

Q. What do you say about that?

A. I don't remember that. I don't remember a letter from the Red Cross

Q. But you might have had such a letter? You do not deny that?

A. No. No; why — I don't know why I should receive anything from the Red Cross. I never applied to them.

Q. But your wife apparently did?

A. It is possible.

* Faint type indicates words crossed out in original documents.

Q. You told us so yesterday.

A. Did I?

Q. Yes. You volunteered the information here yesterday when you were being examined. It is a fact, is it not, that either you or your wife got a letter from the Red Cross about her relatives in Roumania?

A. No. The family may have got a letter. I wouldn't say it was a fact that it came to either me or my wife. It may have come to the family.

Q. We will have to look that up and read it to you, then; but it is a fact that yesterday you did say a letter had been received from the Red Cross about your wife's relatives in Roumania. I don't know whether you received it or your wife received it, but according to your own evidence such a letter was received.

Now, why would Colonel Motinov in the Russian Embassy advise the Director at Moscow that you had handed Sokolov a letter of the Canadian Red Cross about your wife's relatives in Roumania?

A. You got me.

Q. What is that?

A. I don't know sir.

Q. You know Sokolov?

A. No, I don't.

Q. Never met him?

A. No.

Q. How would they know that?

A. I do not know.

Q. Unless you told them. How did they imagine all that? How would they know that, except that you would tell them?

A. Not necessarily. They have a family there, five girls and their husbands; they might have been just as interested as my wife.

Q. Let us look at the next sentence:

Gray's wife asked through Gray to advise as to whether it is possible to send them money or other things.

That indicates that so far as the Russian Embassy was concerned you, on behalf of your wife, had asked whether the Director in Moscow could arrange to send money or other things to your wife's relatives in Roumania. Why should they say that, Mr. Gerson?

A. I do not know.

Q. You have no idea at all?

A. No, I have no idea.

Q. Then it goes on:

Davie —

That is Sokolov.

... replied that this was a complicated and difficult question, and that therefore, I could not promise anything. Would suggest that he secure addresses and letters from Gray's wife—for these acquaintances. In the letters it could be proposed (that is through Gray's wife—will agree to that).

That is, Gray whom they think is Mr. Gerson, will agree to that.

That they contact with the person who delivers the letter. If you agree to such an idea—we shall receive the—addresses and letters from the wife of Gray.

That is, if Moscow agrees to the suggestion.

Roofs—the doctor and other specialists.

That means that they may go forward under the cover of the Doctor and other specialists.

Letters from Lesovia.

Did you ever hear of Lesovia?

A. No, sir.

Q. Would it surprise you to know that that is the term that is applied to Canada in the secret communications of the Russian Embassy?

A. It would.

Q. It would surprise you?

A. Yes.

Q. *There are no suspicions against us.*

Can you account for that in there in any way?

A. No, sir.

Q. Yesterday, Mr. Gerson, I asked you this question:—

Q: Are Mr. and Mrs. Schlein living in Montreal now?

A. Yes.

Q. Are there any members of their family living in Radautz at the present time?

A. It is possible.

Q. Don't you know?

A. No. I think they got a letter from the Red Cross saying where they were, but just what part of the world they were in, you have me.

You see, you volunteered that the family had got a letter from the Red Cross about relatives in Roumania. How could that have got into the private and secret records of the Russian Embassy, Mr. Gerson?

Q. You are being asked a question.

A. I am sorry. I do not know, sir.

Q. You have no suggestion to make?

A. No.

Q. Mr. Gerson, that is not an answer at all. Did not you come here yesterday and tell us that your wife's people did get a letter?

A. About —

Q. Just a minute — did get a letter from the Red Cross with regard to your wife's relatives. We are referring this morning to an original document from the Russian Embassy which refers to this fact and this morning you have not any recollection about any such letter at all. You are not being quite fair with us.

A. Now, I will tell you what you do — you get in touch with the Red Cross and ask them the date of the letter.

Q. I am just dealing with you at the moment. I am referring to what you said yesterday and referring to the fact —

A. I told you —

Q. Just a minute.

A. I am sorry.

Q. Referring to the fact that you have no recollection of what you said yesterday and the additional fact that what is put before you, that that very letter, an original letter from the Russian Embassy, refers to that and then you say you have no recollection of anything at all, even what you said yesterday, in connection with the matter. Are you being fair with this Commission? You do not mean, Mr. Gerson, that if you were sitting here and I was sitting there and told you a story like that you would accept it?

A. I do not know.

Q. Oh, yes, you do. You just go ahead and tell us about it.

A. There is nothing to tell. I am trying to be —

Q. That is, you have made up your mind you won't tell, is that it?

A. No.

3RD DOCUMENT

In May, 1945, the Deputy Minister of Munitions and Supply, in whose Department Gerson was then employed, addressed the following letter to the organization therein mentioned:—

DEPARTMENT OF MUNITIONS AND SUPPLY

All Crown Plants under Private Management

To: Crown-owned Companies
Directors General of Production Branches

From: G. K. Sheils

May 5, 1945.

Re: Closing down of Crown-owned Plants,
Manual of Procedures,
Appendix III—Engineering,
Production and Technical Data.

With reference to our Circular Letter of 10th March in the above connection, enclosed are five copies of a revision of Appendix III. Please insert each in the appropriate place in the relative manual and destroy the existing Appendix III.

The three arms of the Department of National Defence have agreed to review the available data with a view to a selection of the portions thereof which they may wish to take over. However, they have not a complete list of all the Stores we produce and we should like the Production Branches and the Crown-owned Companies engaged in the supervision of production to supply them with such lists irrespective of whether the Stores were produced for Canadian account or for some other purchaser. Naturally different lists will be needed for each of the Services, containing only those items in which they may be specially interested. The preparation and despatch of these lists should be completed not later than 31st instant. Following receipt of such lists the respective Services will advise the items in which they are particularly interested and request lists of the information available, as set out in Appendix III.

The Post War Arsenals Board, who are interested in the retention of this technical information, have agreed upon the following locations for the storing of the material:—

- | | |
|-----------------------------------|--|
| 1. Guns, Mountings, Etc. | Dominion Engineering Works Ltd.,
Longueuil, Quebec. |
| 2. Gun Ammunition | Lindsay Arsenal,
Lindsay, Ontario. |
| 3. Small Arms and
Machine Guns | Small Arms Limited,
Long Branch, Ontario. |
| 4. Small Arms
Ammunition | Dominion Arsenal,
Quebec. |
| 5. Ammunition Filling | Defence Industries Limited,
Cherrier, Quebec. |

- | | |
|---|---|
| 6. Explosives and Chemicals | Not yet determined. |
| 7. Optical and Fire Control Instruments including Radar | Research Enterprises Limited, Leaside, Ontario. |
| 8. Automotive and Tanks | Orleans Proving Ground, Montreal Road. |
| 9. Radio and Communication Equipment | Signals Workshops, Eastview. |
| 10. Chemical Warfare Equipment | Respirator Assembly Plant, Ottawa, Ontario. |
| 11. Cartridge Cases | Not yet determined. |

The Board suggest that those items of tooling which are to be retained should also be sent to the above points.

(Sgd.) G. K. Shiels

Deputy Minister.

A summary of that letter found its way to Zabotin, who sent it to *The Director* in a telegram dated 2nd August, 1945, which reads as follows:—

234

To the Director,

Gray has received a copy of a letter of the Deputy Minister of Munitions and Supplies G. K. Shiels to all government companies, to government companies which are under private management and to the principal directors of production branches, May 194. I report the contents of the letter:

All three branches of the armed forces of the Department of National Defence have agreed to review all the facts available from the point of view of selection and definition of the necessary arms and munitions which they will need. However, they (the army, navy and air force) still have not got a complete list of the necessary supplies which we are producing. We would like the production branches and government companies to take part in compiling lists of the production turned out, to be forwarded to the corresponding branches of the armed forces, indicating for whom the designated arms and munitions were produced (for the needs of Canada or for orderers?). Naturally each branch of the armed forces needs different lists corresponding to their requirements. The preparation and distribution of these lists must be completed by

the 31st of May of this year. On receipt of the said lists all the three services will indicate the category of the materials of arms and equipment in which they are more interested. The council of the post-war arsenals which is interested in preserving such technical information, has a contract on the following dislocation of supplies and materials:

- (1) Guns, mountings, etc. Dominion Engineering Works Ltd., Longueuil, Que.
- (2) Shells for guns, Lindsay Arsenal, Lindsay, Ontario.
- (3) Infantry arms and machine guns—Small Arms Ltd. Long Branch, Ontario.
- (4) Ammunition for infantry arms—Dominion Arsenal Quebec.
- (5) Ammunition Plant, Defence Industries Ltd., Cherrier, Quebec.
- (6) Explosive materials and chemicals, not decided.
- (7) Optical appliances, instruments for radio locators—Research Enterprises, Ltd.
- (8) Automobiles and tanks—Orleans Proving Ground, Montreal ~~Road~~.
- (9) Radio and other means of communication—Signal Workshop, Eastview.
- (10) Shell cases—not decided.
- (11) Appliances for chem. defense—Respiration Assembly Plant, Ottawa, Ontario.

Deputy Minister (Signature)
Grant

2.8.45.

Questioned on this matter Gerson said:—

Q. Will you look at Exhibit No. 215, Mr. Gerson, which is a letter of May 5, 1945, from Mr. G. K. Sheils, to All Crown Plants under Private Management; Crown-owned Companies; Directors General of Production Branches. Do you recognize the signature of Mr. Sheils-

A. Yes.

Q. The Deputy Minister of the Department of Munitions and Supply?

A. Yes.

* Faint type indicates word crossed out in original documents.

Q. Just confine yourself to this letter, please. Do you recall having seen that letter before?

A. No.

Q. At that time were you in one of the Departments indicated to which this letter would go? Were you in a Crown Plant under private management?

A. A Directorate General of Production Branch.

Q. So this would go to the Director General of the Production Branch?

A. Yes.

Q. And in May, 1945, Mr. Malley was the Director General of that Production Branch?

A. Yes.

Q. And you were his active assistant?

A. Yes.

Q. You were Secretary?

A. I was everything; I was more than Secretary, actually.

Q. You were at least Secretary?

A. I was Chief of the Records Division.

Q. I think some witness said that you were also Secretary?

A. Yes.

Q. Mr. Gerson, to put it shortly, the information in that letter would have to come to you in some form so that you would understand what was going on?

A. Well, you see there is a —

Q. Is that right or is it wrong?

A. I just wanted to explain how it would get to me.

Q. You answer my question first?

A. Yes.

Q. All right make your explanation.

A. They would have a mailing list. It is pretty hard, probably, for people to understand just how this thing worked. This was addressed to all Crown-owned Companies; all Crown plants under private management and Directors General of Production Branches. The original letter would go over to what they called the mailing room where the girls would type them and they would have the mailing list. They would send this letter—it would go to everybody

on that mailing list, although it was addressed only to the Directors General of Production Branches.

Q. So you would see it?

A. I would be on the mailing list and I would get my own copy.

Q. If you did not see that piece of paper, you saw an absolute copy?

A. I saw this letter.

Q. Exhibit No. 20-CC, which is a translation of the translation, does contain the essence of Sheils' letter, does it not, and a great deal of the detail?

Q. Do you agree with that?

A. Yes.

Q. The telegram sent from the Russian Embassy to the Director makes the statement that *Gray*, by whom they understood Gerson, has obtained a copy of this letter. The first thing is that there is a letter; there is a letter of G. K. Sheils. The second is that the contents of the letter are in essence, as we have agreed, set out in the telegram?

A. Yes.

Q. Now then, what I was getting at is this: Have you any explanation or guess as to why the Russian Embassy here would be telling Moscow that you, Gerson, whom they called *Gray*, had made the contents of Mr. Sheils' letter available to the Russian Embassy? You see how my question is framed? Have you any explanation of why they should tell Moscow, "Here is Sheils' letter and we got it from Gerson, whom we call *Gray* for the purposes of this correspondence."

Q. What do you say?

A. No, sir, I have no explanation.

Q. Have you any knowledge?

A. No.

Q. It is rather extraordinary?

A. It is.

4TH DOCUMENT

The fourth document consists of a page from a looseleaf notebook, handwritten in English on both sides and reading as follows:—

The gun being slightly elevated, some liquid RDX/TNT flowed back along the grooves into the chamber. The

shells were rammed by hand, no great force being necessary. Result was normal.

Firing 1 (c) Five more shells were taken out of the bath and laid on their sides. Exudation was noticed on one shell, but was very slight. This was after three hours' immersion. The first shell was allowed to cool in the gun and the others in the air. Care was taken that the position of the shell was kept the same both outside and inside the gun. One shell (round 15) apparently broke up outside the gun, but the cause could not be ascertained, since the fragments were not recovered.

Firing 1 (d) The remaining shells were treated as in firing 1 (b) except that they were allowed to cool either before or after loading. During the addition of RDX/TNT into the bore, the gun was kept at a slight elevation for 3 rounds; in the final two rounds the liquid was added with the gun in a horizontal position, the shell loaded and allowed to cool in the same position. Firing result was normal.

Observations made during the trial indicate that the filling becomes sufficiently liquid after heating for 1 hour at 100°C for the space above the gaine to be filled with liquid. Exudation from the shell was not observed until the shell had been kept at 100°C for over 3 hours and then only very slightly in the case of one round. After 5½ hours heating all shell showed a slight amount of exudation but in no case did it approach the quantity of explosive added during the trial.

It appears therefore not only that there is very little exudation of RDX/TNT from the 5.25 inch shell at 100°C, even after prolonged heating, but also that artificial fouling of the shell and gun is not likely to endanger the gun when firing either heated or cooled shell. The uniformly satisfactory character of the results is, however somewhat marred by the suspected break-up of round 15, and the possibility of an ignition of the filling leading to a burst well beyond the muzzle cannot be discounted.

The evidence to date from firing trials with heated shell is generally reassuring and gives no evidence for supposing that there is more risk of a bore premature

in 8" than in smaller guns. The case for carrying out a further firing with 8" shell hinges mainly on the quantity of filling that is likely to be exuded under actual hot gun conditions. Useful evidence on the point would be obtained from a "boiling" trial under the conditions proposed by D.N.O. The trial can be undertaken in this department if the Board concur and should preferably include both RDX/TNT and TNT fillings for comparison. Three shell of each filling would suffice. The result of such a trial would enable firmer recommendations to be made regarding a firing trial.

A search in the "Proceedings of the Ordnance Board" reveals that this document is a verbatim excerpt of the remarks made on the conduct of trial of "S. G. 2" and the results obtained. Questioned on this document Gerson testified:—

Q. Now I am showing you Exhibit 209, which is a file binding up certain proceedings of the Ordnance Board. Did you ever see these proceedings, or similar proceedings?

A. Yes.

Q. Where would you see them?

A. In the office.

Q. In which office?

A. What do you mean by that?

Q. Munitions and Supply, or what?

A. Munitions and Supply.

Q. And in what part of the office would these proceedings be kept?

A. They would be kept in a filing cabinet.

Q. And assuming that you wanted to see the proceedings of the Ordnance Board which would be in that record room, what would you do; just go in and look at them?

A. No, you would take them out and put a card in with your name on it, and the date.

Q. And how long could you keep them out of that room?

A. You could keep them out as long as you wanted to, as long as you did not take them out of the building.

Q. They are confidential documents, of course?

A. Yes.

Q. And are so marked-

A. Yes.

Q. Did you say yes?

A. To what?

Q. Are they confidential documents?

A. Yes, they are.

Q. And are so marked on the face of them?

A. Yes.

Q. Did your work in the Department of Munitions and Supply require you ever to get out these proceedings and examine them or make extracts from them?

A. Well, in the sense that I was Secretary of this Production Committee, in which technical matters would come up, and to know what was going on, it would involve that.

Q. And can you recall any occasion when you had to do that?

A. Not any specific occasion.

Q. Do you recall ever having made extracts from any of these proceedings?

A. I imagine so.

Q. We will have to have a little better answer than that. Think it over and see if you can answer it more directly than "I imagine so."

A. O.K. You repeat your question again.

Q. Do you recall ever having made extracts from the proceedings of the Ordnance Board?

A. I do recall -

Q. What is the answer?

A. Are you trying to pin me down to a yes or no answer, and I am trying to get it straight in my mind. Yes.

Q. You do?

A. Yes.

Q. All right. On how many occasions did you do that?

A. I don't remember.

Q. Then can you remember any specific item that you were required to extract or copy?

A. No.

Q. You cannot?

A. No.

- Q. You say you cannot recall any specific item that you were ever obliged to take out of Exhibit 209 or similar proceedings?
- A. That is right.
- Q. And how could you make these extracts? Tell the Commission how you would work; what would you take out?
- A. Well, I might take out the whole thing or I might just take out a section I was interested in, because we were not allowed to take these out of the building.
- Q. And what would you do with the extract when you had made it?
- A. What do you mean by that?
- Q. You have already said that you did make extracts from the proceedings in the course of your duties. That is what you said, is it not?
- A. No.
- Q. Then let us get it clear, because I quite distinctly understood you to say so. We will go back at it again. I asked you if you ever had occasion to copy extracts out of the Proceedings of the Ordnance Board, and I understood you to say you had?
- A. Yes.
- Q. Is that correct?
- A. Yes.
- Q. Then my question was, having made those extracts what did you do with them?
- A. Well, I used them as part — I would not say as part, but to assist me to carry out my duties.
- Q. What would your duties in connection with that extract be; would it be that you took it to a meeting of this Board that you are referring to, this Subcommittee?
- A. No; I took the minutes of the meeting.
- Q. Yes?
- A. And to know what they were talking about, this information would give me a background.
- Q. And it would not be until you were writing up your minutes that you would take these extracts?
- A. No, I wouldn't say that.
- Q. Well, what would you say? I want this clear.
- A. There were problems coming up all the time which were aired at the meeting. It was not as if we ran into a problem and we would

- say, "Well, we are having a meeting at the end of the month, and we will wait for the meeting."
- Q. I think we are perhaps both a bit confused. I know I am, from your answers. Do I understand that you would make these extracts in preparation for a meeting of this Committee?
- A. No.
- Q. You would not make them in preparation for a meeting? Then you later said, as I understood it, that when you were writing up the minutes you would make the extracts so you would understand — ?
- A. No, no.
- Q. Then please explain, because if you did not make them in preparation for the meeting and did not write them for the purpose of writing up your minutes, for what purpose did you get them?
- A. I am telling you, so as to give you the background, to be able to understand what was going on. It might reach a culmination at the meeting, you see; I mean there would be a technical discussion at the meeting, and to know what was being discussed you would have to have a particular background.
- Q. I realize that.
- A. Therefore the thing to do — for instance, if you ran into trouble with something, you would try to get a picture of that whole thing, so as to know what they were talking about.
- Q. So it would be in preparation for discussions at meetings that you would make these extracts?
- A. Yes for my own information.
- Q. And where would you keep the extracts that you made?
- A. Probably in my office.
- Q. Probably in your office?
- A. Yes.
- Q. Certainly, where?
- A. In my office.
- Q. And no place else?
- A. No.
- Q. Would you ever take them to the meetings?
- A. It is possible.
- Q. Can you ever recall ever having done so?
- A. No.

- Q. And when they had served their purpose, what did you do with the extracts?
- A. I would tear them up or throw them out.
- Q. Throw them out?
- A. Tear them up.
- Q. They were confidential documents?
- A. Yes.
- Q. You would not just throw them into the wastepaper basket?
- A. No, I would probably tear them up.
- Q. You would make sure that they could not get into unauthorized hands?
- A. Yes.
- Q. Did you ever keep any of these extracts after they had served their turn?
- A. No.
- Q. You never kept any?
- A. Not to my knowledge.
- Q. So that any extract you ever made, you destroyed when they had served your purpose?
- A. Yes.
- Q. How long would you keep any particular extract?
- A. That is hard to answer.
- Q. Would it be a few days, or would you keep them for weeks?
- A. I wouldn't know.
- Q. Are you satisfied in your own mind that every extract you made from the Proceedings of the Ordnance Board was destroyed by yourself?
- A. Yes.
- Q. You are satisfied of that?
- A. Yes.
- Q. Did Mr. Malley know you were making extracts from the Proceedings of the Ordnance Board?
- A. Well, I had no occasion to discuss it with him.
- Q. You never discussed it with him?
- A. No.
- Q. Did anybody else know you were making extracts from the Proceedings of the Ordnance Board?
- A. I don't know.

- Q. Did you ever produce one of your extracts at any meeting of any committee that you were on, or of which you were Secretary?
- A. No. I produced the information.
- Q. You produced the information?
- A. Yes.
- Q. But at none of the meetings did you produce the extracts?
- A. No.
- Q. So nobody at the meeting would see that you had an extract from the Proceedings of the Ordnance Board?
- A. I don't think so.
- Q. And you never discussed with anybody the propriety or otherwise of making these extracts?
- A. No.
- Q. You did it on your own responsibility?
- A. Yes.
- Q. There has been evidence here, Mr. Gerson, that it was part of your duty or function to peruse the proceedings of the Ordnance Board, and the information in the Proceedings was not necessary to you in the exercise of your duties or your functions. What do you say to that?
- A. Well, it is a surprise.
- Q. Let me put it to you this way. Did Mr. Malley ever ask you to peruse the Proceedings of the Ordnance Board and give him information?
- A. No.
- Q. Did Colonel Ogilvie ever ask you to peruse the Proceedings of the Ordnance Board and give him information?
- A. No, but they would ask questions or there would be discussions about material.
- Q. Mr. Malley would have access to the Proceedings, would he not?
- A. Yes.
- Q. And Colonel Ogilvie would have access to the Proceedings?
- A. Yes.
- Q. They would know what was in them?
- A. If they read them.
- Q. And neither of them asked you ever to read them and give them information out of them, did they?
- A. Well, they would ask for information. Where it came from, that is another story.

- Q^o. Can you recall either of them asking you for information which had to be taken out of the Proceedings of the Ordnance Board?
- A. Not at this moment; no.
- Q. Can you recall any person in the Department of Munitions and Supply ever asking you for information that you had to take out of the Proceedings of the Ordnance Board?
- A. No, I can't recall right now.
- Q. And you say that you think you can recall that you did this on perhaps four or five occasions; was that what you said?
- A. Possibly.
- Q. Would it be any more than five?
- A. I wouldn't want to state a specific number. I don't remember.
- Q. And you would use these Proceedings only in Ottawa?
- A. That is right.
- Q. Do you know of any other place than this room or library, or whatever you wish to call it, where these documents were kept, where you could get the Proceedings?
- A. No.
- Q. And you could consult them at any time?
- A. Yes.
- Q. Why would you make extracts if you could consult them at any time?
- A. Why, you get into the habit of making notes.
- Q. But taking a complete extract of that document?
- A. Well, what we used to do —
- Q. That would not help you to discuss the matter with the other members of the committee, if you could consult the book itself? It was useless work to make an extract?
- A. Except that you wanted to put it back into the file as quickly as possible, and you would have to go back and get it all the time, and somebody else might have it out. You do a lot of things under a set of circumstances which are —
- Q. Did you do that with other documents on which you were working, and that you had to obtain from that room where they were kept in custody, or just with that Exhibit 209?
- A. I don't know why you are saying 209, unless there is some special reason for it.

Q. Exhibit 209 is a good example. I can show you Exhibit 209-A, which is another group.†

Q. Did you make extracts from Exhibit 209-A also?

A. I don't know. I don't remember. I would have to look through it and find out just what the subjects were. It deals with a thousand subjects.

Q. So when you wanted to know something from any of the documents that belonged to your department, did you make extracts of them?

A. Sometimes.

Q. Mr. Gerson, let me read to you from Major Lawrence's evidence. You know Major Lawrence, and who he is?

A. Yes.

Q. He was asked this question:—

Q. Would Gerson's duties in any way ordinarily require him to see these documents?

A. No, sir.

Would you agree with that statement?

A. No, I would not agree with that statement.

Q. You would not?

A. No.

Q. What qualification, if any, would you make in it?

A. What qualification I would make? Because at the same time that I was working for Mr. Lawrence, I was also unofficially, Mr. Scott, the Director of that Division, his general office boy. He would ask all sorts of questions, which he expected answers for.

Q. You have told us that Mr. Malley at no time ever instructed you to make extracts from the Proceedings of the Ordnance Board?

A. Yes.

Q. And that Colonel Ogilvie at no time ever instructed you to make extracts from the Proceedings of the Ordnance Board?

A. Yes.

Q. Did this other gentleman, Mr. Scott, ever instruct you to do so?

A. No, but they asked me — there were problems that came up, and questions that came up, which you had to read in order to get a background.

†Second bound volume of proceedings of the Ordnance Board of the United Kingdom.

- Q. Did anybody ever ask you or instruct you to make extracts from the Proceedings of the Ordnance Board?
- A. The point that you don't get —
- Q. I would like you to answer my question and then give the explanation. Did anybody ever instruct you to make extracts from the Proceedings of the Ordnance Board?
- A. No.
- Q. Now, then, I understood you to say that in order to answer some questions which might be put to you, it was necessary for you from time to time and perhaps on four or five occasions, to read those Proceedings and make extracts?
- A. Yes.
- Q. Then when you answered the question, after having made the extracts, would you carry the extract with you to the person whose question you were going to answer?
- A. No, I would give him the answer.
- Q. You would give him the answer?
- A. Yes; and probably say if they would look up in the Ordnance Proceedings on this, this is where the thing came up, or this is how they dealt with it.
- Q. And then, having given the answer, you would destroy the extract?
- A. Possibly; yes.
- Q. Let us get it definitely?
- A. Yes.
- Q. Definitely you did?
- A. Yes.
- Q. And that would be the practice you would follow on each of these four or five occasions?
- A. Yes.
- Q. And you never at any time told anybody that you were following the practice of making extracts?
- A. Well, they left it —
- Q. Answer the question, and then explain. You never at any time told anybody you were making these extracts?
- A. No.
- Q. I show you Exhibit No. 28,† Mr. Gerson. That document on both sides of the page is written by you in your handwriting, is it not?
- A. Yes.

†Document in Gerson's handwriting containing information re guns and shells.

Q. Then in Exhibit No. 209 I show you the Proceedings of the Ordnance Board, 25th July, 1945, a confidential document of some length. Under the heading "O-B Investigation No. 1,206" we find about two-thirds of the way down the page a sentence beginning with "The gun being slightly elevated." I would like you to follow on Exhibit No. 28 while I read from Exhibit No. 209:

The gun being slightly elevated, some liquid R.D.X./T.N.T. flowed back along the

That document, Exhibit No. 28, which is before you, was undoubtedly copied from No. 31,719 of Exhibit No. 209, or a duplicate of it; is that not so?

A. Yes, sir.

Q. By yourself?

A. Yes, sir.

Q. When did you copy that?

A. I do not remember.

Q. Why did you copy it?

A. I was probably interested in that information.

Q. Why did you retain it and not destroy it?

A. It is news to me it was retained.

Q. Mr. Gerson, this document was found in the Russian Embassy. How did it get there?

A. I do not know.

Q. Can you tell us why you would copy the document word for word, instead of just making notes, as you suggested at an earlier stage of your evidence?

A. No, sir.

Q. You cannot?

A. No.

5TH DOCUMENT

The fifth document is another telegram sent by Zabortin to *The Director*, also on the 2nd August, 1945. The last paragraph, which relates to the same matter, reads as follows:—

To the Director

2.8.45. 3) We have received from Gray the whole correspondence on the question of the theory of the deformation of the shell in the channel of the barrel. Altogether about 150 pages. We shall send them in rote.

2.8.45

Grant

Questioned on this, Gerson said:—

- Q. Had Exhibit 28 anything to do with that?
 A. No; Exhibit 28 was the filling of RDX - TNT.
 Q. The deformation of the shell in the channel of the barrel would be a matter that would be determined by firing tests, is it not?
 A. Yes.
 Q. That is the only way you could determine it?
 A. I wouldn't be an authority on that. You would have to ask somebody else.
- Q. Do I understand, then, that you were interested in the firing tests shown by Exhibit 28, but that you would not be interested in firing tests dealing with the deformation of the shell in the channel of the barrel?
 A. Possibly not.
 Q. What is that?
 A. Possibly no.
 Q. And possibly yes?
 A. No.
 Q. So you would be interested in the subject matter of Exhibit 28?
 A. I was interested in the subject of Exhibit 28, which is RDX - TNT filling.
 Q. Would the Proceedings of the Ordnance Board, which contained the information in Exhibit 28, also contain the records of tests to deal with the deformation of the shell in the barrel?
 A. They could.
 Q. Did they?
 A. Did they?
 Q. Yes?
 A. I don't know.

Q. Now listen, Mr. Gerson, why would you go to these reports, Exhibit 209, and copy the subject-matter of Exhibit 28, in order that you would know the background of all these things that came up, and not read Exhibit 209 for the purpose of knowing about the deformation of the shell in the channel of the barrel? Why not?

A. I don't know.

Q. In your Branch you were dealing with ammunition?

A. Yes, sir.

Q. Loaded with TNT?

A. Yes.

Q. Loaded with RDX?

A. Yes.

Q. And you would be just as interested in the contents as you would be in the casing, the shell?

A. Yes.

6TH DOCUMENT

The sixth document is a telegram addressed on the 9th August, 1945, by *The Director* to Zabotin, requesting further information as to the methods and technical processes of the production of explosives and chemical materials:—

11295

14.8.45

To Grant.

In the mail of 23.8.1944 were received from you Gray's two materials—the monthly reports on the research of separate technical questions in the field of production of war supplies. On the basis of the short and fragmentary data it is impossible to judge the methods and work of the Canadian and English industry of war supplies, powders and chemical materials.

It is desired to obtain the following information:—

1) ~~37~~ methods ~~2507~~ and technical processes of the production of war supplies, BB and powders. *

2) Deciphering of laminated BB, the production of T. H. and H. S. (composition, purpose, technology and specific qualities).

3) The application of picrate and nitrate-gushnidina.

I repeat, picrate and nitro-gushnidina.

*indicates letters crossed out in original Russian document.

4) The technique of producing detonating capsules and igniting capsules. Wire to whom do you consider it possible to give this task.

If Bacon still continues to work in the Artillery ~~Command~~ Committee, this task should be assigned to him.

Grant
14.8.45

9.8.45 Director.

Questioned on this, Gerson said:—

Q. It related to the production of munitions which was a matter that the Department of Munitions and Supply certainly was interested in in 1944; that is correct, is it not?

A. Yes.

Q. What would those monthly reports be?

A. You got me, monthly reports on research?

Q. Might it be Mr. Gerson, that those are the monthly reports that were prepared from information on production furnished by you and then worked up by the Economics and Statistics Branch?

A. No.

Q. Those were monthly reports?

A. Monthly reports on production.

Q. This question is directed in part to the production of munitions which would apply to your branch of Munitions and Supply?

A. Yes.

Q. You cannot make any suggestion as to what that might have been?

A. No.

Q. That is the only monthly report you know of in your Branch?

A. Yes, that monthly report of production.

Q. . . . *the methods and work of the Canadian and English industry of war supplies, powders and chemical materials.*

It is desired to obtain the following information:—

(1) ~~37~~ *methods* ~~2507~~ *and technical processes of the production of war supplies, BB and powders.*

That has been translated as explosives; that is the term that they used in the telegram. In your department in the production branch you would certainly have information as to the production of munitions. Then:

*Faint type indicates words crossed out in original documents.

(2) *Deciphering of laminated BB, the production of T.H. and H.S. (composition, purpose, technology and specific qualities).*

(3) *The application of picrate and nitrate-gushnidina. I repeat: picrate and nitro-gushnidina.*

(4) *The technique of producing detonating capsules and igniting capsules. Wire to whom do you consider it possible to give this task.*

If Bacon still continues to work in the Artillery Command, Committee this task should be assigned to him.

In the Production Department you would have to know about the technique of producing the capsules of the detonators and the igniting capsules?

A. Yes.

Q. That would be something you would know about in the Production Department. Would you know anything about picrite and nitroguanidine?

A. Picrite was an explosive. Picrite and nitroguanidine are used in the manufacture, I think it is either of nitrocellulose or one of the propellants.

7TH DOCUMENT

On the 14th August, 1945, Zabotin answered the request of the Director and advised him that the assignment had been given to Gerson, Halperin, and Boyer, as appears from an excerpt from a telegram of that date, which reads as follows:—

250

To the Director, with reference to No. 11295

(1) The tasks will be assigned to Gray, to Bacon and to the Professor through Debouz. The Professor is still away on a business trip. There will be a meeting with Debouz at the end of this month.

14.8.45

Grant

On this, Gerson testified:—

Q. Then Colonel Zabotin, or *Grant*, replies to Moscow, and this is Exhibit No. 20-J. I have not the original here just at the moment, but this is a copy. When Zabotin got this list of tasks, this request

* Faint type indicates word crossed out in original documents.

for information that Moscow wanted him to get, he answered the *Director* at Moscow. The practice was that each telegram here was numbered with a consecutive number beginning at the first of the month and carried on, and they used to number the telegrams from Moscow. The one I have is an answer to No. 11295 from Moscow, and Colonel Zabolin says: —

The tasks will be assigned to Gray, Bacon and the Professor through Debouz.

Those are cover names; just as *Gray* is a cover name for you, *Bacon* and *Professor* are cover names for other persons, and *Debouz* is the cover name of the man through whom these tasks were to be given. The evidence is that *Debouz* is Fred Rose. Did you ever have any talks with Fred Rose about information that you were to channel through him to anybody?

A. No, sir.

Q. Think very carefully, Mr. Gerson.

A. No.

Q. Why do you hesitate to give an answer?

A. He told me to think carefully. I was ready to answer right away.

8TH DOCUMENT

The eighth document is another telegram by Zabolin to *The Director*, sent on the 25th August, 1945:—

263

To the Director,

Gray was earlier assigned the task of taking all measures to remain in his old job. At the last meeting the latter stated that in the near future great reductions will begin. In the event that it will be impossible to remain on the old job, Gray proposes to form a geological-engineering consulting office in Ottawa. Gray is a geological engineer by profession and therefore can head this office. The expenses for organizing the office are as follows:—rent of premises—600 dollars a year; wages for one clerk \$1,200.00 a year; office equipment—\$1,000; payment to Gray as director—\$4,200 a year; altogether it will require 7,000 dollars a year. Gray stated that Canada is entering a “boom” period in the mining industry, and it is therefore very likely that within two years the office will be in a posi-

tion of work at the old place. I beg to get your decision. establishment will be returned in the future.

Gray thinks that it is necessary to begin establishing such an office gradually, that is, prior to his completion of work at the old place. I beg to get your decision.

Grant

25.8.45.

Gerson's evidence with respect to this follows:—

Q. In August, 1945, it is a fact, is it not, that great reductions in the staff of Munitions and Supply were in the offing?

A. Yes, the war was practically over then.

Q. And people were concerned about their jobs?

A. Yes.

Q. *Gray proposes to form a geological-engineering consulting office in Ottawa. Gray is a geological engineer by profession and therefore can head this office.*

You are a geological engineer by profession?

A. A geologist by profession.

Q. Have you a degree?

A. Yes.

Q. What degree?

A. B.Sc. and M.Sc.

Q. Where from?

A. McGill.

Q. Bachelor of Science and Master of Science in what?

A. Geology.

Q. In geology?

A. Yes.

Q. *The expenses for organizing the office are as follows: Rent of premises, \$600 a year; wages for one clerk, \$1,200 a year; office equipment, \$1,000; payment to Gray as director, \$4,200 a year; altogether it will require \$7,000 a year. Gray stated that Canada is entering a "boom" period in the mining industry, and it is therefore very likely that within two years the office will be in a position to support itself. The initial expenditure of its establishment will be repaid in the future.*

Gray thinks that it is necessary to begin establishing the office gradually, that is, prior to his completion of work at the old place. I beg to get your decision.

As a matter of fact in August of 1945 you were considering opening your own office, were you not, as a geologist?

- A. I had been considering it for a long time.
- Q. And you were actively discussing it with various persons here in Ottawa at that time?
- A. Here in Ottawa and in Montreal, both.
- Q. And you were also endeavouring to see whether you could get financial backing, and applying to people in Ottawa for that purpose, were you not?
- A. I would say, yes.
- Q. And the figures that are set out here in Exhibit 20-M† are figures that you have discussed with various persons, as to what it would cost to see you through for two years?
- A. They could be.
- Q. But they were, were they not?
- A. No, because this \$4,200, that is the salary I am getting now.
- Q. And the salary you were getting in August, 1945?
- A. The salary I was getting in August, 1945; yes.
- Q. But in the discussions that you had, or what you had in your mind, were you figuring on rent of \$600 a year for an office, if you opened up?
- A. I think it would cost you that much.
- Q. And would you need a clerk at about \$1,200 a year, which is \$25 a week?
- A. You would need a stenographer. I don't know why you would need a clerk.
- Q. A stenographer at \$25 a week?
- A. Yes.
- Q. And you would need some office equipment?
- A. Yes.
- Q. Costing about a thousand dollars?
- A. Yes, possibly.
- Q. Then to keep you in the position that you were in, financially, you would need \$4,200 for yourself?
- A. Not if you were going to open an office—

†See p. 28, telegram No. 263.

Q. I did not ask you that. In order to give you the same income you were then earning, you would have to have \$4,200 over and above those expenses?

A. Yes.

Q. And in August, 1945, was Canada entering a boom in the mining industry?

A. I think so.

Q. Did you think so then?

A. Well, I think so now, too.

9TH DOCUMENT

The ninth document is a telegram dated 25th August, 1945, dealing with certain information also credited to Gerson and having regard to modification of plans on production of war materials:—

265

To the Director,

1. In the change of plans of the output of war materials, sent to you in Gray's materials on 16th August, there was issued an announcement of the Ministry of Supply of England on the production of the following war materials:

Shells for 25-pounder gun—350,000 rounds; the same but only smoke shells—170,000 units; cases for the same guns one million fifty thousand; 6 lb. shells—30,000 rounds; 5.5 inch shells—180,000 rounds; grenades MK-2—221,000; grenades of the make WP—240,000 units; mines for PIAT—450,000 rounds.

(2) On 14th August an urgent announcement on production was issued by the General Staff; 25 pounder shells—850,000 rounds; smoke—150,000 rounds; cases for them—1,000,000; 17 lb. shells—90,000; 2 inch smoke mines—250,000; 3 inch mines—350,000, for PIAT—150,000 rounds and 3 inch smoke mines 31,440 units.

Grant.

25.8.45.

10TH DOCUMENT

The tenth document is another telegram sent by Zabotin to *The Director* on the 28th August, 1945, also crediting Gerson with information on explosives. It reads as follows:—

267

To the Director to No. 11295.

1. Your task on VV we have begun to fulfill. From Gray we received materials on "Torpex" (VV for depth bombs). With the mail of 24th August were sent lamina with the above mentioned materials. In addition to this I sent you correspondence on the use of the double shell (17 lb. and 6 lb.—for cannon). According to what Canadians reported, this shell proved very effective in Europe.

2. All the materials are in laminae.

Grant.

28.8.45.

11TH DOCUMENT

Finally, on the mailing list of material sent to *The Director* in January, 1945, Gerson is again credited with having supplied the following material:—

Nos. P.P.	Source	From where & under what circumstances the material was obtained.	Designation of the Material	Date & Number	Number of pages	Marked
196	Gray	1 - 1	Corrections	7.12.44	1	Secret
197	"	"	"	27.11.44	6	None
198	"	"	"	29.11.44	2	

Questioned on that, the witness said:—

Q. . . . By this list of materials, Items 196, 197 and 198, the Russian Embassy tells Moscow that they have received from *Gray*, by whom they understand Gerson, three documents described as "Corrections", one bearing the date of 27th November, 1944; and one bearing the date 29th November, 1944. These covered work in the Department of Munitions and Supply. It is a fact, is it not, that from time to time "Corrections" were being made both in your production schedules and in other matters?

A. Yes, sir.

Q. Exhibit No. 218,† which we have already gone over, shows corrections in it?

A. Yes.

Q. And in addition to that, from time to time telegrams would come in from the Ministry of Supply, London, addressed to the Secretary of State for External Affairs, Ottawa, and forwarded in that manner to the Department of Munitions and Supply, and copies would go to Mr. Malley?

A. That is right.

Q. All the documents that went forward to Mr. Malley in the Department were available to be seen by you, were they not?

A. I would see them, yes.

That Gerson has, ever since September 1942, been a very active agent in the Soviet espionage organization, is clear from these documents, one of which (Exhibit 28) is in Gerson's own handwriting. That Gerson fully appreciated the implications to be drawn from the presence of this particular document in the Soviet Embassy, was patent to us.

Gerson had been interrogated under Order-in-Council P.C. 6444, and Inspector Harvison, who, on the instructions of his superiors, had conducted that interrogation, was called before us and gave the following evidence:—

Q. Will you tell the Commissioners what he had to say in relation to Exhibit 28?

A. I asked Mr. Gerson if he recognized the handwriting in this exhibit, and he said that it looked very much like his handwriting. I asked him if he had ever made notes from documents, if it was part of his duty to make such notes, and he said it was difficult to define his actual duties but that he had made notes. I asked him how the notes were filed away, and he said there was no filing system in his office for such notes. I asked if he could tell me where in his office I could find the notes that he stated he had made, and he said he could not. He did not know where his handwritten notes would be. That was on February 27, sir.

Q. Did you see him afterwards?

A. At the conclusion of this interrogation I told Mr. Gerson that I was suspending the interrogation for twenty-four hours, and that during that time I would like him to consider if, as a Canadian

†Secret file of forecast of Economics and Statistics Branch, Department of Munitions and Supply.

citizen, he was willing to assist his Government by supplying any information in his possession regarding Soviet espionage.

The following day I had Mr. Gerson brought to my office again, and asked him if he had made any decision. He said that there were a number of personal problems connected with the decision; that he found it extremely difficult, and asked me if I could give him until the following Saturday noon to arrive at a decision.

On the Saturday noon I again had him brought to my office and asked him if he had made a decision, and he said that he had. He said that he realized that the picture ahead was very dark for him; that he had made mistakes; that he would have to face the music himself, and that he would not be able to live with himself if he gave information that so-and-so had done such-and-such; and he used the expression, if I remember well, that he would not be able to live with himself if he 'put the finger on this man and that man'.

The examination of Gerson then being continued, he said:—

Q. In the first place you heard the evidence of the last witness?

A. Yes.

Q. You heard the evidence of the last witness, the gentleman who just went out?

A. You have a text; there was a stenographer in there. She took it, and there is the evidence.

Q. Do you understand the question I am putting to you?

A. No, I do not.

Q. I asked if you heard the evidence of the last witness?

A. I heard what Mr. Harvison said.

Q. Is what he said correct? Did he correctly say what took place in the interviews you had with him?

A. To a large extent, yes.

Q. You say to a large extent. What corrections or amendments do you want to make?

A. I don't want to make any amendments.

It is not difficult to conclude from the whole of Gerson's evidence, that after full consideration he had made up his mind to deny participation and to refuse to give information which in our opinion he was in a position to give and which it was his duty to give.

Gerson was a Communist. In addition to Rose, he had associations with Poland, Benning, Boyer, Lunan, Shugar and Adams.

Having been directed by the terms of Order-in-Council P.C. 411 "to enquire into and report upon public officials and other persons in positions of trust or otherwise who have communicated directly or indirectly secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada, to the agents of a Foreign Power and the facts relating thereto and the circumstances surrounding such communication", we are of opinion on the evidence that Gerson did communicate, over a considerable period, secret information to agents of the Soviet Union in violation of *The Official Secrets Act, 1939*.

SECTION III. 10

SAMUEL SOL BURMAN, Montreal

Among the documents which Gouzenko brought with him from the Embassy were two sheets torn from a notebook. He testified that they had once formed part of a notebook in which Lieutenant-Colonel Motinov drafted telegrams to Moscow for Colonel Zabotin's approval. One such telegram which Gouzenko said was coded by him and sent off reads as follows:—

Despatched

To the Director, Reference N.

I am communicating to you the arrangements for Berman's meeting in London. The meeting will take place two weeks after Berman's departure from Montreal, counting the first Sunday after his departure as the date of his departure, even if he should have left on a Wednesday. The meeting will take place at 15 o'clock on Sunday, in front of the office of the High Commissioner for Canada, London, S.W.1 (Canada House, Trafalgar Sq.). If on the first Sunday it does not take place, it will be transferred to the next Sunday at the same hour and so on until contact is established. Berman will be in civilian clothes—brown suit (tweed) checkered, without a hat, with a newspaper in his right hand.

Pass-word: "How's Elsie?"

Berman will reply: "She's fine".

Thereupon our man will hand over to him a letter signed "Frank".

If the meeting at the designated place should prove impossible, or inconvenient for us, Berman will send his address to his wife, the latter will give it to Debouz, and the latter to us and it may be possible to undertake the meeting at the address of his living quarters. When you will advise us that the meeting will be more convenient at the apartment, then we will tell Debouz and he will tell Berman's wife. Berman's wife will write him a letter with the following sentence:

"Ben has not been feeling too well". After that he will await the meeting at his apartment.

Supplementary data.

He joined the Party in 1938. ~~Had-a-business~~ *
Worked as an insurance agent. His wife joined the Party in 1939. During the illegal period he worked in the central apparatus of the Party on organizational work.

This appears in the notebook following the date 28.4.44, which relates to another telegram. The words in the heading "Reference N" mean that this telegram is a reply to one from Moscow bearing a number which was not filled in in the draft but which would appear in the cyphered document. The telegram also bears a note in Motinov's writing: "Despatched". Debouz is, of course, Fred Rose.

As to Burman, Gouzenko testified as follows:—

Q. The last telegram, a part of Exhibit 34—the last draft telegram refers to Burman. Is Burman a nickname or cover name, or the name of a person, a real name?

A. I think it is a real name.

Q. Do you know anything about Burman other than what is in this document?

A. This was the first time I saw him, in this document.

Q. The first time you ever saw the name Burman was in this document, Exhibit 34?

A. Yes.

Q. Did you hear anything about him, in addition to what you saw in the document?

A. Oh, yes. Colonel Zabotin sent a telegram to Moscow that there was sent to Moscow with Tounkin the biography and photograph of Burman.

Tounkin occupied the post of Counsellor at the Embassy. His name also appears in Section VI dealing with Rabinowitch.

On another page Motinov had started to draft the above telegram but crossed it out before finishing, possibly because it was not clear. This reads as follows:—

To the Director with reference to No.

Today we received through Debouz: a photograph of Berman and a letter signed by Debouz for Berman. Hereunder I am giving the arrangements for a meeting

* Faint type indicates words crossed out in original documents.

worked out by Debouz for Berman. Berman will know one thing, that the letter will be given him by Debouz's man. The latter is known to him as Frank. The meeting must take place two weeks after the departure of B. from Montreal counting Sunday, in front of the building (office) of the High Commissioner of Canada Sunday at 15 o'clock. If it should not take place—it will be carried over to the following Sunday at the same time and so on until the meeting takes place.

From these documents it appears that Burman, who was going to England on duty, was to be brought into contact in London with an agent working there who was to be known to Burman as "*Frank*". This English agent was to hand Burman a letter which would be signed "*Frank*". It does not appear what this letter would contain. It might be that it would give Burman instructions about work that he was to do, or it might be, and we think this to be more likely, that it would serve merely as part of the identification of the English agent, in which case Burman's instructions for the future would come either from the English agent or have been well understood by Burman before he left this country and were perhaps set out in the letter from *Debouz* (Fred Rose) to Burman. Burman had been trained in the army to act on the civil affairs staff in occupied countries and this may explain the interest of the Russians in him.

Burman left Halifax for the United Kingdom on September 7, 1944. He was a resident of Montreal, being engaged in the insurance business at the time of enlistment in April, 1943. His wife's name is Elsa and he has a brother Barnett who, he testified, is known as "Ben". Burman was in England from September, 1944 to March, 1945 and from October, 1945 until repatriated in due course to Canada in November, 1945.

As to the particulars given in the telegram concerning him the following given in evidence by Burman is to be noted:—

- Q. While you were in London did you have occasion to go to Canada House on Trafalgar Square?
- A. I never went there. The only time I was anywhere around there was at C.M.H.Q. I was at C.M.H.Q. two or three times.
- Q. Do you know where Canada House is?
- A. Right at the corner of C.M.H.Q.
- Q. How long after your arrival in London, in England, did you go there?

A. I went up to London, I think we had a day's leave, a day or two, about the 26th September. I think that was a day or two, but I am not certain. I cannot remember the exact dates.

Q. 1944?

A. 1944. It was either the end of September or the beginning of October, some time around then.

Q. Where was C.M.H.Q. located with respect to Canada House?

A. They are both on Cockspur Street. C.M.H.Q. is the centre of the block, right across from the Canadian Officers' Club on the other side of the street, and Canada House, I believe, is right at the corner.

Q. And do you say that when you left Canada on the 7th September you did not bring any civilian clothes with you? May I suggest that you had a brown suit with you?

A. I had a pair of flannels and I had a sports jacket.

Q. What was the colour?

A. Heather tweed; a heather shade of tweed.

Q. Brown?

A. Could be called brown, I suppose; mixed heather.

Q. I will ask you this question and the answer will be quite easy to remember. You were in England and you wore civilian clothes. What kind of hat did you wear?

A. I had no hat.

Q. No hat. What kind of coat did you wear? Was it a raincoat or another kind of coat?

A. The only coat I ever had with me was my army coat.

Q. A raincoat?

A. My trench coat.

Q. And no hat?

A. No hat.

When the telegram which was sent off was read to Burman in the witness box, he said in part:—

(Reading from the telegram):—

If the first Sunday it does not take place, it will be transferred to the next Sunday at the same hour, etc. until contact is established. Burman will be in civilian clothes—brown suit (tweed), a raincoat without a hat, with a newspaper in his right hand.

Q. Just stop there. Where would that information come from, Mr. Burman?

A. I do not know, sir.

Q. It describes your clothing, does it not?

A. I did not have a suit; all I had was a pair of flannels and a sports jacket with me.

Q. I know.

A. I never wore that until August, 1945, the end of August, 1945.

Q. I did not ask you that. I just say that describes your clothing that you had, does not it?

A. In some respects it seems to.

Q. You were in London in September or the early part of October, 1945?

A. 1945?

Q. 1944, I am sorry?

A. I think I was.

Q. Whatever you said before has been taken down, but I have a note about it here. I am asking you where did that information come from and get into the Russian Embassy, if not from you?

A. I have no idea.

Q. Or your wife?

A. It is fantastic, really.

Q. It is not fantastic; it is in the document that is being read to you.

A. I cannot understand it.

Q. Read a little more and maybe it will help you.

Q. "*Password; 'How's Elsie?'*". What is the name of your wife?

A. My wife's name is Elsa.

Q. "*Berman will reply: 'She's fine.'*"

Q. All I am asking you, Mr. Burman, is how that could get into the document. Can you suggest anything except from yourself or your wife?

A. I do not know, sir.

Q. What would be the point of anybody in the Russian Embassy writing that down if that was not real information?

A. I cannot imagine, sir; I do not know.

Q. "If the meeting at the designated place appears impossible or inconvenient for us, Berman will send his address to his wife."
You wrote to your wife, of course?

A. Yes, sir.

Q. "If the meeting at the designated place appears impossible or inconvenient for us, Berman will send his address to his wife, the latter will give it to Debouz."

Debouz has been identified as Fred Rose. You know Fred Rose?

A. I have never met Mr. Rose, sir.

Q. No, but you have attended meetings where he was.

A. Yes.

Q. You have attended meetings where he was?

A. Yes, sir, I have.

Q. Did your wife know him?

A. I do not think so, sir; I do not think she does.

Q. She does not tell you everything?

A. I do not know if she does or not, sir.

Q. Does not tell you everything about the West End Club, does she?

A. I do not know whether she does or not.

Q. "The latter will give it to Debouz, and the latter to us and it may be possible to undertake the meeting at the address of his living quarters. When you will advise us that the meeting will be more convenient at the apartment, then we will tell Debouz, and he will tell Berman's wife."

You notice that the writer of that document does not even take the trouble to give you a cover name, and he does it for Rose.

"Berman's wife will write him a letter with the following sentence: 'Ben has not been feeling too well.'"

You stated at the beginning of your examination that you had someone who was known to you and your wife and called Ben.

A. My brother's name is Barnett; known as Ben.

Q. "After that he will await contact at his apartment. Supplementary data. He joined the Party in 1938."

COUNSEL FOR THE WITNESS: That is part of the document?

COUNSEL TO COMMISSION: Yes.

Q. Is that correct?

A. No, it is not.

- Q. What have you to say about that?
- A. About what?
- Q. Entering the Party in 1938?
- A. What Party are they referring to?
- Q. You said "No" without knowing what Party this dealt with?
- A. I never entered any Party. I have never been a member of any Party.
- Q. I will continue with the supplementary data on Burman of Montreal who left for London with a brown tweed suit, without a hat and a raincoat, worked as an insurance agent. You were working as an insurance agent?
- A. That was my business, sir.
- Q. "*His wife joined the Party in 1939*".
What do you say as to that?
- A. As far as I know she is not a member of any Party.
- Q. "*During the illegal period he worked in the central apparatus of the Party on organizational work.*"
What do you say as to that?
- A. It is fantastic, sir. I do not know what it refers to at all.
- Q. It refers to a man whose name is "Berman". It refers to a man whose business is insurance, living in Montreal, and who left for London?
- A. Yes, sir.
- Q. It refers to another name which happens to be this man's wife's name. It is fantastic if it is not true, is it not?
- A. Yes, sir, that is right.
- Q. Is that all you have to say to that?
- A. I have nothing else to add.
- Q. Do you know anyone else who would have all that description? Besides all that identification which definitely points to you and nobody else but you, you have that Ben mentioned.
- A. I cannot understand it, sir.
- Q. Well, you are identified with the document, first of all by your name. Second, by your wife's name. Then by the name of Rose. Then by the fact that you went to London. Then by the fact that you went close to the place where the place of meeting was. Then by your raincoat. Then by the fact you had come from Montreal. Then by the fact that you were in the insurance business. Besides all that, by the fact that you did not know anyone by that name

that would fit into that description. Is there any explanation that you would care to give to that?

A. I have not any, no; I do not know anything about it.

Q. Do you know anyone who would have an interest in you to give all those details to the Russian people?

A. I do not know why anyone should.

Q. You may have, Mr. Burman, a very reasonable explanation to offer. I do not know. I told you at the beginning of this examination that you may have been an unconscious agent. I am not saying "conscious", I am saying "unconscious". You may have been an unconscious agent. I am asking you if you have an explanation to offer, and any suggestion to give for your own benefit.

A. I know that I have not any; I do not know anything about it.

Q. You have no suggestion; you can give no explanation; you have nothing to say about that document?

A. No, nothing at all.

Q. There is another document that you may care to see, Mr. Burman. It has been filed as Exhibit 35. It is also a document coming from the Embassy, written in Russian by Colonel Motinov whose handwriting has been identified here. This one was written before the previous exhibit, and it was to be sent to Moscow, but the evidence is that it was not, that this one was not sent. The other one was sent to The Director in Moscow. This is addressed to The Director also:—

"Today we received through Debouz—"

That is Fred Rose.

"—a photograph of Berman and a letter signed by Debouz for Berman."

Can you explain how your photograph would reach the Russian Embassy?

A. I don't know. I don't know how it could.

Q. Pardon?

A. I don't know how it could.

Q. My question is—you may have some imagination, I do not know, even if you have no memory; but can you find any suggestion of any explanation for the existence of that document in the Russian Embassy and for the recital of all these facts which are so fitting to your person?

A. I am afraid I cannot.

Q. Do you appreciate the value of what is suggested, of what is implied in these exhibits?

A. I would say that it is pretty serious.

Q. And yet there is no explanation, no suggestion, no idea that you can give the Commissioners here?

A. I have no explanation for it at all. I don't know what it means. I don't know what it refers to.

Q. You are not asked that. You are asked if you understand the purport of the document.

A. I think the document is fairly clear.

Q. And could you know, or could you have any idea of any person using your name?

A. I don't know for what purpose, sir.

Q. So you have no explanation whatsoever to offer for the recital of all those details which are connected to you, or which connect this document to your person?

A. No, I have not.

On the subject of the Communist Party Burman displayed the same evasion and secrecy exhibited by so many of the witnesses on the same subject. We have no difficulty on the evidence, after hearing him and seeing him, in coming to the conclusion that the telegram correctly reflects his political affiliation. Burman knew of Lunan in 1938 (although he says he did not actually meet him) in the *Civil Liberties Union* in Montreal. Lunan's evidence as to this period is as follows:—

Q. Was your wife a Communist? Is your wife a Communist?

A. My wife I think is a member of the Labour-Progressive Party.

Q. Your wife has been a Communist, to your knowledge, since your marriage?

A. Yes.

Q. Since 1939?

A. Yes.

Q. You resided in Montreal for some time at 3610 Oxenden Street?

A. Oxenden Avenue.

Q. And you had several meetings of the Communist group there?

A. Yes.

Q. Was your wife a member of the group, too?

A. No, she was not.

Q. Was she a member of some other group?

A. I don't know. I simply met her as a girl friend.

Q. But since your marriage?

A. Oh, I think she has belonged to various groups.

Q. Various Communist groups?

A. Yes.

Q. Never in the same group as yourself?

A. No.

Q. I am covering the whole period you belonged to the Communist Party and you were having these meetings?

A. I can remember distinctly a meeting—not a meeting, but a visit of Tim Buck and Fred Rose sometime in the spring of 1943, because I was in the army at that time, and I had come home on leave.

Q. So you were definitely well known to Rose, and you knew him very well when you met him on the train?

A. Oh, yes.

Q. What about Raymond Boyer? When did you meet him?

A. Boyer I met originally through my wife. At the time I think Boyer was in the Civil Liberties Union, which was—

Q. A political organization?

A. If you wish.

Q. And the word "political" in this instance is being used as "Communist"?

A. No; I think that would not truly represent the views of all members of the Civil Liberties Union, to call them Communists.

Q. What?

A. It would not truly represent the views of all members of the Civil Liberties Union to call them Communists.

Q. But you say there were several Communists?

A. Oh, yes.

Q. In other words, if I understand the situation correctly, the Communists have their own secret organization, their own groups, which carry on their secret operations, and they also join other groups which are operating in the open?

A. I think they feel free to join any group.

Q. Not only free, but they would be interested?

A. Yes, in special groups.

Q. With the idea of controlling the other organizations, if possible?

A. Well, with the idea of advancing their own opinions.

Burman testified:—

Q. 1938 is just the time that Exhibit 34† says you joined the Communist Party. Is that the time you met Lunan, about that time? You said you did not meet him, but the time you became associated with him?

A. I was active in the Spanish Committee, sir. There was a Spanish Committee and I used to collect funds. I was very much interested in the Spanish Committee.

Q. That was the Committee for sending soldiers over to Spain, was it?

A. It was the Committee that was looking after Spanish children and I think it was supporting sending soldiers to Spain.

Q. What surprises me is that you say you were very active in that Committee, and then you say you think something about it?

A. I was interested in going out and collecting money.

Q. Do you know what the Spanish Committee was doing, to your knowledge?

A. I am afraid I was never on the inner councils or anything. As far as I know, it was supporting—we used to raise funds to support soldiers going over there to Spain.

Q. You knew that?

A. Oh, yes.

Q. Well, a few minutes ago you just thought that?

A. As far as I know, that was the purpose. I never sent them over, or anything like that.

Q. (*A picture of David Gordon Lunan was shown to the witness*). Where did you meet Lunan? Tell the Commissioners what you know about him?

A. I don't know anything about Lunan. I have never met him.

†See p. 2 above.

- Q. Where did you see his picture?
- A. You have just showed it to me.
- Q. But before that?
- A. I have seen it in the papers.
- Q. What did you mean when you said you had never met him officially?
- A. I have seen him.
- Q. Will you develop that idea, that you have not met the man officially, please? Take your time and tell us what you know unofficially about him, and when you met him unofficially?
- A. I have seen him at meetings.
- Q. What meetings?
- A. I think it was in connection with the Civil Liberties Union.
- Q. And then explain that, will you please, Mr. Burman? We are interested to find out what you know about him, so would you mind telling us what you know about him?
- A. I don't know anything about him at all. I know that he was—I think he used to speak for the Civil Liberties Union.
- Q. All right. Where was that? We would get on much faster if you were to tell us what you know about him without forcing me to put the questions to you.
- A. I know, but this is a long time.
- Q. What do you mean by a long time?
- A. Probably away back in 1939 or 1938.

Burman attended meetings of a Communist Club in Montreal after his return from overseas in November, 1945 and is a subscriber to the *Canadian Tribune* and *National Affairs Monthly*. Although the attendance at the club did not exceed fifteen persons, his memory as to these persons is poor. His evidence is characteristic of a good deal of the evidence of other witnesses to which we have listened:—

- Q. Will you tell the Commissioners what you know about the West End Club of the Labour-Progressive Party?
- A. I don't know anything about the West End Club of the Labour-Progressive Party, sir.
- Q. You don't know anything about it?
- A. No sir.
- Q. Well, we will have to inform you that there have been a number of meetings of that club at your own home?
- A. I am not a member of any club like that.

- Q. I am asking you what you know about it, even if you are not a member?
- A. I know there is a club.
- Q. Then tell us what you know about that club?
- Q. You know there is a club by that name?
- A. Yes, sir, I do.
- Q. Then tell us what you know about it. That is what you are asked.
- A. I don't know very much about it, sir. I know it is a club that meets in the west end.
- Q. Of the Labour-Progressive Party?
- A. That is what it is called, sir.
- Q. What is your reluctance in telling us about it? Go ahead.
- A. I don't really know much about it, sir. I have not been associated with it. I know some of the people who belong to it.
- Q. Well, who are they?
- A. I don't know what—I will ask you, sir—
- Q. You just answer the question. You said you knew some people. Now, just answer the question and give the names?
- A. I have seen people around there. I don't know whether they are members or not.
- Q. Don't be sure not to give too many details. You have seen people around there, and you do not know whether they are members or not. My question is, who were the people you knew who belonged to that club?
- A. I am not sure whether they belonged to it or not; people I have seen—
- Q. You said you knew people who belonged to it. I am asking you who they are. Is that clear?
- A. Well, who seemed to belong to it. I am not sure whether they belonged or not.
- Q. I am still asking you who they are. Tell their names, whether you know they belong to it, or not.
- A. I have seen Mr. Bailey.
- Q. What is his first name?
- A. I think it is Max Bailey.
- Q. Have you seen Reuben Ginsberg?
- A. I have seen him around; yes.
- Q. In the same way that you have seen Max Bailey?
- A. They have been in the same group.

Q. And who else?

A. I can't think of the names now.

Q. Is it a secret?

A. No, sir; just that I am trying to think of some of the people that I have seen there.

Q. You said you knew several people. You have mentioned two. You are certainly giving me the impression that there is something secret about it.

A. I have seen Miss Truax there.

Q. Do you know her first name?

A. No, I do not.

COUNSEL FOR THE WITNESS: Beryl Truax. She is a teacher in the Westmount High School, and a former Labor-Progressive Party candidate in my constituency.

COUNSEL TO THE COMMISSION: Is that the name?

A. I believe so.

Q. Where have you seen these people; at your home?

A. No, I don't believe they have ever been at my home.

Q. Where have you seen them to identify them in this club?

A. I have seen them in this group. I have been trying to think of some of the people that I did see.

Q. We will come back to that in a minute. I have asked where you have seen them?

A. At various homes.

Q. Well, where? That is exactly nothing when you say "various homes". Where have you seen them? Don't waste our time, Mr. Burman.

A. I am sorry; I am trying to help. I am trying to think of the places. I can't remember the homes, sir.

Q. These meetings of this club that you have talked about, where you have seen these people—you must have been there yourself?

A. Yes, I have attended some meetings.

Q. Of the club?

A. Yes.

Q. And how many in the club on the occasions that you have been there, if you cannot remember any more names?

A. Well, I should say about fifteen.

Q. That is just a guess. And during what period were you attending these meetings?

A. I attended a couple of meetings since I have been back.

Q. When did you get back?

A. I got back on November 21, 1945.

Q. And you mean to say you cannot remember any place where you attended those meetings since November 21, last?

A. I don't remember the addresses, sir; I don't remember the locations.

Q. I did not ask you the locations. I asked you the names of the homes.

A. No, sir, I don't remember them.

Q. What is there so secret about the meetings of this West End Labour-Progressive Club?

A. I don't know, sir. I haven't any idea. I am not a member of the club myself. I don't know much about it.

Q. But you are interested enough to attend it on a number of occasions, even since you got back from overseas?

A. Yes, sir.

Q. What is there to hide about it?

A. I don't think there is anything to hide about it, sir, frankly. I just don't know much about it.

Q. You cannot even remember where they met, or more than two or three other persons beside yourself who were there, when you say there perhaps were fifteen. I am asking you, what is secret about this thing?

A. I don't think there is anything secret about it at all, sir.

Q. I suppose if you attended meetings of this kind since your return from overseas, you attended similar meetings before you went overseas, did you?

A. I don't think I attended any meetings of the Labour-Progressive Party, sir, before I went overseas.

Q. You are not sure about that?

A. I don't think I did, sir.

Q. Did you attend similar meetings where similar subjects were discussed?

A. I am not sure, sir.

Q. You may have?

A. I may have. I am not sure.

- Q. And at this West End Club, what did they discuss on the occasions you were there; or do you remember that?
- A. If I remember correctly, sir, I think there was a discussion on housing.
- Q. That is all?
- A. I don't remember the rest of the discussion.
- Q. Marxism?
- A. There wasn't any of that when I was there.
- Q. Have you studied Marxism yourself at any time?
- A. I have never studied Marxism, sir, at all.
- Q. Been present at discussions where it was discussed?
- A. It could be. Not as such. How do you mean, sir?
- Q. My question is plain enough; you answer it any way you like.
(*No audible answer*).
- Q. You say you came back from Europe in November of 1945?
- A. Yes, sir.
- Q. And do you remember when you first attended one of these meetings when you came back?
- A. I don't remember, sir.
- Q. Who asked you to attend a meeting?
- A. I don't remember that either, sir.
- Q. Oh, you must have been invited by somebody there, to one of these meetings?
- A. I don't remember.
- Q. Who notified you that there was a meeting being held, and gave you the date on which the meeting would be held?
- A. I don't recall, sir.
- Q. You can't recall that?
- A. No, sir.
- Q. Did you go to these meetings in February, 1946?
- A. I don't know.
- Q. In 1946, you have been to these meetings?
- A. I don't remember; it was in 1945 or 1946.
- Q. But you attended a couple of these meetings since you are back, you said?
- A. I think I have attended two.
- Q. And you could not say where; you do not know who were present, and you do not know who asked you to go?
- A. I would try and remember the places. I can't remember them right now.

Q. It is a complete blank as to who asked you to go?

A. I don't remember at all.

Q. You don't remember at all?

A. No.

Q. And as to who were present, also you do not remember at all?

A. I can't remember now, sir.

Burman also is not sure as to just what kind of paper the *Canadian Tribune* is although he has been a subscriber for some years:—

Q. Well, were you ever a subscriber to the *Canadian Tribune*?

A. Yes, I have—

Q. Since how long?

A. I do not know how long. I have subscribed to lots of things. I have to.

Q. What else did you subscribe to, the same kind of paper, the *Clarion*?

A. No.

Q. *The Worker*?

A. No.

Q. What other papers of a similar trend did you subscribe to?

A. I think I had a subscription to *The Commonwealth*.

Q. What is that?

A. That is a C.C.F. paper.

Q. I am speaking of papers of the trend of the *Canadian Tribune*, Mr. Burman?

A. I do not think there are any other papers like that; I do not think I did.

Q. No other papers like that, all right. What sort of paper is the *Canadian Tribune*?

A. As far as I know it is a left-wing paper.

Q. Would you call it a Communist paper?

A. I suppose you could; I do not know whether it is a Communist paper or not.

Q. You do not know?

A. (*no audible answer.*)

Q. Are you a subscriber at the present time?

A. I think I have still a subscription there, sir. I have not noticed. I have not made any payments of any kind for—

Q. You do not know whether it is a Communist paper or not?

A. I do not know whether it is a Communist paper. It is a left-wing paper, very definitely.

- Q. What does that mean?
A. Well, it is a Labour paper.
- Q. How long have you been a subscriber to the paper, how many years?
A. Frankly I do not know, sir.
- Q. Well, two years, five years, ten years?
Q. Did you receive it when you were overseas, Mr. Burman?
A. No.
- Q. Did you receive it since you are back?
A. Yes, it has been coming.
- Q. Did you subscribe since November, 1945?
A. No.
- Q. How did you get it then if you did not get it when you were overseas and are getting it since you are back?
A. It has been coming to the house.
- Q. Coming to the house?
A. Yes.
- Q. Without a subscription?
A. No, it has been coming to the house, sir. I must have subscribed some time. I could probably look up my office cheques. I probably have a cheque there somewhere, and I could probably find that out.
- Q. Does it come to you or to your wife?
A. It is addressed to me, sir.
- Q. Is your wife a member of the Labour-Progressive Party?
A. I do not think so.
- Q. You do not know?
A. As far as I know she is not.
- Q. Still you have not answered my question. I asked you how long have you been getting that paper, the *Canadian Tribune*, how many years?
A. I am afraid I cannot remember that, sir.
- Q. Five years?
A. I do not think so; I do not think it was that long.
- Q. Four years?
A. I really do not know.
- Q. What?
A. I really do not know. I was not—maybe four years.

Q. Did you know that it is the paper which campaigned to have the ban lifted on the Communist Party?

A. I believe so.

Q. You knew that, did you?

A. I think so, sir.

Q. Is there any doubt in your mind as to what sort of paper it is?

A. I say I believe that it is a Labour paper.

Q. You would not go as far as saying it is a Communist paper, would you?

A. I do not know whether it is a Communist paper or not. I believe it is a Labour paper, sir.

Q. That is your answer?

A. Yes, sir.

It is not entirely irrelevant also to note that Burman knew both Benning and Gerson and had associations with them before he enlisted.

All of this evidence establishes that Burman was of the same soil as that from which the other willing agents of Col. Zabotin were drawn. It also establishes the essential accuracy of the statements in the telegram with respect of Burman's family, occupation, political history and civilian clothing. There is no reason to think the other statements in the telegram are any less accurate. The whole document was written in order to have Moscow arrange at that end for the meeting in London.

Burman's name also appears in Section IV (3) of this Report, dealing with Gottheil, and reference may be made to that section. A channel of information to the Soviet Embassy by way of Sam Carr is there indicated.

Being required by the terms of Order in Council P.C. 411 to "inquire into and report upon which public officials and other persons in positions of trust or otherwise, have communicated directly or indirectly secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada, to the agents of a foreign power" we cannot report in the case of Burman that he did so communicate, but we think the story told by the above documents relates to this witness as there set out. There is no evidence before us showing that the London meeting actually took place.

SECTION III. 11

RAYMOND BOYER, Montreal

In the Embassy records brought away by Gouzenko, references are made to this man. In a notebook written up by Colonel Zabotin himself there is the following:

Prior to Reorganization

Director Davie

1. Fred—director of corporation.

Previously worked at the neighbours, up to 1924. In May-June 1942 came to Davie with a proposal to help. Davie checked up on Fred through New York (Molier). The neighbours proposed to make use of Fred. After this, in 1942 in September, Fred contacted Davie on instructions from Molier. Molier was sent to work in Ottawa, for organizing the work. (At the present time on the electoral lists to parliament in Quebec.)

Fred's Work

Group in Montreal (activists)

1. Gray

Jew. Head of a section of the Directorate for securing war materials for the Allies. Taken on to the work on 1.9.42. He works well. Gives materials on shells and cannons (on films).

2. Green

Works in the administration of the Tank plant "Locomotive" in Montreal. Assistant to the superintendent of the section on contracts. A key position. Gives information on the numbers of tanks being delivered—only.

3. Professor

Frenchman. Noted chemist, about 40 years of age. Works in McGill University, Montreal. Is the best of the specialists on VV on the American Continent. Gives full information on explosives and chemical plants. Very rich. He is afraid to work. (Gave the formula of RDX, up to the present there was no evaluation from the boss.)

Gave about OV.

The words "before reorganization" refer to the net-work of agents headed by Sokolov before Zabotin arrived in June, 1943, to take over. These notes indicate that the *Professor*, the name used to indicate Boyer in the Embassy records at that time, was a member of a group of agents operating under Fred Rose. These notes were evidently written shortly after Zabotin's arrival as Rose was "on the list of Parliamentary candidates in Quebec" by August 9th, 1943, the date of his official nomination.

On the mailing list of January 5, 1945, item 108 is as follows:

Nos. P.P.	Source	From where and under what circumstances the material was obtained	Designation of the Material	Date & Number	Number of Pages	Marked
1	2	3	4	5	6	7
108	Debouz	Notes	Conversation with Profess. decisions secr. session of Parliament	No date	1	None

This document is a note evidently taken by Rose of a discussion he had had with Boyer. It refers to decisions made in the secret session of Parliament which in fact had been held November 28th, 1944.

Boyer is also referred to in certain cables passing between Zabotin and *The Director*.

On August 9th, 1945, *The Director* sent the following telegram to Zabotin:

11295

14.8.45

To Grant.

In the mail of 23.8.1944 were received from you Gray's two materials—the monthly reports on the research of separate technical questions in the field of production of war supplies. On the basis of the short and fragmentary data it is impossible to judge the methods and work of the Canadian and English industry of war supplies, powders and chemical materials.

It is desired to obtain the following information:—

1. 27 methods ~~2507~~ and technical processes of the production of war supplies, VV and powders. *
2. Deciphering of laminated VV, the production of T. H. and H. S. (composition, purpose, technology and specific qualities).

* Faint type indicates words crossed out in original documents.

3. The application of picrate and nitrate-gushnidina. I repeat: picrate and nitro-gushnidina.
4. The technique of producing detonating capsules and igniting capsules. Wire to whom do you consider it possible to give this task.
If Bacon still continues to work in the Artillery ~~Committee~~ Committee, this task should be assigned to him. *

9.8.45 Director.

Grant
14.8.45

(VV is a Russian abbreviation for high explosive (HE). The reference to T.H. and H.S. was explained in the evidence: it refers to mustard gas. "Nitrate-gushnidina" is nitro-guanidine).

Upon this telegram Zabotin wrote his signature and the date the 14th August, 1945, as above, and on the same date cabled the following reply:

To the Director, with reference to No. 11295

1. The tasks will be assigned to Gray, to Bacon and to the Professor through Debouz. The Professor is still away on a business trip. There will be a meeting with Debouz at the end of this month.
2. Martin received a reply from Dekanozov with permission to leave for home. As a result of Martin's work at the San Francisco Conference and his sickness, about a month, the latter was unable to write reports on your task. The questions of the present-day situation in Canada after the elections and the distribution of the class forces in the country, he will write here and we will send them to you by regular mail, while the remaining questions of the task he will write at the center.

14.8.45

Grant

Martin referred to in the second paragraph is Zheveinov of TASS. Dekanozov is one of the Assistant Commissars of Foreign Affairs. The Centre is Red Army Intelligence Headquarters at Moscow.

In his evidence with regard to Boyer, Gouzenko gave the following testimony:

Q. Before you go to 109, (on the mailing list of January 5, 1945) on the fourth line of 108 you have 'professor'.

A. Yes; I am sorry.

* Faint type indicates word crossed out in original documents.

Q. Is 'professor' a code name, a cover name?

A. Yes.

Q. Do you know to whom that refers?

A. In this case that applies to Professor Boyer of McGill University.

Q. How do you know that? Where did you get that information?

A. Usually this agent was referred to as *The Professor* only, but on one occasion when there was a discussion about the atomic bomb and the professor's name came up in the discussion, Colonel Zabolin mentioned Professor Boyer.

Further Gouzenko said:

Q. The reference here to sums of money being sent—in the documents which have already been put in here before the Commission there are references to the payments of moneys to various agents. You have seen those, have you not?

A. That is right.

Q. And that only deals with payments of which we have a record in the documents here. Were other payments being made to agents from time to time?

A. Yes, of course.

Q. And did you at any time see the records of those payments?

A. I coded telegrams in which accounts of those payments were made.

Q. Did you yourself ever have anything to do with making payments to any agents?

A. No.

Q. That went through Grant? All those payments were made through Grant?

A. Grant had charge of the operative funds, which he handed to Motinov for payment. Motinov was responsible for the agency work.

Q. So that on certain telegrams that we have seen up to now we see that certain payments have been made to certain agents; but it is to your knowledge that other payments have been made?

A. That is right.

Q. To persons already mentioned?

A. It is hard to remember. Each agent received money from the contact man who met him.

Q. So do you mean to say that they were all paid?

A. As far as I know they would all receive money, with the exception of such a man as *The Professor*, who was very rich and did not need money.

A. That is right.

Gouzenko also produced from a notebook used by both Zabolin and Motinov, a page containing the following in the handwriting of Motinov:—

Professor

Research Council—report on the organization and work. Freda to the professor through GRIERSON.

Q. That was Professor Boyer of Montreal?

As to this Gouzenko said:—

Q. This will be Exhibit No. 37, and I will read you a translation and ask you to say if it is correct. 'Professor, Research Council—report on the organization and work.

Freda to the Professor through Grierson.'

A. That is right.

Q. Who is Grierson?

A. From the documents which I have read I have assumed that that is Grierson of the Canadian Film Board, Chairman of the National Film Board.

Q. That is the Canadian National Film Board?

A. Yes.

Q. What is the meaning of that: 'Freda to the Professor through Grierson'?

A. I understand it means that they wished to appoint Freda to work with *The Professor*, through Grierson. I want to explain.

Q. Yes, I would like you to explain that.

A. The work that Freda was doing in the Film Board was not satisfactory to Moscow. Therefore they asked Colonel Zabolin to place her in some more important department. Therefore it looks as if Colonel Zabolin was to place Freda to work with *The Professor*, using Grierson's influence to get her into the position.

RDX is an explosive, the new method of preparing which had been improved in England up to 1942. Its full name was Research Department Explosive, of which the letters RDX are a contraction. The work done on this explosive in Canada is described by Dr. Cambron, the Assistant Director of the Chemistry Division of the National Research Council, as follows:—

Q. Did the National Research Council develop or improve RDX between 1942 and the close of the war?

A. Yes, to a very large extent. Actually the work started before 1942.

Q. So I understand.

A. And as a result of that work and the work done after 1942 a practical method of producing the explosive on a large scale was developed. But it might be added at this point that considerable assistance was obtained from the United States in that development. It was actually a joint effort. It becomes a joint effort after the initial work at Montreal.

Q. The National Research Council was doing the work in Canada?

A. That is right.

Q. What was the opposite number in the United States?

A. N.D.R.C.; that is the National Defence Research Committee, which was a division of O.S.R.D., the Office of—I don't remember what that means, actually.

Q. And was there a free exchange of information between the two, the O.S.R.D. and the National Research Council?

A. Yes, very full.

What was effected as a result of this work was a new method of producing the explosive. This was a Canadian development. This work was classified as secret during the war and information with regard to it was restricted to a definite number of authorized persons. As late as March, 1946, information with regard to RDX had not been released. The work done in Canada was done for the National Research Council by its Associate Committee on Explosives and its Sub-Committee on Research and Development. Dr. J. H. Ross, the Chairman of this Sub-Committee, and Boyer, working under him, were directly in charge in Canada for the Research Council in connection with the main project of the development of this new process for producing RDX. This work was carried on at McGill University, Montreal.

In addition to this project, there were a number of other projects on explosives undertaken during the war, the information with respect to which came to Boyer by reason of his membership on the Sub-Committee. On some of these projects he also worked himself. In connection with RDX a number of written progress reports were made from time to time commencing in November, 1942, many of which were written by Boyer. All were secret documents. Dr. Cambren described Boyer as an outstanding man in Canada on the chemistry of explosives.

Boyer, who was born in Montreal, graduated in 1930 from McGill University with the degree of B.Sc. and in 1935 received his Ph.D. in

chemistry. He did postgraduate work at Harvard, Vienna and Paris, returning to Canada in 1937. Until the outbreak of war he did no work.

With regard to himself he testified:

A. I have worked in organizations in which there were Communists and in which I knew there were Communists, and I have worked very closely with Communists, but I have never held a party card nor paid dues, etc.

Q. Have you ever made contributions to the work of the Communist party?

A. I made contributions.

Q. Financial contributions?

A. Yes.

In the fall of 1939 he offered his services to the Canadian Government in any capacity and suggested that

I be sent to Russia without any diplomatic status or anything, in order to try and find out what Russia's real attitude to the war was.

Although Boyer had taken "some lessons" in the Russian language, he says he had no reason to believe at that time that he would be received in Russia and that he had met no Russians and made no contacts. He was not sent.

In June, 1940, Boyer offered his services to the head of the Chemistry Department at McGill, who suggested he go to the University of Toronto where research had commenced. Boyer did so, in July of that year, and worked there on explosives research until September 1st, 1940, without salary and paying his own expenses. He is, as Gouzenko said, financially independent. His particular research work at this time included work on a method of preparing picric acid, a high explosive (H.E.).

As arranged before he went to Toronto, Boyer returned to McGill in September, where he began work under Dr. Ross. Here he worked on a number of projects, including picric acid, and he says that:

it was almost at the very start that we had the idea that we might be able to make RDX in a way that it had never been made before.

He also testified:—

Q. May I ask you now if at the time this thought came to you, RDX had been used at all since the outbreak of the war on September 1, 1939, down to the time you are speaking of?

A. I don't think it had been used.

- Q. Were there reasons why it was not used? Had it not reached a stage of development that permitted its use?
- A. No, I think production was not sufficiently great. There was not enough of it.
- Q. Then you say, 'We thought it might be made in an entirely different way.' When you say 'we' are you speaking of Dr. Ross and yourself?
- A. And a student, a graduate student.
- Q. What was his name?
- A. Schiessler.
- Q. That idea came to you when in 1940?
- A. In September or October; October, I should say.
- Q. And did you start at that work at once?
- A. Yes.

- Q. Do you use the same elements to produce your RDX as the British use?
- A. Oh, no, that was the main difference.
- Q. There were different elements?
- A. Different elements.
- Q. But you produced practically the same thing?
- A. That is correct."

As to reports made in connection with this work, he said:—

- A. We reported—well, the reports were not made out to anybody, but they went to the National Research Council. By then Toronto was reporting and McGill was reporting regularly.
- Q. To National Research?
- A. To the National Research Council.
- Q. But if you did make a report personally, did you give it to McGill or did you send it to Ottawa here?
- A. No. I would write the report and it would be typed by Dr. Maass' secretary; duplicated in McGill, and then forwarded to Ottawa.
- Q. To the National Research Council?
- A. That is right.
- Q. A copy of that would be retained in your hands at McGill?
- A. Oh, yes.
- Q. And it would be secret to you, Dr. Ross, Schiessler, Dr. Maass and Dr. Maass' secretary, who typed it?
- A. Yes.

Early in his employment in connection with the work, Boyer took the oath of secrecy. In the fall of 1941 he became a member of the staff at McGill as lecturer in chemistry, being promoted to assistant professor in the fall of 1944. The results of the work in RDX are best described by Boyer himself:—

Q. As you proceeded with your work and found that your belief that a new method would be more successful, did that mean that RDX could be used to a greater extent?

A. Well, what it meant was that it could be produced in Canada and later in the United States by this new method which at least at that time seemed a far better method.

Q. And it enabled much larger quantities to be produced?

A. Yes.

Q. So that as a result of your work it did mean that RDX could be used much more extensively than it had been?

A. Yes. You understand, not just my work; there were hundreds of people involved.

Q. I quite understand that, Dr. Boyer. You continued to experiment with the project at least down to the end of 1944, did you?

A. Yes.

Q. I take it that even then it was a matter that could be pursued further and developed?

A. Oh, definitely.

Q. It still has possibilities?

A. Yes.

Q. Very great possibilities?

A. Yes.

Q. But whether you were employed by McGill or whether you were ever paid or whether you had received an actual grant, from the time that you began to work on RDX research in McGill, commencing in September, 1940, you were doing that work for the National Research Council and reporting the results to the National Research Council?

A. Definitely, yes.

He says that by May, 1945, he had finished his work. A plant to manufacture this explosive was commenced outside Shawinigan Falls in the fall of 1941 and Boyer says that production by the St. Maurice Chemical Company began in the spring of 1942 approximately. Previously in June, 1941, a pilot plant was built. Boyer said:—

Q. Do you know anything about the pilot plant at Grand'Mère?

A. Yes—well—

Q. First of all, describe what a pilot plant is.

A. Well, after the reaction has been completed in the laboratory, in the research laboratory, in beakers and small flasks, and that reaction is to be put into production, before the actual building of a plant, a pilot plant is usually built. That may have a capacity of anywhere from a few pounds to perhaps a ton, depending on the scale in which the reaction is to be carried out. That pilot plant is really a sort of working model of the plant which it is expected will follow as the plant procedure, as it were, is worked out in the pilot plant. In 1941, around June I would say, or July, a pilot plant was built outside Shawinigan Falls—no, I beg your pardon, in Shawinigan Falls, in order to bring this reaction which we had worked out in the laboratory on to a pilot plant scale.

At this point, although it bears a date much later than the period under discussion, we reproduce a draft telegram prepared by Motinov to be sent by Zabotin.

To the Director,

The Professor advised that the Director of the National Chemical Research Committee Stacey told him about the new plant under construction: Pilot Plant at Grand Mere, in the Province of Quebec. This plant will produce 'Uranium'. The engineering personnel is being obtained from McGill University and is already moving into the district of the new plant. As a result of experiments carried out with Uranium it has been found that Uranium may be used for filling bombs, which is already being done in a practical way. The Americans have undertaken wide research work, having invested 660 million dollars in this business.

(sgd.) Grant.

Whether it was actually sent Gouzenko could not say. The only importance of this document is that it shows that Boyer was communicating information with respect to the RDX plant, although this cable shows that in this particular instance in the transmission of the information from Boyer to Rose to Motinov, by word of mouth, a confusion developed between the RDX plant and the plant at Chalk River for the production of uranium. Examined on this subject, Boyer said:

Q. Then I refer you to Exhibit 35. This is a telegram, or what is believed to be a telegram, in the handwriting of one of the employees of the Russian Embassy, addressed to *The Director*, and it reads this way:

The Professor advised that the director of the National Chemical Research Committee Stacey told him about the new plant under construction; Pilot Plant at Grand'Mère in the province of Quebec.

The pilot plant that you have referred to is the pilot plant for the manufacture of RDX, some three or four or five miles outside of Shawinigan?

A. Yes.

Q. That would be what; eight or ten miles from Grand'Mère?

A. That is possible; I am not sure how many miles there are between Shawinigan and Grand'Mère.

Q. Do you know of a pilot plant for anything at Grand'Mère itself?

A. No.

Q. There is a pilot plant for RDX where?

A. In Shawinigan.

Q. In Shawinigan itself?

A. Yes.

Q. I think you said about five miles away?

A. No, the pilot plant was in Shawinigan.

Q. You know of no pilot plant at Grand'Mère or anything?

A. No.

Q. Then it goes on:—

'The engineering personnel is being obtained from McGill University and is already moving into the district of the new plant.'

Does that make sense to you, even in connection with the pilot plant at Shawinigan?

A. No.

Q. Did any of the engineering personnel from McGill take part in constructing the plant?

A. No.

Q. Or in installing the equipment in it?

A. No.

Q. All that would be done, as far as the McGill people were concerned, including yourself, might be certain discussions with the engineers as to the advisability of a certain form of plant or installation?

A. That is correct.

Q. Then it goes on:—

As a result of experiments carried out with uranium it has been found that uranium may be used for filling bombs, which is already being done in a practical way.

Did you ever convey that information to Fred Rose?

A. No, but one day Steacie did talk to Dr. Winkler and me at McGill, and did say that the Americans had spent a great deal of money on this atomic research, and he added that none of it was a secret except the engineering and the chemistry. I may well have mentioned to Fred Rose what he said.

Q. The last sentence on Exhibit 35 is:—

The Americans have undertaken wide research work, having invested in this business 660 million dollars.

Having in mind the information you got from Steacie; the fact that what Steacie told you is said to be set out here, and the reference to the investment of the Americans of \$660,000,000 in the business, would indicate this, would it not—and I want you to correct me if I am wrong; that Rose did transmit at least part of a conversation which you had had with him, where you spoke of Steacie telling you certain things, including the investment of the Americans? That part might be an accurate transcription?

A. That might be a highly garbled account of what I said.

Q. There was a talk between Steacie and yourself and somebody else?

A. Yes.

Q. And reference was made in that talk to the amount being invested by the Americans?

A. I don't know the amount.

Q. Does the \$660,000,000 register with you?

A. He may have mentioned it; I don't remember.

Q. So there is that much in it; a talk between Steacie and yourself and a third person; a large American investment for the purpose of manufacturing the atomic bomb, or experimenting with it; and would it be a fair assumption from the fact that this is in the

records in the Russian Embassy that Rose had transmitted the general conversation with you along those lines?

A. It might well be, yes.

Q. But it looks as though he had mixed up the pilot plant in connection with RDX and the pilot plant in regard to uranium; is that right?

A. Yes.

Boyer testified as to his acquaintance and association with the following persons;

SAM CARR

Q. 60-G? (*a photograph*)

A. Yes. That is Sam Carr.

Q. And who is Sam Carr?

A. Sam Carr is national organizer of the Labour-Progressive Party.

Q. How long have you known him?

A. For three or four years; I am not sure.

Q. Where did you meet him first, Dr. Boyer?

A. I met him at someone's house. I don't know whose house.

Q. In Montreal?

A. Yes.

Q. Did you meet him after that again? Have you met him on occasions?

A. Yes, I have met him either two or three times.

Q. And how recently have you met him? When was the last time, do you recall?

A. I can say a year ago. I am not sure.

Q. Had you ever known him prior to the formation of the Labour-Progressive Party?

A. No.

Q. Do you remember there was a time when there was a Communist Party — ?

A. I had heard of him.

Q. My question was, had you met him. There was a time when there was a Communist Party in Canada, officially so-called. Do you recall that?

A. Yes.

Q. And at a period it became an illegal organization?

A. Yes.

Q. And sometime in 1943, I think it was, the Labour-Progressive Party came into existence?

A. Yes.

Q. And what would you say as to the Labour-Progressive Party being the former Communist Party under another name?

A. Well, I think it has all of the members of the former Communist Party in it, or most of them, and certainly a good many people who were not members of the Communist Party, as far as I know.

Q. Before you met Sam Carr, had you known of him as an active member of the Communist Party?

A. Yes.

Q. Before it became illegal?

A. Yes.

Q. And is it within your memory that when the Communist Party became illegal, Mr. Carr disappeared for a while, as far as the general public knew?

A. Yes.

Q. During the time between the period when the Communist Party became illegal and the Labour-Progressive Party was formed, did you have occasion to see Sam Carr?

A. No.

Q. Do you see any difference, Dr. Boyer, between the ideology of the Labour-Progressive Party and that of the Communist Party?

A. Frankly, no.

FRED ROSE

Q. Then will you look at Exhibit 60-H? (*a photograph*)

A. Yes.

Q. Who is that?

A. Fred Rose.

Q. And you know him personally?

A. Yes.

Q. How long have you known Mr. Rose?

A. Since 1938.

Q. Had you known of him before you met him personally?

A. Yes.

Q. And in 1938 when you met him you had known of him as what?

A. As one of the leaders of the Communist Party. I don't know whether he had an official title or not.

Q. But he was extremely active in the Party?

A. Yes.

- Q. So you met him immediately after you came back from Europe?
 A. No. I met him a year and a half after.
- Q. You came back in 1937?
 A. That is right; I came back in February, 1937, and I met Fred Rose, as near as I can recall, in the fall of 1938.
- Q. And at that time you knew of him as an extremely active member of the Communist Party?
 A. That is correct.
- Q. And from then on did you see him often?
 A. No. I have seen him, I would say, ten or twelve times since then.
- Q. During the time between the declaration of illegality of the Communist Party and the formation of the Labour-Progressive Party, during that period did you ever see him?
 A. No.
- Q. So there would be a period, then, when he passed out of your knowledge?
 A. That is correct.
- Q. How soon after the formation of the Labour-Progressive Party at the Toronto convention, I think it was in 1943, did you next meet him?
 A. I am not sure. I can't recall.
- Q. And how many times have you seen him, say, in the last two years?
 A. Three or four times.
- Q. Did you meet him only on the one occasion?
 A. No, I didn't, although when he was elected apparently his real name was Moses Rosenberg.

MAJOR SOKOLOV

- Q. Who is that? (*Showing witness a photograph*)
 A. I met him once under the name of Sokolov.
- Q. And where did you meet him?
 A. He and his wife came to our flat.
- Q. In Montreal?
 A. Yes.
- Q. Did you meet him only on the one occasion?
 A. Yes.

- Q. And he was going by the name of Sokolov, was he?
A. Yes.
- Q. You knew that he was what?
A. I knew him as a tank inspector at the Angus shops.
- Q. Did he wear a uniform?
A. No, but I have seen him in uniform.
- Q. You have seen him in uniform?
A. Yes.
- Q. Was he in uniform when he came to your flat?
A. No.
- Q. Was he introduced by a military title, as Major Sokolov or Captain Sokolov?
A. No.
- Q. Just Mr. Sokolov?
A. That is right.
- Q. And his wife was with him?
A. Yes.
- Q. At that time did you know he was inspecting tanks at the Angus shops?
A. I was told that.
- Q. And did you know what nationality he was?
A. Yes.
- Q. And that was what?
A. Russian.
- Q. Were they manufacturing tanks in the Angus shops for Russia.
A. That is what I thought.

FRED POLAND

- Q. Who is that? (*Showing witness a photograph*)
A. Fred Poland.
- Q. How long have you known him?
A. Ever since he came to Montreal, which I think was in the summer of 1939; 1938 or 1939, I am not sure.
- Q. And do you know anything about his political sympathies?
A. Well, I know he is sympathetic to the old Communist Party and the present Labour-Progressive Party, or that he was when I last saw him, which is a few years ago now.

- Q. What was the last year you saw him that you can recall?
- A. Oh, I saw him once since he entered the Air Force. I saw him about two years ago, I think, once.
- Q. That was the last time you have seen him?
- A. Yes.
- Q. But he never made any secret of his political leanings?
- A. No.

DURNFORD SMITH

- Q. Do you know a man named Durnford Smith?
- A. Yes. Oh, yes; I can recognize him now.
- Q. How long have you known Smith?
- A. Oh, I have seen him perhaps three times in my life.
- Q. When did you see him last?
- A. He dropped into my office a few months ago, when he was in Montreal. I have seen him perhaps once a year in the last three years.
- Q. Are you aware of what his political ideas are?
- A. Not too well.
- Q. Have you any idea as to what they are?
- A. Well, I know he reads *The Tribune*; that is all he has ever told me about his political views.
- Q. *The Tribune* is the newspaper published in Toronto by the Labour-Progressive Party?
- A. That is correct.
- Q. And has a strong Communist ideology?
- A. That is correct.
- Q. How do you know he reads it? Does he carry it around in his pocket?
- A. He told me.

SCOTT BENNING

- Q. Who is that? (*Showing a photograph*)
- A. That is Scott Benning.
- Q. Do you know him?
- A. Yes.
- Q. How long have you known him?
- A. Oh, I have known him for a good many years, but I have not seen him for several years. I met him, I think, in 1938, in Montreal.

- Q. Do you know what his political leanings are?
 A. I think I do.
 Q. And what would you say they were?
 A. Labour-Progressive.
 Q. Or in other words, Communist?
 A. Yes.
 Q. And he has expressed himself to you on the subject, has he?
 A. Well, he has never told me he was a Communist.
 Q. What has he told you?
 A. From the way he spoke, from his views on various things, I would say he was.

GORDON LUNAN

- Q. Who is that? (*Showing a photograph*)
 A. Gordon Lunan.
 Q. How long have you known him?
 A. I have known him since the same period, 1938 or 1939.
 Q. And how long is it since you saw him last?
 A. I saw him last just before he flew to England.
 Q. That would be this year? (1946).
 A. Oh, yes.
 Q. Early in January?
 A. Was it early in January? I would have said late.
 Q. Sometime in January, anyway?
 A. Yes.
 Q. And what was the occasion of your seeing him then?
 A. I had written an article for *Canadian Affairs*.
 Q. And he was —?
 A. Editor. It was published in September, and I had not received the cheque, so I had lunch with him and his wife, and asked him, since he was leaving, how I should go about getting the cheque.
 Q. And as a result of that, did you get your cheque?
 A. Yes. Before that, I had not seen him since he joined the army.
 Q. Had you occasion to learn what his political ideology was?
 A. Yes.
 Q. And what was that?
 A. Labour-Progressive.
 Q. Or Communist, whichever you like to call it?
 A. Yes.

- Q. Is the "Labour-Progressive" label deemed a more respectable label?
A. That is the current one.

H. S. GERSON

- Q. Who is that? (*Showing photograph*)
A. Sam Gerson.
Q. And how long have you known him?
A. Well, I have only met him once.
Q. And when was that, Dr. Boyer?
A. I think it was in 1942; I am not sure.
Q. And what was the occasion?
A. Well, his brother-in-law, Norman Lee, told me that he had come to Montreal and was seeking technical work, so could he come over and see me, which he did; and I telephoned Dr. Ross down at the Department of Munitions and Supply and asked him whether he needed someone who had this man's training, and this man went down to see him.
Q. And as a result of that, he did start to work for Dr. Ross?
A. I don't know whether he started to work for Dr. Ross, but he worked in the Department of Munitions and Supply.
Q. You spoke of him and Mr. Lee as being brothers-in-law. Does that mean they had married sisters?
A. Yes.
Q. So that Mrs. Lee and Mrs. Gerson were sisters?
A. Yes.
Q. And at the time you saw Mr. Gerson did you have any discussion as to political ideology?
A. No; none whatever.

DAVID SHUGAR

- Q. Who is that? (*Showing photograph*)
A. David Shugar.
Q. How long did you know him?
A. I have known him since the fall of 1944.
Q. And how well?
A. No, I take it back. I met him once in 1943.
Q. And again in 1944?
A. Again in 1944; yes.

- Q. How well did you know him?
- A. Well; I know him well.
- Q. And do you know what his political ideology is?
- A. Yes.
- Q. And it is what?
- A. Labour-Progressive, or Communist.
- Q. If you know Shugar well, you must have met him more than twice?
- A. I did not mean to say I met him only twice. I say I met him first in 1943; then I did not meet him again until 1944.
- Q. Since then you have met him frequently?
- A. Since that time I have met him a good many times, say fifteen times.
- Q. And how was it; what was the occasion that you got to know him so well?
- A. Through the Canadian Association of Scientific Workers.
- Q. That is an organization which was formed how?
- A. Well, that is how I first met Shugar. He came to Montreal in the fall of 1943, and made the suggestion that there should be such an organization formed. We talked about it all that fall and winter, but nothing happened. Then in the summer of 1944 a group of us in Montreal formed a Montreal branch, and then other branches were formed. Since that time I saw Shugar a good many times.
- Q. So it was Shugar who was responsible for the formation of the organization, which was first formed in Montreal and then branches were formed in different parts of Canada. Is that right?
- A. Well, I would not say he was responsible. He was the first person I heard speak of it.
- Q. As far as you know, it was his idea?
- A. Yes.

FRANK CHUBB

- Q. And who are on that? (*Showing picture*)
- A. Frank Chubb was the secretary. He should have left now and resigned, but he was the secretary up till now.
- Q. And what were his political affiliations?
- A. Labour-Progressive.
- Q. Communist?
- A. Yes.
- Q. Definitely so, I imagine?
- A. Definitely so.

NORMAN VEALL

- Q. And the Executive consist of whom?
- A. There are two others; there is Dr. P. R. Wallace, whom I have already mentioned as chairman of the Montreal branch, and Norman Veall.
- Q. Oh, you know him?
- A. Yes.
- Q. And what are his leanings?
- A. Definitely L.P.P., Communist. He is British.

A. NUNN MAY

- Q. Then I show you Exhibit 142. (*Photograph*) Do you know that gentleman?
- A. Yes.
- Q. Who is that?
- A. His name is May; I do not know his first name.
- Q. Do you know him personally?
- A. Yes. He was a member of the Montreal branch of the Canadian Association of Scientific Workers while he was in Canada.
- Q. How well did you know him?
- A. I met with him as a member of the executive once a week for several months.
- Q. And did you learn during that time what his political ideology was?
- A. I did not learn it, I suspected that he was also Communist.

FREDA LINTON

- Q. Then I show you Exhibit 163. (*Photograph*) Do you know who that lady is?
- A. Yes, I think that is Freda Linden, (Linton).
- Q. Do you know her personally?
- A. Yes.
- Q. How long have you known her?
- A. Fred Rose came to our house one night with her. I remember that it was Christmas Eve; I think it was 1941.
- Q. 1941?
- A. Or 1943; I am not sure which.
- Q. At that time was Fred Rose in circulation?
- A. Oh, it must have been after that, then.

- Q. It must have been after the Labour-Progressive Party was formed, or would it be before?
- A. Well, it must have been after it was formed, or at least after his reappearance.
- Q. Did he reappear before the Toronto convention, do you know?
- A. Oh, yes.
- Q. He did, even though the Communist Party was banned?
- A. Yes, but those Communist members of the Communist Party were released.
- Q. After Russia came into the war; is that it?
- A. I don't remember exactly when it was; sometime, I think, before the Labour-Progressive Party was formed.
- Q. So that at some time around that period he came to your house with Miss Linden?
- A. Yes.
- Q. It is Miss Linden, is it not; not Mrs.?
- A. As far as I know, it is Miss Linden.
- Q. And what was the purpose of that visit?
- A. Merely social.
- Q. Did you see her again after that?
- A. Yes, I have seen her a few times on the street, because she worked in the International Labour Office, which is on McGill Campus.
- Q. Was she ever in your house again?
- A. No.
- Q. Did you have occasion to meet her after that introduction to her at your house?
- A. No. I beg pardon?
- Q. Did you have occasion to meet her after the interview with her at your house? The time Fred Rose brought her to your house?
- A. I met her on the street, yes.
- Q. But other than just meeting on the street, did you have occasion to talk to her?
- A. Just casually on the street.
- Q. Do you know what her political leanings were?
- A. Well, I assumed what they were, since she was with Fred Rose.
- Q. Did she ever say anything in your hearing which could lead you to form an opinion, apart from the company she was keeping?
- A. I don't remember what she said the night she came to our house, but she may have. I don't remember.

Q. But you distinctly catalogued her in your own mind as a Communist?

A. Definitely.

Reference may here be made to an entry in Col. Zabolin's above mentioned notebook made after his arrival in Canada when he was gathering up the threads of the previously existing espionage organization headed by Sokolov. This entry reads:

Contact

1. Freda

Jewess—works as a co-worker in the International Bureau of Labour.

A lady friend of the Professor.

Boyer also belonged to a Communist "study group" in 1938. He testified:—

Q. You are familiar with the process that the Labour-Progressive Party and the Communist Party follow, of building up study groups of various individuals for purposes of studying Marxian ideology?

A. Yes.

Q. Have you ever been a member of one of those groups yourself?

A. Yes.

Q. More than one, or just one?

A. Just one.

Q. When was that?

A. That was in 1938.

Q. In Montreal?

A. Yes.

Q. How long did that group function?

A. Oh, from October till the spring, I would say.

Q. Of what year?

A. Of 1939.

Q. And what happened to it? Would you just cease?

A. Yes.

Q. And have you been a member of any group of that kind since?

A. No.

Q. Where did it used to meet?

A. At various houses.

Q. Would it be at your house at times?

A. Yes.

Q. You told us earlier about having been a member of a study group in Montreal in 1938 when you returned to this country?

A. Yes.

Q. How did you come to become a member of that group?

A. I was invited to participate.

Q. By whom?

A. By Norman Veall; I beg your pardon, Norman Lee.

Q. I have just forgotten, but have you told us already about Lee's ideology?

A. Yes, Communist.

Q. And so that was a Communist group or a group which was, we will say, organized by a Communist or Communists?

A. Yes.

Q. Was that your first introduction to the subject?

A. Yes.

On the solicitation of Rose, Boyer communicated complete information with regard to RDX. We think it best to quote Boyer himself:—

Q. I should like to go a little more fully with you into your relations with Fred Rose, and certain conversations you had with him at which certain of the things you were working on were discussed. Will you tell me how the first of those occasions arose, please, and when?

A. I am not sure when. I think it was early in 1943.

Q. And how did he approach you?

A. He telephoned me and asked me to go to his apartment, and asked me to reveal to him what we were doing in RDX. I told him we had worked out a new process; what materials went into that reaction—mind you, I am not sure that this is the first time I had those conversations with him, but I also told him all the ways in which RDX were used.

Q. This was a conversation in his residence?

A. Yes.

Q. Just the two of you present?

A. Yes. His wife may have been in the apartment somewhere.

Q. But she was not present at the immediate conversation?

A. No.

Q. You and he were in a room by yourselves?

A. Yes.

Q. And did you understand from him at that time that he was asking for this information, and why?

A. Yes.

Q. You were willing to give the information you did give to Mr. Rose, knowing that it would be transmitted by him to the Russians?

A. Yes.

Q. Did you know it was to be transmitted by him through somebody in the Soviet Embassy here in Ottawa?

A. That I did not know. I didn't know —

Q. But you did know it was to go to the Russians in some way or other?

A. Yes.

Q. He made that quite clear?

A. Yes.

Q. Then just to make sure we have it, you first of all told him that a new process had been worked out?

A. Well, as I remember it, that was already known; that release had already been made.

Q. That is, that the newspapers had said that the Canadians had worked out a new process?

A. Yes.

Q. Then you told him all the chemical components of that process?

A. Yes.

Q. That had not appeared in the newspapers?

A. That is correct.

Q. So that was information that could only have been obtained either through official sources or through some person like yourself who knew it?

A. That is correct.

Q. How many components are there in the process?

A. Three.

Q. And you gave him those three?

A. Yes.

The witness was then asked to name the three components and started to do so. He then corrected himself and said there were four components; but we think it not proper to give them here.

The witness also said:—

- Q. You say, Dr. Boyer, that even with that information they could not have manufactured RDX in that formula; am I correct in understanding that?
- A. They could have manufactured it in flasks in a laboratory, but I mean they could not build a plant around that information.
- Q. It would be a good start, would it?
- A. They could then design a plant, I imagine.
- Q. In other words, there are different stages; there is the laboratory stage, the pilot plant stage and the mass production stage?
- A. That is correct.
- Q. What you gave Rose was the laboratory stage?
- A. That is right.
- Q. And many of the Russian chemists are men of very considerable capacity, are they not?
- A. There is some doubt about that.
- Q. You were concerned only with the laboratory stage?
- A. That is right.
- Q. You told us a little earlier in the day that when you had finished your stage the engineers who were designing the plant would get in touch with you to see whether what they were designing would carry out what you had in mind, so far as your process was concerned?
- A. Yes, but once it goes into the plant the engineers are the men who make the decisions, really.
- Q. If the Russian chemists came to the Russian engineers with the information you gave, they could get to work and design a plant by which they could make RDX according to your formula?
- A. They might and they might not. I suppose the answer is yes. I mean the engineering for this reaction was quite unique. It required a different kind of reactor altogether from the ordinary reactor.
- Q. Is the doubt in your mind doubt as to the capacity of the Russian engineers?
- A. No.
- Q. Do you not think that if they had that formula they could design a plant, eventually at least?
- A. Oh, yes.

- Q. That would manufacture RDX?
- A. I should like the Commission to take under consideration, if it will, that by that time the chemicals which went into that process were fairly well known, not only to those working who were working on it, because the plant at Shawinigan Falls was already in operation and once a plant begins to operate, then of course carloads of material come in, hundreds of workmen are employed, and it is generally considered that it is no longer possible to keep the process secret.
- Q. That is as to the ingredients, but the formula is still secret?
- A. That formula is not, my, no; the formula was published, the formula for RDX was known in 1904, as I mentioned.
- Q. But not the formula you worked out?
- A. Oh, yes, it is the same formula.
- Q. I understood you to say that the formula you had worked out was the one you had to satisfy the British would work and that you had to satisfy the Americans it would work?
- A. We had to satisfy them that the material we were making, the actual white powder we were making was the same white powder as was made by the other process.
- Q. You told me that in your process you required different materials?
- A. Yes.
- Q. You told Mr. Williams a few minutes ago about the four materials entering into your process, and that they were different from the British process?
- A. Yes.
- Q. The formula was not known as to the proportions but as to the materials entering into it?
- A. That is right.
- Q. You say that in 1904 German scientists evolved a formula? Do I understand you correctly?
- A. May I interrupt?
- Q. Yes.
- A. Let us make sure what we mean by formula.
- Q. Yes?
- A. What I mean by formula is the actual spacing of the atoms in RDX. It has nothing to do with the process or how to make it. It is just the picture of it, in other words.

- Q. I was using formula in a different sense, to mean the ingredients and the proportions.
- A. I see.
- Q. Using formula in my sense, for the time being, that was not known in 1904?
- A. Oh, no.
- Q. It was not known until you devised it?
- A. That is correct.
- Q. And you say that this Shawinigan Falls plant got operating and anybody who took some trouble to find out what they were using could find out the four items you had been using?
- A. Definitely. In fact, one of my students who went to Shawinigan Falls was told by someone not connected with that plant what was going into the plant and what they were making.
- Q. But neither that student nor anybody else could ascertain from Shawinigan Falls, except improperly, the formula of the product being made in Shawinigan Falls, using formula in the sense I am using it?
- A. That is correct.
- Q. And that is part of the information you gave to Rose?
- A. That is correct.
- Q. You also gave him, as I recall, the different ways in which RDX was used?
- A. Yes. They were not new, of course. They were worked out by the British prior to this last war.
- Q. You say they were published?
- A. No, oh, no, they were not.
- Q. They were still secret?
- A. Oh, yes.
- Q. Perhaps we should know what you told him about that?
- Q. Just go ahead and detail as much as you can of that conversation?
- A. I told him that RDX was used as a high explosive in the form of what is known as Composition A, which is a composition of RDX and beeswax. I told him that RDX was used in the form of Composition B, which was RDX, TNT and beeswax. I told him that RDX was used in the form of torpex, which is the same as Composition B with aluminum dust added. I told him RDX was used in the form of a plastic explosive.

- Q. Were those uses existing uses?
A. Yes.
- Q. By whom?
A. By the British.
- Q. And — ?
A. And the Americans.
- Q. And the Canadians?
A. We did not make all of those four in Canada, no.
- Q. That information came to you in connection with the Research work you were doing?
A. Yes.
- Q. And as a result of that?
A. Yes.
- Q. And it would be just as secret as the formula for RDX, using formula in the sense I have used it?
A. I would not consider it so, no, since it was not new.
- Q. It was not as secret?
A. Let us put it this way: The Germans were using those same compositions. I think that brings the distinction out.
- Q. Were the Russians?
A. Not so far as I know or knew.
- Q. That was another thing they wanted to learn about?
A. Yes.
- Q. So far as these combinations and methods of use that you have been mentioning and that you told Rose, so far as you knew at that time you were telling him something that was new to the Russians?
A. That is correct.
- Q. How long did that conversation take, Dr. Boyer?
A. Perhaps half an hour.
- Q. Could you fix the date more accurately than you have done, the date of this conversation in Rose's apartment?
A. I am sorry, I cannot.
- Q. You said it was in what year?
Q. Early 1943?
A. That is what I thought.
- Q. Was Rose taking notes?
A. Yes.

- Q. Are we to understand that the first time you talked to him about RDX was at his apartment pursuant to his request?
- A. That is correct.
- Q. You met him more than once at his house, did you?
- A. Yes.
- Q. How many times did you meet him?
- A. Three or four times.
- Q. During those three or four times did you discuss RDX?
- A. That is correct.
- Q. Did you discuss anything else with him, Dr. Boyer, of a similar nature?
- A. Nothing confidential. We would discuss the course of the war, any new weapons that were used, the strategy that was used and any of the technical aspects of the war, but not anything confidential.
- Q. Why was it necessary to have three or four conferences with him to give him the RDX story?
- A. As I say, I did not give him all that material the first time.
- Q. The material you gave him the first time you knew he was going to transmit to Russia in some way?
- A. Yes.
- Q. At the next meeting you gave him more information which you knew he was going to transmit to Russia?
- A. Yes.
- Q. Would it be three or four meetings that it took you to turn over all that material?
- A. Well, no; at least once he asked me whether there was anything new in RDX and I simply said, "No."
- Q. How far apart were those meetings?
- A. Oh, I would say six months.
- Q. Do you mean to say six months would cover the three or four meetings or would each meeting be about six months apart?
- A. That each would be about six months apart.
- Q. During all that time you were still working continuously on the development of RDX?
- A. Yes.
- Q. And each six months you would have a little more to tell him? Would that be right, would that be putting it fairly?
- A. No, that represents all the story that I told him.

Q. What I am getting at is this: Could you have told all to him at the first meeting, or had developments taken place that enabled you to add to what you told him at subsequent meetings?

A. I think I could have told him all of that information at the first meeting.

Q. You think you could?

A. Yes.

Q. Prior to this meeting at the house, at Rose's apartment, when he first asked you for RDX, had he shown any inclination of asking you for some information before that?

A. No.

Q. Well, when he broached this subject to you on that first occasion, when he definitely asked for information, did it come to you as a surprise?

A. Yes.

Q. But you did give it to him on that first occasion?

A. Yes.

Q. You are not sure on that; you say it might have taken two or three interviews?

A. That is right. I did not give him all of that. I have told you now that I did not give him all of that on that first occasion.

Q. Was there a little more six-months later; did you convey information also in 1944?

A. Yes.

Q. And through 1945?

A. No.

Q. When did you see him last?

A. Late summer of 1945.

Q. Did you ever transmit any information of a secret nature to him other than at his own house?

A. No.

Q. You did not meet him any place else?

A. No.

Q. He did not come to your house for it?

A. No. He came to our house but not —

Q. Not for the purpose of the transmission of information?

A. That is right.

- Q. Was it agreed that you would come back in six months or did he phone you for the second meeting?
- A. He would telephone me each time.
- Q. During the interval I presume you would see him personally?
- A. I saw him once or twice, perhaps.
- Q. You were handing over to somebody, who was obviously an emissary of the Russians, information which your oath of secrecy forbade you to give?
- A. That is correct.
- Q. Would you like to tell the Commission what moved you to do that, why you did it? I mean that any statement or explanation you feel that the Commission should have, I know they would like you to make.
- A. I have already made a statement how Mr. Howe was willing to give it to the Russians and was not allowed to do so by the Americans. I felt throughout the work that it was unfortunate that the Russians, that there was not closer scientific liaison in connection with such information between the Russian war effort and ours. In fact I mentioned that a good many times. I was very anxious to see a technical mission, a British-American-Canadian technical mission in Russia and a similar Russian mission in Canada. I felt it was of great importance that the scientific war effort on the two fronts should be coordinated. That is all I have to say.
- Q. At that time, when you gave that information to Fred Rose, you knew that Mr. Howe did not have permission to give it to the Russians?
- A. Yes.
- Q. You realized, Dr. Boyer, that what you were doing was contrary to the oath that you had taken?
- A. Yes.
-
- Q. Before you proceed to the next point, Dr. Boyer, when you gave that information to Rose, you told us that you had some information from Dr. Ross as to Mr. Howe's views as to whether or not it should be disclosed to the Russians. At the time you gave that information to Rose, did you tell Dr. Ross or anybody else in the National Research Council that you had done so?
- A. No.

- Q. Would you have been prepared at that time to tell anybody that you had done so?
- A. I don't understand.
- Q. Would you have been prepared to tell Dr. Ross or anybody else in the National Research Council that you disclosed that information?
- A. Under what circumstances do you mean? If I had been asked?
- Q. If you had been asked, or would you have volunteered it?
- A. No.
- Q. In other words you did not want to let it be known to anybody that you had given that information to Rose?
- A. That is correct.

The kernel of Boyer's evidence is contained in the following:—

- Q. It has also been made to appear before us that other persons who were giving secret information, either directly to the Russians or for transmission to the Russians during the last few years, were either Communists or had definite Communist leanings. It would seem apparent that when Rose asked you for information as to the work that you were engaged in that he did that because he knew you for some considerable time. Would that be a fair deduction?
- A. Well, I have known him ever since 1938.
- Q. Not only have you known him, but you were known to him; is that so?
- A. I had worked in many organizations with Communists, yes.
- Q. And would it be a fair deduction to say that Rose spoke to you because he knew how you stood with regard to the Communist Party?
- A. Yes.
- Q. Would it also be a proper inference to say that you gave Rose information because of that same Communist leaning or sympathy which you had?
- A. Yes, I think that is a proper inference.
- Q. You spoke of this Committee for Allied Victory, and I think you said that was an organization that was organized by Communists or persons with Communist leanings; am I right in that?
- A. I think it may have been; I was not present at the first few meetings.
- Q. Was that not your judgment later?
- A. Yes.

Q. There would be no question that the interests of that Committee at that time and its expressed object of allied victory coincided with the interests of Canada at that time?

A. In my opinion that would be so.

Q. So that there are times when the interests of the members of the Communist Party or its sympathizers do coincide with the interests of Canada in which they are citizens?

A. Every time so far as my work is concerned.

Q. Just let us deal with that for a minute. There was no question about that?

A. That is right.

Q. In your mind, and there is none in mine. But when it came to imparting information with regard to RDX to Rose, you could not say the same thing about that, could you?

A. Well, I still felt that it was of tremendous importance that there should be a full exchange of information between Russia and Canada and the United States and England.

Q. I know, but, Dr. Boyer, you have already said that the thing that influenced you in actually giving that information was your Communistic sympathies, and in so doing it you knew at that time that it was the official policy of Canada not to impart that information to unauthorized persons; that is right?

A. That is correct.

Q. In fact you had taken an oath not to do that very thing?

A. That is correct.

Q. So in doing that in that particular instance you were put in a position where you had to act contrary to the interests of Canada as laid down officially?

A. That is correct.

It was on this evidence that in our interim report of March 14, 1946, we said:

“We have now heard Dr. Boyer and he has told us that commencing early in 1943, and continuing into 1944, he gave, for transmission to the Soviet Union, full information with regard to his work which he himself admits was secret. He said that with this information competent persons would be in a position to design a plant to produce the material in quantity.”

Being required by Order in Council P.C. 411 to “inquire into and report upon which public officials and other persons in positions of trust or

otherwise have communicated directly or indirectly secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada, to the agents of a Foreign Power and the facts relating to and the circumstances surrounding such communication" we report that Boyer, on his own admission, did so communicate.

SECTION III. 12

J. S. BENNING, Montreal and Ottawa.

This man, who was born in Montreal of parents born in Newfoundland, entered the employ of Allied War Supplies Corporation, a Crown Company, in June, 1942, taking an oath of secrecy on July 7th "not to divulge any knowledge or information obtained by me in the course of my employment to anyone not employed by this Corporation unless expressly authorized by my superior officers". Shortly thereafter he was transferred from Montreal to the Department of Munitions and Supply in Ottawa. Benning had been hired by Allied War Supplies Corporation on the recommendation of Gerson, his brother-in-law, upon whom we are also reporting. His service with Allied War Supplies Corporation was for training purposes only. It was understood that he would shortly go to Ottawa. The following evidence by an official of the Corporation, describes the situation:—

A. He was hired by me at the suggestion of Mr. Gerson, his brother-in-law. Colonel Ogilvie wished to get a reliable man in his office in Ottawa. He was having difficulty getting a satisfactory man and he had tried two or three people and he was getting rather disgusted. He asked us if we could do anything to help him out and Gerson suggested he had a man available who happened to be this Scott Benning. I was asked to give him a job and teach him something about the game in my office so that when he went to Ottawa he would have that background . . . I think there was some difficulty of that nature in Ottawa, which did not concern me, at any rate. I employed him with the understanding that after a few weeks' training he would go to Ottawa, and that was carried out.

Q. He trained with you two months, I understand?

A. Well —

Q. What was the nature of his work?

A. With me?

Q. Yes?

A. Just getting all the information he could about what we were doing, how we kept our records, so that when he went to Ottawa

Ogilvie's department.

— we had to keep very closely in touch with the work in Colonel

Q. I would just like you to explain to the Commission the relation between Allied War Supplies Limited and the Department of Munitions and Supply, the Filling Branch of that department, of which I understand Colonel Ogilvie was the head?

A. Yes, sir. The Department of Munitions and Supply was responsible for all ammunition and the supplying of many other things, including filling. But they found it advisable, for contractual purposes, to set up Allied War Supplies to do certain things for them, including the looking after of ammunition filling. They retained the right of placing contracts for the shells, cartridge cases, fuses and other metallic components which we would use. The Ammunition Production Branch in Ottawa saw that we were supplied with components as they became available. They had to keep up with the program they set out for us to carry on, but it did not always happen that way and that was one reason why we were kept so busy in dealing with these supplies of components. Colonel Ogilvie was very much interested in knowing how we were getting along with our production and in knowing how we were getting along with our components, how we were getting them, whether we had any difficulty in connection with shipments that were being handled by other departments of Department of Munitions and Supply. He wanted to be kept familiar with all this.

In addition to that he had to pretty nearly duplicate some of our records because he had to answer so many questions put by other Departments in Ottawa. They were always asking for information so he could not just leave it and say, "Well, it is probably your baby, you carry on with the production and keep your records." He had also to duplicate our records in Ottawa in order that he could answer questions that were thrown at him from various sources.

Q. How would you contrast the work that Gerson was doing with Allied War Supplies with the work he was doing with the Department of Munitions and Supply?

A. Very similar. It was just taken over, that work was taken over by the Department of Munitions and Supply on a certain date and he carried on there.

Q. Would the same thing apply to Benning?

A. Benning was looking after these records, the duplicate records in Ottawa, for Colonel Ogilvie all along; that was his employment.

Q. So that the training he got with you at Allied War Supplies was just to fit him to do the work in the Department of Munitions and Supply?

A. Yes, sir.

On Benning's transfer to Ottawa he took another oath of secrecy in terms similar to the first, on July 21st, 1942, which was the date of his transfer. Benning was employed in the Ammunition Production Branch of the Department, of which H. R. Malley and Colonel Ogilvie were directors. In 1943 he was promoted. What was being mooted for him at that time is set out in a letter of August 7, 1943, to the Director-General of the Organization and Personnel Branch of the Department as follows:—

"In July 1942, Mr. Benning was engaged to understudy G. S. Holland, who maintained all records and reports for the Division without assistance.

"There have been no changes or improvements in the methods of recording or reporting since Mr. Benning took over. An additional clerk, grade 3, was engaged last fall to assist with the records and this clerk is now capable to do any of the records or reports.

"Mr. Benning also spends considerable part of his time answering inquiries and making arrangements in connection with the shipment of filled ammunition and advising the production divisions in connection with programme changes, and component requirements of the filling plants. He has a keen grasp of his duties and is doing an excellent job.

"The Ammunition Filling Division acts as liaison office between the Production Divisions and Allied War Supplies. All inquiries from either are funnelled through the Filling Division. The records kept by this Division are really a duplication of information kept at Allied War Supplies. If the latter organization issued detailed statements in conformity with Filling Division requirements, it would not be necessary to maintain records here."

As of April 30, 1945, Benning became joint Secretary of the Canadian Munitions Assignment Committee. This Committee consisted of representatives of the three armed services, the British Army, and Allied War Supplies Limited. This Committee allocated munitions on the basis of statistics supplied by the Economics and Statistics Division of the Department of Munitions and Supply.

An official testified regarding this Committee as follows:—

Q. And there were monthly meetings of the Committee, were there not?

A. Yes, there were.

- Q. What was done at those monthly meetings?
- A. At the meetings all parties were represented, and they allocated the stores that were on the allocation list to these different services and to the British and Americans.
- Q. The allocation would be made on the basis of a forecast of the following month's production. Is that correct?
- A. That is correct. They would get a four-month forecast, but only allocate on the first month following the forecast.
- Q. So the full name is *Canadian Munitions Assignment Committee (Army)*?
- A. That is right.
- Q. And that Committee would make its allocations, and then Benning would receive a directive from it?
- A. From the Committee he would receive a directive, which in turn he would turn over to the different Directors General of the Munitions and Supply, and those Directors General would direct the companies making the munitions and tell them where to send the munitions.
- Q. That is, Benning would get a directive showing the allocation of the munitions?
- A. Correct.
- Q. And he would pass that on to the Directors General of production?
- A. That is right.
- Q. And they would see that the munitions were sent to the persons named in the directive to receive them?
- A. That is right.
- Q. And those forecasts were made up in what way?
- A. Those forecasts relating to the Committee, they were just four-month forecasts. You see, all Canadian munitions were not assignable. Whenever there were different services or different countries wanting the same store, for instance the same type of ammunition, the 40 millimetre, for instance, we would get a forecast for the next month of what the Canadian plants would make, and then for four months after.
- Q. So that a week before each of the monthly meetings—
- A. Yes.
- Q. — Benning would get the forecasts?
- A. Of all the stores that were assignable.

- Q. When you use that expression, do you mean all the stores that were assignable to branches of the Canadian forces, or assignable to other countries?
- A. Whenever a store was wanted by more than two branches or two countries, there was a request that it would be put on the assignment list, and that store then would be forecast.
- Q. In addition to his work with the Assignments Committee, Benning fulfilled other functions, did he not?
- A. Yes, he did.
- Q. What were those?
- A. He helped get information and compile a quarterly report that we called *Forecast of Canadian War Production*. It was quite a big report, and we were all allocated different programs to look after, and he was taking care of gun ammunition, small arms ammunition, mechanical transport, and armoured fighting vehicles. That would mean to say that he would go to the different Directors General of these branches I have just named and get the Forecasts for the following eighteen months on all stores produced by those branches.
- Q. Then in the event of failures, in the Forecasts, that is in the event of failure to produce what was forecast for that period, what duties had Benning?
- A. Every month we had to go back to these different Directors General and get a revised Forecast on all the stores; and if there were any revisions we would make another report called a supplement to the quarterly Forecast, and every month we would put out a supplement.
- Q. Now I show you a document which is marked as Exhibit 218, *Forecast of War Production in Canada for 1944 and First and Second Quarters of 1945, July 1, 1944*. That is the Forecast to which you are referring?
- A. That is right.
- Q. Benning would work on the preparation of this document?
- A. Yes, he would work on the preparation of the document, but especially on those four points I named.
- Q. The four points you have named: first, gun ammunition; second, small arms ammunition; third, mechanical transport; fourth, armoured fighting vehicles?
- A. That is right.

- Q. And would you also work on those statistics in connection with the preparation of reports like Exhibit 218?
- A. Yes. You see, it is a big one, and I had other programs. He had those four I have just named, and I was looking after others.
- Q. Then I show you a document which has not yet been marked, but which I suggest we mark as Exhibit 218-A. This document is marked *Secret* and is headed *Department of Munitions and Supply. Economics and Statistics Branch. Monthly supplement to quarterly Forecast of War Production. Supplement for October 1, 1944.* That is the monthly supplement to which you have just referred?
- A. That is right.
- Q. That would be prepared in the same way, by Benning and yourself?
- A. That is right.
- Q. And would take in —?
- A. Just take in the stores on which there are changes.
- Q. Then a number of copies of these monthly supplements would be made, I understand?
- A. Yes, sir.
- Q. And out of them would be cut slips which would be pasted in the main Forecast report, in the manner indicated in Exhibit 218?
- A. Yes. Well, we wouldn't do it that way.
- Q. Just explain how that would be done?
- A. This, I think, is one of Mr. Carmichael's, the Co-ordinator of Production, his copy of our Forecast. We would send him a copy of this.
- Q. A copy of Exhibit 218-A?
- A. Yes; and instead of changing the whole thing, what he would do would be to paste it the way it is there.
- Q. The way it is in Exhibit 218?
- A. Yes. What we would do, we would take our Forecast up to see the branch concerned, and we would say, "Are there any changes on this Forecast?" If there were, then we would just write it down in pencil in our own Forecast, and then have that supplement typed from that.

- Q. Would any of the information contained in Exhibit No. 218 or Exhibit No. 218-A come to you from the United Kingdom?
- A. No, we sent it to the United Kingdom.
- Q. You sent it to the United Kingdom?
- A. That is right.
- Q. Both of these deal with production in Canada?
- A. That is right. That is only the Canadian production, but we do get information apart from that from the United Kingdom.
- Q. In what form does that information come?
- A. It would be just reports. We would get reports monthly from the United Kingdom on their production of different stores. They would not give us their whole production, but they would give us all the aircraft and all the ammunition and a few more programs like that in which we were interested to compare with Canadian production.

Benning was at the same time made Assistant Secretary of the Depreciation Committee under the jurisdiction of the Co-ordinator of Production. His duties in this post were:

Duties: Under the direction of the Secretary to be responsible for the processing of the applications received from industry for depreciation under P.C. 8640 of Nov. 10/44, and to implement policy and procedural directions. In addition, to be responsible for the Agenda and the Minutes of the Weekly Meetings, and Weekly Report to the Deputy Minister. Finally, to assist in maintaining liaison with industry and other Government Departments through correspondence and personal interviews with a view to dissemination of information in connection with the depreciation.

On October 15, 1945, Benning became Secretary of the Production Board.

In the notebook kept by Colonel Zabolin in which he entered information given him by Koudriavtzev as to the espionage organization operated by the latter and Major Sokolov, the following relating to Benning appears:

Foster—Englishman. Assistant to the superintendent of the Division of distributing of war production at the ministry of Munitions and Supplies.

Has been giving materials on war supplies: guns and other kinds of supplies.

He obtained different work with promotion. Can better give materials.

He is contacting with Martin.

(Ours).

Zabotin began to make these notes sometime after his arrival in Ottawa in June 1943 on information received from Sokolov and Koudriavtzev. They would appear to have been added to at different times. As appears by the letter of August 7th above† Zabotin's or Koudriavtzev's description in the above notes of Benning's then position is quite recognizable. Benning was then under consideration for transfer or promotion to the Economics and Statistics Branch.

Foster was the cover name given to Benning in the Embassy and *Martin* was the cover name for Zheveinov, one of the TASS representatives in Ottawa. That Benning was "contacting with" Martin means that Martin was the person to whom Benning was making his communications.

Colonel Zabotin's mailing list to Moscow of January 5, 1945, credits Benning as the source of supply of items 111 to 173, inclusive, 177 to 179 inclusive, and 191 to 194, inclusive, of which thirty-two items are expressly stated to have originated in the Department of Munitions and Supply. Many others from the descriptions given are also identifiable as originating in that Department.

Item 112 is described as a manuscript as to aeroplane production of October 1944. The evidence shows that for the month of October 1944, (a practice that was followed each month), there was prepared by Federal Aircraft Limited and sent to the Economics and Statistics Branch—

- A. . . . the complete production program of aircraft for the month of October, 1944, by the different plants which are set out here. You have the Boeing Aircraft plant in Vancouver, the Canadian Associated Aircraft in Montreal, the Canadian Car and Canadian Vickers and so on down the line, with the type of aircraft, such as P.B.Y., Hampton, Grumman, Hurricane, Curtiss; this is what they call the Curtiss Hellcat, and so on. They have the complete story. In addition at the bottom here we have deliveries on orders for aircraft not produced in this country, and you have the same story.

†See p. 413 above.

Q. That is the column under the heading "*United States Orders and Deliveries*".

A. That is correct.

Q. I did not follow that. What is the story at the bottom of that sheet?

A. Those are deliveries of orders placed outside this country. In other words, production in the United States.

Q. And delivered in Canada?

A. And delivered to Canada.

Q. So the first part is what is manufactured in Canada?

A. Correct.

Q. And the second part is what is manufactured for Canada in the United States?

A. That is right.

Q. What use does the Economics and Statistics Branch make of those documents?

A. That is used in the preparation, or they are used in the preparation of the monthly production report.

Q. That would be this document, Exhibit 218?

A. That is the *Forecast*.

Q. There is a report made of actual production?

A. Actual production.

Q. And Mr. Benning was working on the reports of actual production?

A. Yes, that is correct.

Q. And on the *Forecasts* also?

A. On the *Forecasts*, yes.

Item 113 on the mailing list is also a manuscript dealing with production of ships dated October 1944.

As to this an officer of the Department deposed:—

Q. Then Exhibit 16, Item 113, is manuscript, *production of ships*, October, 1944, and you produce a document which will be marked No. 403?

A. Yes.

Q. The first sheet is headed, *Estimated sequence of completion dates up to February 28, 1945, for naval escort vessels*. It is actually dated December 6, 1944, but under the heading "*Vessels delivered to November 30, 1944*" it shows the delivery of vessels for the month of October, 1944, as well as other months. That is correct, is it not?

A. Yes.

- Q. Then below the monthly deliveries there is a heading *Deliveries by yards*. That does not show it broken up as to months, but only as to numbers; that is correct?
- A. Types of ships.
- Q. The third sheet is headed *Wartime Shipbuilding, Limited; Montreal, Cargo Ships, Monthly Report. October, 1944*.
- A. Correct.
- Q. That shows all the cargo ships delivered in October, 1944, their actual gross tonnage, the shipyard in which they were built, the delivery date and to whom they were delivered.
- Q. Are the figures on the third sheet included in the first two sheets?
- A. There is a second sheet here covering the production of cargo ships similar to this one. This one covers the naval ships.

Benning had access to this document but he had no occasion to require this particular information for his work as he was not concerned with ships.

Item 114 is thus described in the mailing list:—

Nos. P.P.	Source	From where and under what circumstances the material was obtained.	Designation of the Material	Date and Number	Number of pages	Marked
1	2	3	4	5	6	7
114	Foster	Copy	Telegram No. 2151	29.11.44	5	—

This telegram was produced from the departmental files and is a telegram from the Ministry of Supply, London, to the Secretary of State for External Affairs dated November 29, 1944, bearing Number 2151. A copy was sent to the Department of Munitions and Supply but owing to its contents its circulation was restricted to a very few officials. Benning had to see it for his work.

- Q. Is that a matter that Mr. Benning would have to deal with in the course of his duties?
- A. He would see this telegram, or rather he would see the copy of the telegram received by Mr. Carmichael. A copy of it was sent to the Economics and Statistics Branch and it was consolidated into the forecast.

A number of items on the mailing list, 118, 120, 124, 126, 129, are described variously as *corrections and correction of contracts*. In the Economics and Statistics Branch the Forecast of War Production was maintained from information supplied through the Ammunition Production Branch of

the Department. As new information was received by the Economics and Statistics Branch corrections were made in the *Forecast*. Such corrections sometimes were received in the form of cables and the information was then entered on the *Forecast*. Each quarter a new document was prepared and treated similarly. After July 1st, 1944, there was a change in practice, described as follows:—

A. Exhibit 218 is described as *Forecast of War Production in Canada for 1944 and the First and Second Quarters of 1945*, dated Ottawa, July 1st, 1944; now, it was the practice for the Economics and Statistics Branch to prepare these reports quarterly; but at the late summer of 1944, as you know, it appeared possible that the European war might suddenly end; accordingly, the production programs might be described as very fluid; in other words, they were changed every hour, nearly; accordingly we did not prepare those *Forecasts* for the first of October.

Q. 1945?

A. No, 1944.

Q. 1944, yes.

A. And accordingly, any changes that took place after the first of July, were recorded in the supplement. Now, this particular document, exhibit 218, was the personal property of Mr. H. J. Carmichael, and the changes in production were recorded to the Economics and Statistics Branch; then the document was sent to the Economics and Statistics Branch and the corrections were made on this document—were for Mr. Carmichael's personal use in connection with his business. Now, attached at the various backs of various sheets, you will notice there are excerpts from this supplement.

Q. From 407?

A. That is correct; you will notice that a number of these came from the October supplement, and a number from the November supplement. Now, the November supplement was number 407, and the October supplement was 218-A; this, 218-A, was submitted by myself, which is to indicate the basis of these corrections.

Q. You are referring now to the corrections that have been pinned on to the back of the index sheet, that page facing sheet No. 1?

A. That is correct. And I might add that, throughout the document, there are a great many of these items.

- Q. So that —?
- A. Now, I may add further, in connection with this whole problem of corrections, that the corrections as noted would appear, rather the corrections described in Exhibit 16 (*the mailing list*) are based on the cables; they, in turn, are put in statistical form by means of these supplements to the quarterly Forecast, and, in the case of the document which I now have before me, Exhibit 218, corrections as indicated in this quarterly, in this monthly statement.
- Q. Which is number —?
- A. 407.
- Q. 407?
- A. Were marked in ink in this copy, which was —
- Q. 218?
- A. — which was the personal property of Mr. Carmichael, and is Exhibit 218; and that Mr. Benning would have access to this document.
- Q. The group of cables, Exhibit 405, they came from England and dealt with stage 2 of Imperial Programme?
- A. That is correct, as it affected the Canadian programme facilities.
- Q. Oh, only as it affected the Canadian production facilities?
- A. That is correct.
- Q. And then, with the information in those cables, and the memoranda which Mr. Carmichael made on the basis of them, Exhibit 406, then we have a monthly supplement of the type of exhibit 407 and, they in turn were put on small strips and attached to Exhibit 218?
- A. For the personal use of Mr. H. J. Carmichael.
- Q. Yes, and Mr. Benning would be familiar, and have access to that information all the way through that process.
- A. That is correct.

Items 131, 139, 141, 143-5, 147, 149, 151 and 153 are described in the mailing list as *Supplement to contract* all dated in November 1944. These documents were undoubtedly cables from the Ministry of Supply, London to the High Commissioner for the United Kingdom in Ottawa. Item 139 for instance is described in the mailing list as:—

D.M. and S. Supplement to contract 22.11.44,
3 pages.

On November 22nd, 1944, the High Commissioner's office received a cable from the Ministry of Supply which is properly described as "Supplement to Contract" and dealt with a revision of Canadian production "which", as the cable says, "subject to necessary reservations as to need for periodic readjustment can be taken by D.M.S. for planning purposes as probable scale of production to be brought into operation when Stage 2 begins". The interest of the Russians in "Stage 2" was thus described by an officer of the Economics and Statistics Branch:—

A. Exhibit 16†, they were interested in the Stage 2 Programme of the United Kingdom. From what information they could get in Canada they would be able to judge to some extent the extent of the participation of the United Kingdom in the war in the Pacific. Accordingly I concentrated my efforts in trying to locate the various items described in Exhibit 16 by searching through the information that we had concerning this Stage 2 Programme of the United Kingdom.

Q. What does the Stage 2 Programme mean?

A. It meant the program, the production program for the calendar year following V-E Day.

A. This cable was added to the group just to indicate that there was a very serious situation developing with respect to ammunition and that Mr. Banks, who was attached to the London Office of the Department of Munitions and Supply, advised Mr. Carmichael to send Mr. Berry and Mr. Malley to England to attend a series of meetings which started on Monday, 6th November.

A number of November 1944 cables of this character were produced from the files of the Branch by this officer. Some bear as many as three dates, the date they left London, the date they were received in Ottawa and the date they were received in the Department. For this reason they can only be identified generally and not specifically with any particular item in the mailing list. Benning had all of these documents for the purpose of his work in making up his part of the monthly Forecasts and entering the corrections. Benning's evidence in connection with this matter is as follows:—

Q. I show you a document which has been marked Exhibit 218, *Forecast War Production in Canada, in 1944, and the First and Second Quarters of 1945, Ottawa, July 1st, 1944*. Now, the evidence

†List of materials sent to the Director at Moscow, dated Jan. 5, 1945.

is that this document, Exhibit 218, would be compiled from information gathered together by yourself and others; that is correct, is it not?

A. Yes.

Q. And you observe this particular document is one in which corrections have been made from time to time in pen and ink on the sheets, the original sheets, and that there have been fastened in opposite a number of entries, pieces cut out of the supplement?

A. That is right, sir.

Q. Yes. And the supplement, in turn, would be prepared from statistics and information gathered by yourself and others?

A. That is correct.

Q. Yes, that was part of your duties in the Department in which you worked. Now, was your work such as to cover all of the matters in Exhibit 218, or only part of the matters in Exhibit 218?

A. That would depend mostly upon the date, sir. I joined the Economics and Statistics Branch of the Department of Munitions and Supply in September of 1943, and I was charged specifically with the preparation of statistical reports and certain programmes; the specific ones I was responsible for at all times were; mechanical transport—

Q. Number 5?

A. Number 6, armoured fighting vehicles; number 11, naval instruments and equipment; number 13, ammunition, including empty components, number 14, small arms and munitions. The other programmes I have worked on at various times, and it was a question if somebody was busy, you would take it over, and as the amount of work reduced at various times, I have done a lot more.

A. At this juncture, with regard to 407 and 218, I would like to make a statement that there were several people in our office working on them. Then they were turned over in some cases to our own typists and in other cases up to a pool, where the ditto or the stencil was cut. That stencil in turn was taken over to Slater Street or some such place, because the Printing and Stationery Department was kept pretty well on the hop, where it was run off. It was customary in connection with these particular documents to prepare—oh, upward of 80 to 85 copies. It varied. Invariably, when

you would make out this requisition for the number of sheets you wanted run off, you would tack on another ten or so more than was actually required for your distribution list, because quite often they were spoiled and you had to piece together enough to make a complete set, and more frequently than not we received far more than we had ever ordered.

In the earlier stages, when I was there, there was an attempt made to destroy them properly. You could either sit down and tear them into fine shreds, or dispose of them in the legal manner by calling some janitor or other who would take them and see that they were burned.

Toward the latter stages I am afraid that practice pretty well went by the board, and they were just tossed around. Then the legal distribution of the documents came up to 60 to 65, I forget the exact distribution just at the moment, but I know it gradually diminished over the period I was in the Branch. Therefore there would have been literally hundreds of people who could have had access to those documents.

Q. That is these supplements?

A. Yes, the supplements and these specific documents.

Q. So that if anybody wanted to hand out a copy of Exhibit 218, or any of the supplements, they would not have to go to the work of copying it but there would be copies to be had in the department that never would be missed?

A. Yes; that also is true, sir.

Items 155 and 157 on the mailing list are there described as follows:—

155	Foster	North Amer. Committee of Coordin.	Report of 23.11.44		14	See who was Secr. Meet.
157		North Amer. Committee	Notes and report	23.11.44	8	none

Item 155 is undoubtedly a copy of the minutes of a meeting of the Joint Gun Ammunition Department Filled and Empty, North American Coordinating Committee held on November 23, 1944, signed by H. S. Gerson, the Secretary. Identification is the more sure in that in the column of the mailing list headed "Marked" there is this entry *See who was Secr. Meet.* This note calls the attention of "The Director" to the interesting fact that

the secretary of the committee is none other than their own agent "Gray" (Gerson).

Item 157 is undoubtedly an amendment made to the minutes of the above meeting, also signed by Gerson the secretary.

As to these documents Benning said:—

Q. Looking at Exhibits 411-A, 411-B and 411-C, did you ever see those documents before, or copies of them?

A. It is conceivable that this document or a copy of it came to our office, and if it had and I was reading up at the time on any particular information relative again to the preparation of documents such as Exhibit 218, I think I probably would have seen it. Whether I saw that specific one, I am not sure.

Q. That does contain information relative to Exhibits such as 218?

A. Correct. It contains information that I would be able to use in preparing reports such as those.

Q. I would like you to look at items 155 and 157. You see what has been done in connection with these two items. They refer to the same thing, the report of the same date, and evidently they have been divided into two sections and sent forward in sections.

A. Uh-huh!

Q. And in connection with item 155, again we have that notation, "See who was the secretary of the meeting"; in other words, "Note who was the secretary of the meeting." Again it was Mr. Gerson?

Q. And again it is Mr. Benning who hands the document out?

A. No, sir.

Q. According to Exhibit 16 it is.

Item 157 is undoubtedly an amendment made to the minutes of the above meeting also signed by Gerson the secretary.

Item 156 on the mailing list is described as *D.M. and S. Report of 24.11.44* with the same comment *See who was secr. meet.* This was evidently minutes of the same committee held November 24, 1944.

Benning's evidence on this is:—

Q. I show you Exhibit 412, and ask you if you have ever seen that document or a copy of it?

A. It is conceivable that I might have, because the minutes of production meetings held between division chiefs of the Department of Munitions and Supply, and also meetings held between the Depart-

ment and Allied War Supplies and their directors, as a matter of course, were routed into our office, because it gave us up-to-date information for the preparation of such reports as Exhibit 218. Whether I have specifically seen this report, or a copy of it, I am too hazy to state exactly; it is more than likely I did, but I could not be positive in my assertion.

Q. I draw your attention to the fact, Mr. Benning, that this is item 156 which is also in Exhibit 16, which is also credited to you. And you will notice that the secretary of the committee is Mr. H. S. Gerson?

A. I would like to suggest to the Commissioners, with regard to that particular document, that after a meeting was held, the minutes were written and distributed, and if I had need of any information of that type, I would find it more convenient and up-to-date to interview the Director-General or the directors of any given division, rather than to rely on documents which were always four or five days old before you got them.

Again Item 166 in the list is thus described:—

166	Foster	Copy	Notes on the Conference of	31.5.44
-----	--------	------	----------------------------	---------

This would appear to be the minutes of a meeting—

Q. called at the request of the chairman of the Canadian section, Joint War Production Committee, Canada and the United States—Mr. Carmichael—to consider the advisability of establishing in Canada an organization similar to the Container Co-ordinating Committee in Washington and the Anglo-American Packaging Committee in London, and to consider the necessity for co-operation between committees?

A. Yes.

Q. This, in a sense, was a preliminary organization meeting?

A. That is right.

Q. Looking to the setting up of a Packaging Committee, or something like that?

A. That is correct.

Q. What sort of a Packaging Committee is that?

A. It is in connection with the packing of military stores for use in the Pacific theatre. One of their greatest difficulties was in connection with moisture.

Again item 167 in the list is thus described:—

167	Foster	Copy	Notes on the Conference of	13 and 24 7.44
-----	--------	------	----------------------------	-------------------

These undoubtedly are the minutes of two combined meetings of appointees to the Canadian Container Co-ordinating Committee and the Inter-departmental Committee on Tropical Packaging and Proofing held July 13th and 24th, 1944.

Benning's testimony continued:—

Q. I show you a document, two exhibits, 414-A and 414-B, minutes of two meetings; have you ever seen those or copies of them before?

A. It is conceivable that I have, because, after Sid Stenning had left the branch, I inherited an old book case that was chuck full of various documents; I saved a few bound volumes that existed, and threw the rest away.

Q. You would not need to refer to either of these, 414-A or 414-B for the purpose of your work?

A. No, sir.

Again items 168 and 169 in the list are described as:—

168	Foster	Copy	Notes on the conference of	21.11.44	3	Secret
-----	--------	------	----------------------------	----------	---	--------

169	Foster	Copy	Composition of Packing Commission	22.11.44	3	Secret
-----	--------	------	-----------------------------------	----------	---	--------

On November 21, 1944, a meeting of the Canadian Packaging Committee was held. Item 168 would appear to relate to the minutes of this meeting while 169 would relate to the personnel of the Committee. On this matter Benning said:—

Q. I show you Exhibit 415†, Mr. Benning, and ask you if you have ever seen that document before?

A. It is conceivable that I might have seen a copy of it, but it would not have been of any real interest to me whatsoever:

†Minutes of Meeting of Canadian Packaging Committee, Nov. 21, 1944.

- Q. You will observe that this document, 415, is items 168 and 169 of Exhibit 16, which are credited to you as the source?
- A. Well, I can assure you that with the little I know about the Packaging Committee,—all I knew was that at one time Jack Brunke with whom I used to work in the office of the Coordinator of Production, was, I think, secretary of the Packaging Committee when it was first set up, or, if not secretary, as Director of Administration of the Office or Coordinator of Production, and that Jack Brunke, for whom and with whom I used to work,—and I was charged with certain administrative responsibilities relating to the Packaging Committee.
- Q. The chairman of that committee was Mr. L. K. Webber? Who was he?
- A. Lyle Webber. When I first came to Ottawa, he was division chief of the Packaging Commission. After that he became Director of Component Production of the branch, of the Ammunition Production Branch, of the Department of Munitions and Supply.
- Q. And did you ever work with him?
- A. Not directly, I was on the filling side, but I had a lot of discussions on the side in contacts with him. Yes, I worked with him in that sense.
- Q. But you knew Exhibit 418 for the purpose of your work in that department?
- A. Not at all, sir. It is conceivable that it would be present in the file of the Office of the Coordinator of Production, but where, or under what particular heading, I would not know.

Item 178 in the list is *Copy Arm. Committee of Orders 16.12.44*. This is undoubtedly a summary issued December 16, 1944, of the United States Army Ordnance Committee minutes.

Item 191 is:—

191	Foster	Copy	Report (X) 30.11.44	8.12.44	3	Secret
-----	--------	------	---------------------	---------	---	--------

This is undoubtedly a document headed *Department of Munitions and Supply Production Forecast and Shipment Inventory, Report Ammunition Filling Period Month Ending November 30, 1944*. On the last page it also bears date December 8, 1944. As to this Benning said:—

Q. You will notice that that is item 192 which is credited to you? I show you exhibit 418, and ask you if you have ever seen that document or a duplicate of it?

A. Yes, I have; we received either one or two copies of the X-report.

Q. And that would be for the purpose of your work?

A. Actually, at first I used it; then I did not bother, because the *Forecast* was the only information of value to me; it was purely one which the Director General and some other people were interested in, as it was more fictitious than real.

Q. Now, you will notice, Mr. Benning, that is document 191, which is credited to you as the source?

A. Yes.

Q. Was there a report X for more than one month?

A. On deliveries, there was a monthly report.

We do not think it necessary to detail further in this report our examination of the items on the mailing list credited to "Foster" (Benning). All the identifiable documents were either those with which Benning was directly concerned or which were available to him or to Gerson, his brother-in-law and fellow spy, in the Department of Munitions and Supply where both worked.

We think the note made by Colonel Zabotin in his book as to Benning was accurate then and continued to be so:—

**Has been giving materials on war supplies: guns
and other kinds of supplies.**

He obtained different work with promotion.

Can give better materials.

Benning's move to the Economics and Statistics Branch gave him access to a wider supply of information than was available to him in the Ammunition Filling Division of the Ammunition Production Branch.

Zabotin also makes the note that Benning "*is contacting with Martin*" (Zheveinov). Benning admitted having met Zheveinov but only late in 1945.

Zabotin's note-book also contains this item:—

2. MARTIN—(With Ernst and Foster).

**Basic task—information on the army and looking
for new people.**

"*Ernst*" of course is Adams. Zabotin's note-book shows that Koudriavtzev met Sam Carr in October 1942 and that both Adams and Benning were "*taken on to work at the end of January*" (i.e. 1943).

Benning's activities were apparently not confined to the supply of information. In the notes made by Colonel Motinov dealing with meetings leading up to the issue of the forged passport to the Russian agent in the United States, Witzak, dealt with in Section V there is this entry under date December 5, 1944:—

asked for a meeting through Foster.

As these notes indicate, Sam Carr in Toronto was in charge of the passport project and his right hand man there was Henry Harris. Telephonic calls from *Leon* (Koudriavtzev) in Ottawa to Toronto were not made direct to Carr but to Harris. To cut down the number of these calls by Koudriavtzev and also to hide the identity of the real caller the notes show that Adams sometimes used the direct line of the Bank of Canada, and on the particular occasion here being dealt with, Benning was evidently used to make arrangements for one meeting.

Benning's explanation of the fact that the Embassy records credited him with the giving of information is interesting.

Q. Now, Mr. Benning, can you suggest any reason why a record from the Russian Embassy that was never to see the light of day should credit you with having given information through those channels?

A. Yes, I could. I have given this matter a considerable bit of thought. As a matter of fact, I took occasion to re-read certain portions of *Out of the Night*. I realized that an awful lot of the book was a complete fabrication, but there were certain portions about it that were authentic. It is not unusual, as far as I can gather in other reading I have done in espionage, to create the raising—I grant you that this is fiction or fact according to the credence that any individual wants to put into it—but I find it in several books, presumably written as facts, that when a nation or a party who is resident in a country, such as this, let us say, desires certain material things that his salary does not provide for, it is a comparatively simple operation for him to find out who the people are, where they could possibly be located and then put their names down as persons whom they are receiving information from and presumably paying money for it. Presumably when their immediate chiefs come over and they are asked, let us say, in this case, "Who is this man Foster? What is his position? What has he done?", it is an authentic person, it is not a fictitious name. That is one explanation that went through my mind after my interrogation by Inspector Anthony.

The odd thing about this explanation is that it should have been advanced at all. None of the Embassy records relating to Benning contain any reference of payment to him, although Gouzenko testified that all the agents, with the single exception of Boyer, were in fact paid. Benning did not know of Gouzenko's evidence on this point. Benning's demeanour before us was one of levity until he was confronted toward the close of his testimony with an entry made by him in his own desk book. His attitude immediately underwent a swift and obvious change and he exhibited very definite concern. We shall refer to this at a later stage.

Gouzenko said in his evidence:—

- Q. Do you know who Foster is? Is that a cover name or a nickname?
A. A nickname.
Q. And do you know whose nickname it is?
A. Scott Benning.
Q. How do you know that Foster was Scott Benning?
A. I read the file compiled on him by Gousev.
Q. And that file was also in the safe in room 12?
A. That is right.
Q. And that disclosed the real name and the cover name.
A. Yes.
Q. The file would be kept under which, the real name or the cover name?
A. Always the nickname.
Q. On the cover of the file?
A. Yes.

Benning made the following admission:—

- Q. You have told Mr. Williams this afternoon and tonight that practically all that material that was sent to the Russians formed part of your work?
A. That is correct, sir.

This referred to the items on Zabotin's mailing list credited to "Foster". There were some items already referred to which Benning did not need for his work.

Benning's "conduct", "his known character as proved" to use the language of subsection (2) of Section 3 of *The Official Secrets Act 1939* may now be considered. Benning knew and had associations with almost all the other persons mentioned in this report who were acting as Zabotin's agents,

viz: Poland, Nightingale, Boyer, Durnford Smith, Sam Carr, Lunan, Fred Rose, Gerson, Willsher, Shugar, Adams, Freda Linton, Agatha Chapman and Mazerall. He had known Poland for eight years both in Montreal and Ottawa. He had known Nightingale since 1942; he testified:—

Q. Matt Nightingale. How long have you known him?

A. I first met Matt, I think it was around the latter part of 1942, some time in the fall or early winter of 1942. I think his first wife and my sister knew each other, and I had met Mary, his first wife, in Montreal, and she ran into me up here. In those first days—and I just came here, so anybody I met from Montreal was extremely acceptable; so she asked me to keep an eye on Matt, so I had him up to the house a few times, and I was very pleased to do so.

Q. The sister you refer to is Paulette, I understand?

A. Yes.

Boyer knew Benning well and knew his views. Benning was not quite frank regarding his association with Boyer and we do not think the cause was lack of memory. Benning's evidence is as follows:—

Q. Then I show you Exhibit 117†; is that the photograph of anybody you know?

A. There is a certain familiarity with somebody pointed out to me in Montreal a few times.

Q. Supposing you look at 118 at the same time?

A. No. 118 I have never seen.

Q. They are photographs of the same man; in one, he has a moustache, and in the other he has none.

A. No, I am sorry; conceivably I might know him.

Q. If I told you they were photographs of Professor Raymond Boyer, would you recognize them?

A. I would not recognize the photograph; I am sorry; but I recognize the name. I think I met Boyer once. I have seen him around Montreal at various times. He was slightly out of my class, speaking financially.

Q. Did you say that you knew Dr. Boyer?

A. I knew him very, very casually. I think I met him once in Montreal slightly. He was pointed out to me as being a rather wealthy individual, and I have seen his picture in the paper. I know he was associated with the development of RDX.

†Photograph of Raymond Boyer.

Q. When your picture was shown to Dr. Boyer, this question was put to him:

Q. Who is that?

A. That is Scott Benning.

Q. Do you know him?

A. Yes.

Q. How long have you known him?

A. Oh, I have known him for a good many years, I met him, I think, in 1938, in Montreal.

Q. Do you know what his political leanings are?

A. I think I do.

Q. And what would you say they are?

A. Labour-Progressive.

Q. Or in other words, Communist?

A. Yes.

Q. And he has expressed himself to you on the subject, has he?

A. Well, he has never told me he was a Communist.

Q. What has he told you?

A. From the way he spoke, from his views on various things, I would say he was.

How is it that Boyer would say he has known you for many years, and he recognized your picture, if you say you met him only once?

A. I didn't say I met him only once. I said I met him in Montreal, and at the particular time when I was moving in the circles I talked about.

Q. You knew him well?

A. I didn't know him well, sir.

Q. He seems to know you pretty well?

A. That is not my fault.

Q. So you say his evidence, like that of the two others, is not accurate?

A. I would suggest that a man with his training might have a more retentive memory than mine.

Q. All right, thank you.

Benning has also known Lunan for a considerable time. He said:—

Q. How long have you known him?

A. I think I first met Lunan some time around 1938. Those were the days of the Spanish Medical Aid, China Relief, the League against Fascism and War.

Q. You and he were interested in all those organizations?

A. I do not quite like the wording of that question—"you and he were interested in that". I was what you would call a parlour-pink, I believe, or as some of the more orthodox would call an arm-chair Bolshevik.

I think shortly after that I did a fair amount of reading, mostly of a left wing nature. I started off with—I think the first book that made a real impression on me was Beverley Nicholls' *Cry Havoc*. From there I graduated to *The Merchants of Death*. After that I had some of Laski and some of Strachey. Several times I started to read Marx, but I must admit that it proved a bit too cumbersome. The same with most of the more orthodox of the Communist writers, with the possible exception of another book that remained very clearly in my mind; I think it was called: *The Coming Struggle with Fascism* written by Palme Dutt.

On the basis of that particular kind of reading I gravitated, let us say, more naturally to people holding rather liberal viewpoints, and thus became quite interested at one time in the Civil Liberties League or Union, I forget what the Montreal one was called. I think the Toronto one was Union and the Montreal one was League, or vice versa. I attended some of their meetings.

From there I was interested in the Spanish Relief Committee. I am not entirely sure, mind you, of some of the various names, but the rough idea is the same; and the Chinese Relief Committee; and in the closing stages, before the war finally broke, the League against War and Fascism; and during that period I ran into Lunan, and I did a certain amount of work such as stuffing envelopes, and things of that nature. But I am afraid I did not allow it to interfere with my more social activities.

In spite of this we think Boyer's judgment as to Benning was reasonably accurate.

As to his relationship with Gerson, Benning testified:—

- Q. Then Exhibit 125. Is that a photograph of your brother-in-law?
- A. Technically not my brother-in-law; my wife's brother-in-law.
- Q. That is —?
- A. Sam Gerson.
- Q. And you and he are married to sisters?
- A. Correct.
- Q. Your wife was a Miss Schlein?
- A. Correct.

.

Q. What are your relations with Gerson?

A. Oh, fairly good. We have had the odd scrap. We are rather different in temperament, sir. He is inclined to be a bit more lethargic than I am, a little slower, and I am inclined to be a little more volatile and fly off the handle more readily; but pretty sound.

Q. Do you see him often?

A. Quite frequently since his wife has moved up here. They took a place, I think it was last April, up at Gleneagles, and my wife and I would go up quite often and spend the week-end.

Q. And did you meet the same friends?

A. Oh, well, sir, Sam bowled, and he knew a lot of other people. I didn't do very much bowling or things like that. We both know Agatha Chapman. Sam was not a great person to get around an awful lot. I was more inclined to go out and have people in more frequently than he was, due to the fact that he lived in the country, and it was very awkward for people to get out there.

The following evidence given by Benning strikes us as being significant:—

Q. Did you know that Gerson was giving information?

A. I was not aware of it, sir, and I find it very difficult to believe it, sir, too.

Q. Did you ever discuss such matters with him?

A. No, I found it preferable and more convenient not to discuss *it* with anybody — not even my wife, nor questions of the type of work I was doing because . . .

A document in Gerson's handwriting was produced by Gouzenko from the Russian Embassy. This was put to Benning and he testified as follows:—

Q. Mr. Benning, I would like to ask this. Mr. Gerson made certain admissions to us and documents in his handwriting were produced from the Russian Embassy which he admitted to be in his handwriting, and he made certain other admissions to us. Then he also very clearly admitted to us, perhaps in what he did not say as well as in what he did say, and in fact he said he did not want to say any more than he had said because, he said, he did not want to put the finger on anybody for certain personal reasons. Knowing him as you do, what interpretation would you put on that?

A. He did not want to put the finger on anybody for certain personal reasons?

Q. Yes?

A. Really, I do not know.

Benning also was a member of certain study groups or "cells" to which some of these others belonged. Willsher testified:—

Q. Will you look at this photograph and say whether you recognize the person represented there?

A. Yes.

COMMISSIONER:—Whose picture is that?

COUNSEL:—Eric Adams.

Q. When did you meet him?

A. At a private meeting; I don't know whether it was his or somebody else's.

Q. When was that?

A. I think it is 1942. I don't know, to be exact.

Q. In what circumstances?

A. In a study group.

Q. Who was present?

A. Miss Chapman.

Q. Who is Miss Chapman?

A. She works in the Bank of Canada, or in the Bureau of Statistics.

Q. And her full name is Agatha Louisa Chapman?

A. Well, Agatha; I do not know the second name.

Q. She was working where?

A. At the Bank of Canada at the moment. I don't know whether she is in the Bureau as an employee, or the Bank of Canada, but at that time it was the Bank of Canada.

Q. Who was she working for in the Bank of Canada?

A. I don't know, except that Mr. Adams was in her office. I don't know whether he was her direct employer or not.

Q. And who was present the night you met Adams?

A. Somebody Benning, I think.

Q. What is his first name?

A. I have forgotten.

Q. How old is he, about?

A. About 30.

Q. I suggest that his name was James Scotland Benning?

A. Scott; that's right.

Q. And where was he employed at the time?

A. I think it is the Department of Munitions and Supply.

According to Willsher this group met every three weeks up to the end of 1944.

Benning's evidence as to this is:—

Q. Then Exhibit 126; that is the photograph of a woman. Do you know her?

A. I have met her in my days as a ski instructor. I remember she was in a ski class.

Q. Do you remember her name?

A. Yes, it is Willshire, I think; either Wiltshire or Willshire. I think she was up at my house once, when I ran a listening group on this program *Things to Come*.

Q. Do you know what she did, what her occupation was?

A. I am not entirely sure; I think she worked for the British Government, in some particular position.

Q. In Ottawa?

A. In Ottawa.

In Benning's treatment this group becomes merely a group listening to the radio. However, he subsequently broadened this out somewhat:—

Q. Did you know Miss Willsher?

A. Yes, sir.

Q. Where did you meet her?

A. I think the first time I met Miss Willsher was when she attended a meeting of the listening group at my home. I also met her skiing, going skiing with Agatha. She was in the car several times.

Q. Did you ever attend a meeting at Agatha Chapman's apartment with her, a study group?

A. I have been there for a social evening, where the general course of the discussion was primarily of an economic and political nature.

.

Q. Did you ever belong to any study groups, limited in numbers, that used to meet at Agatha Chapman's house?

A. I have attended what to me was an informal group, where we discussed casually topics very much in the same nature as the *Things to Come*; I mean current economic and political problems; but I was not aware of its having any particular significance or of being limited to any particular degree.

- Q. Do you recall attending a meeting at Miss Chapman's house, where you attended as representative of one of these small study groups, at which there were representatives of some five or six other Ottawa groups, which met to discuss questions of policy?
- A. What type of study group are you referring to there, sir?
- Q. I am referring to study groups that have been described by witnesses here as Communist cells?
- A. Well, my answer to that is no, sir.
- Q. Did you belong to any small study group in which the Marxist ideology and economic principles were discussed?
- A. Again my answer to that would be, I have, in the days in Montreal, belonged to an organization or a study group that was known as the *Left Book Club*, where we discussed the current publications and most of them, or I should say all of them, were of a left wing character; and the odd time I have been to Agatha's house and we have had casual discussions. My wife and I have dropped in, and there were other people there, and we have discussed things casually; but it was never on a regular or fixed nature.
- Q. Are you aware that at these study groups, the ones I am referring to, which have been described here as Communist cells, small fees are paid to a treasurer and then by the treasurer paid into a central fund?
- A. I could well believe it.
- Q. You say you could well believe it. Are you not aware of the fact that that is the way these study groups work?
- A. The study groups that I have been associated with, we have been solicited for funds for *The Tribune*, and things of that nature, but I was not aware of the fact that the funds were being used for the advantage of any specific political party.
-
- Q. Miss Willsher, in giving her evidence before this Commission, Mr. Benning, referred to being a member with Miss Chapman and with others of a study group in Ottawa in the year 1942. She stated that Miss Chapman, Mr. Eric Adams, yourself and a man named George—and perhaps one or two others, were members of a study group which you attended in Ottawa regularly for the purpose of studying Marxist ideology; what would you say about that?
- A. I would say that I have attended social evenings in Agatha's house when George was alive.

- Q. Did you attend a study group in 1944 of which Matt Nightingale was a member?
- A. I think it was in 1944 I had a listening group in my own house, and Matt used to turn up on Tuesday evenings fairly regularly.

Benning's evidence as to his acquaintance with Shugar is as follows:—

- Q. Then Exhibit 128; is that a photograph of anybody you know?
- A. I have met him. He used to be in the navy. I have met him at Fortune, skiing. His name is Dave Shugar.
- Q. Is he a friend of yours?
- A. No, I would call it more an acquaintance.
- Q. How long have you known him?
- A. In the last year and a half I would say I have run into him about eight or nine times skiing.
- Q. Only on that basis?
- A. Yes, sir.
- Q. When you speak of skiing, did you leave Ottawa with him to go skiing or just meet him there?
- A. I met him, and once I drove down with him. I forget who it was, but we were waiting for a bus and somebody gave us a lift into town.
- Q. But your trip together was not fixed previously?
- A. No, sir.
- Q. You always met there without telephoning or anything?
- A. Yes, sir.
-
- Q. I think you said you had also met or knew Shugar?
- A. I have met Shugar skiing.
- Q. Skiing?
- A. That is correct.
- Q. Are those the only occasions that you have run into him?
- A. To the best of my knowledge. I have run into him on the street or in the restaurants. As a matter of fact I have had lunch with him, but through meeting him accidentally at Murphy-Gamble's, and things like that. We would wait in the line-up, and they would ask if four people would pair up.
- Q. All your contacts with him were accidental?
- A. Were incidental.

Q. I said "accidental"?

A. Yes, sir.

Q. Purely accidental?

A. That is correct.

Q. You had no business with him; you had no occasion to communicate with him apart from these accidental contacts?

A. No, sir.

However, Shugar's name and telephone number at Naval Service Headquarters were found entered in Benning's writing in the telephone number finder which Benning kept on his desk. Faced with this Benning then explained:—

Q. And you say that the only time you ever met Shugar was skiing, and you never had any communication with him except that. Will you explain why Shugar's name and telephone number is in there, in your handwriting?

A. Yes, sir. I was trying to get an apartment, and I made it a practice at that time — and I think that can easily be substantiated by practically everybody I met — I inquired their telephone number, in which event I would have that telephone number because at that particular time I don't think he was looking for one.

Q. And being up skiing, where would you make the entry?

A. I would probably jot it down on the back of a package of cigarettes, or some such thing, and put it in my phone index when I came back. Or I might have called him, conceivably, because I have very vague recollections of having heard him mention having seen an apartment, or something like that.

Q. And is that why you had Rose's telephone number in the previous exhibit also?

A. I don't think so.

Q. The question of an apartment?

A. I don't think so, sir.

As to his contacts with Fred Poland and Fred Rose, Benning testified:—

Q. What about Poland?

A. The same answer would go there. Fred (Poland) I saw around less often. I quite considered them as being very much as I was, interested onlookers interested with them to do a certain amount of work in things that they believed in.

Q. Then Exhibit 124. Is that a photograph of anyone you know?

A. That is Fred Rose, M.P.

Q. Do you know him personally?

A. Oh, about the same way that I know Sam Carr. I have heard him speak, and I have bumped into him at these cocktail parties and musicales that the left wing circles used to hold to raise funds for—what was the Communist paper called in those days? I think it was *The Clarion*, and then it became *The Tribune*. They had various fund-raising stunts.

Q. And you would meet him at those?

A. That is right.

.

Was that your only contact with him?

A. Yes; purely a social contact.

Q. At cocktail parties.

A. I have heard him speak, as I said before, at public meetings, and I have run into him at cocktail parties, and I have also noticed him walking around Ottawa, going into the House, and things like that.

Q. Any other contact with him?

A. No, sir.

However in an alphabetical notebook found in Benning's desk he had entered in his own writing on the appropriate page the following, after other names and numbers:—

Fred 3-8605 4394.

These numbers are respectively the telephone numbers of Fred Rose at his Ottawa apartment 30 Beechwood Ave. and at Room 639 in the House of Commons.

When this fact was brought to Benning's attention in the witness box his demeanor underwent the change to which we have already referred. He lost his care-free manner and became visibly agitated. Thereupon he gave the following explanation:—

Q. Do you recognize this booklet, exhibit 397?

A. Not from here, sir.

Q. Then take it and look at it.

A. Oh, yes.

Q. That is yours, is it?

A. Yes, sir.

Q. The entries in there are your handwriting?

A. Yes, sir.

Q. Let me see it, please. On the page that has the letters E and F on it, the last entry is, *Fred. 3-8605. 4394*, and the evidence here is that those are the telephone numbers of Fred Rose in Ottawa at Beechwood Avenue and in the House of Commons. Will you explain why those entries are in your handwriting, if the only contacts you had with Fred Rose were accidental as you have explained?

A. No, I am afraid I cannot, sir. I may have put the numbers down as I was in the habit of putting down the numbers of everybody I had known or met at various times.

Q. You did not put down the numbers of everybody you met at cocktail parties or saw going along the street, did you?

A. Not as a general rule.

Q. Then will you explain frankly, Mr. Benning, without any equivocation or reserve, why these entries are there?

A. I would like to, sir. If you say they are in my handwriting, they must be.

Q. You said they were. Look at it. I asked if the entries in the book were in your handwriting. You said they were. Do you want to change that?

A. No, sir; that is my writing.

Q. Then explain the circumstances under which you put them there?

A. I am afraid I cannot, sir, because I do not recall having put it in there.

As we have occasion to point out elsewhere, *The Official Secrets Act 1939* makes the fact that a person has been in communication with an agent of a foreign power "*evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power*", (sub-section 2 of section 3).

By sub-section 4 a person shall "*unless he proves the contrary*" be deemed to have been in communication with an agent of a foreign power

if, among other things, the name or address or any other information regarding such an agent has been found in his possession. We have no doubt that Fred Rose was such an agent.

Regarded therefore from the standpoint of the Statute, there is evidence that Benning obtained information from the Department of Munitions and Supply for a purpose prejudicial to the safety or interests of Canada, that purpose being to communicate it as the documents produced from the Embassy say he actually did. We are unable to say that Benning has met the burden so placed upon him. For our part we do not believe his denial.

In Benning's house there was found a number of sheets written in manuscript in the German language containing names, numbers and camps of some thirty-three German prisoners of war in Canada, with certain extracts from letters evidently written to them, and the names and addresses of the senders, all of whom appear to live in Germany. These letters bear dates from December 1942 to September 1944. There is also a list of names of some of these German residents with such comments as "morale high" or "low" followed by the name of the prisoner of war in which each person was interested.

When Benning was asked about these documents he said they were in the handwriting of his wife, that she had worked in the Censorship Branch of the Post Office, and that in this way she "practised" her German in her lunch hour when she *first* secured that position. This explanation will hardly do for the reason that while Benning's wife was first employed on December 1st, 1942, she continued to be employed until September 1945 and the letters referred to bear dates in 1942, 1943 and up to September 1944. Moreover the analysis of the morale of the letter-writers hardly comes under the head of brushing up on a language.

It may be pertinent in this connection to call attention to sub-section 2 of section 3 of *The Official Secrets Act, 1939*, which provides that if any note, document or information relating to any "prohibited place" or anything in such a place is made, obtained, collected, recorded, published or communicated by any person except a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State "*unless the contrary is proved*". A prisoner of war camp would seem to come within the definition of a "prohibited place" in section 2 (i) (i) of the statute.

Having, therefore, been directed by the terms of Order in Council P.C. 411 to "inquire into and report upon which public officials and other persons in positions of trust or otherwise have communicated, directly or indirectly, secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada, to the agents of a Foreign Power and the facts relating thereto and the circumstances surrounding such communication" we are of opinion that the evidence before us throws upon Benning the burden of reasonably satisfying us that he has not so communicated information and we are not so satisfied; on the contrary our opinion on the evidence before us is that he was engaged in these operations.

SECTION III. 13

ALLAN NUNN MAY

One of the many objectives of the Russian organization in Ottawa was the atomic bomb. The exhibits produced reveal how anxious the organization was to obtain as full information as possible about the work done by the nuclear physicists, in connection with the use of atomic energy.

As far back as March 28th, 1945, Lunan reported to Rogov:—

Badeau (~~Smith~~) informs me that most secret work at present is on nuclear physics (bombardment of radioactive substances to produce energy). This is more hush-hush than radar and is being carried on at the University of Montreal and at McMaster University at Hamilton. Badeau thinks that government purchasing of radium producing plant is connected with this research. *

Lunan was here transmitting a report from Durnford Smith (Badeau) on the work of the National Research Council.

In mid-April of the same year one of the tasks given to Lunan and set out in the "*Organizational Directives*" for his group was:—

5. . . . Ask **Badeau whether he could obtain Uran No. 235, let him be cautious. If he can, let him write in detail about the radium producing plant.**

At about the same time, Motinov prepared a draft of a telegram for Zabotin to send to Moscow, which reads:—

To the Director,

The Professor reported that the Director of the National Chemical Research ~~Institute~~ Committee, Stacey, told him about the new plant under construction: Pilot Plant at Grand'Mere, in Province of Quebec. This plant will produce "Uranium". The engineering personnel is being obtained from McGill University and is already moving into the district of the new plant. As a result of experiments carried out with Uranium, it has been found that Uranium may be used for filling bombs, which is already in fact being done. *

The Americans have developed wide research work, having invested in this business 660 million dollars.

"Grant"

* Faint type indicates words crossed out in original documents.

This telegram was probably not sent. "*The Professor*" is Raymond Boyer. The location of the plant is wrongly given; it was at Chalk River and not at Grand Mere. The mistake evidently occurred when Motinov later made his notes of what Rose had told him of Rose's conversation with Boyer, which had also dealt with R.D.X.

At this time, according to another document, Angelov ("*Baxter*") was given instructions to approach May (*Alek*) and to obtain from him a sample of Uran. 235, and information as to the location of the United States Atomic Bomb Plant. The same mistake as to the location of the plant appears in this exhibit.

There was some talk, too, that Smith might get into atomic research work. A report in Russian on one of the meetings of Lunan's Group, probably that of April 18th, says—

Badeau asks for permission to change to work on uranium. There is a possibility either by being invited or by applying himself, but he warned that they are very careful in the selection of workers and that they are under strict observation.

The same exhibit records Motinov's "*Conclusion*":—

... 2. **Not to recommend the transfer of Badeau to the production of uranium but to develop more widely the work in Research. In the future, for the purpose of more efficient direction, it is expedient to detach him from Back's group and to key him up as an independent contact man.**

The matter was also taken up with Halperin (*Bacon*) because Lunan records, in a report dated 5th July, 1945:—

Bacon . . . He is himself curious about the Chalk River Plant and the manufacture of Uranium. He claims that there is a great deal of talk and speculation on the subject but that nothing is known outside of the small and carefully guarded group completely in the know. He emphasized that he himself is as remote from this type of information as I am myself.

Evidently Lunan pressed Halperin to get Uranium-235 because another document records a report from him on Halperin (*Bacon*) as follows:—

Bacon.

It has become very difficult to work with him, especially after my request for Ur 235 (Uran 235). He said that as far as he knows, it is absolutely impossible to get it. Thus for instance he declared that perhaps it (Uran) is not available in sufficient quantity. Bacon explained to me the theory of nuclear energy which is

*

probably known to you. He refuses to put down in writing anything and does not want to give a photograph or information on himself. I believe I think that at present he has a fuller understanding of the essence of my requests and he has a particular dislike for them. With such a trend of thought as he has, we cannot obtain it is impossible to get anything from him except with the exception of verbal descriptions, and I am not in a position to understand everything fully where it concerns technical details.

*

*

*

*

*

I asked him what is taken into consideration in the construction of the very large plant (Chalk River, near Petawawa, Ontario), in the general opinion the principle of production of which is based on the physical properties of the nucleus; with regard to his expression of opinion that it is impossible to get Uran 235. He replied that he does not know. He believed that the project is still in the experimental stage.

In July, 1944, Dr. Cockcroft, who holds the chair of Jacksonian Professor of Natural Philosophy at Cambridge, England, and who is a scientist of international reputation, had been made director of Atomic Energy Project, Montreal and Chalk River, and worked in collaboration with Canadian scientists at the Montreal Laboratory of the National Research Council.

Dr. Allan Nunn May, a British temporary civil servant, formed part of the research group that came over to Canada, and was at the Montreal Laboratory as a group leader under Dr. Cockcroft. In the performance of his duties, May had access to a substantial amount of knowledge of the work that was being done in connection with the Atomic Energy Project. The evidence shows that before coming to Canada, he was an ardent but secret Communist and already known to the authorities at Moscow. Not

* Faint type indicates words crossed out in original documents.

long after his arrival here he was contacted on instructions from "*The Director*", and given the cover name "*Alek*" by the organization of Colonel Zabolin. In view of his background and the position he occupied, he was a logical person from whom the Russians could expect to obtain the available knowledge on atomic energy. By telegram dated July the 28th, 1945, "*The Director*" at Moscow sent a telegram to Colonel Zabolin with reference to Dr. Allan May ("*Alek*"), reading in part as follows:—

No. 10458

30.7.45

To Grant

Reference No. 218.

. . . Try to get from him before departure detailed information on the progress of the work on uranium. Discuss with him: does he think it expedient for our undertaking to stay on the spot; will he be able to do that or is it more useful for him and necessary to depart for London? ~~In the first half~~

Director. 28.7.45 *

These instructions were promptly followed in Ottawa, for a few days later, on the 9th August, 1945, the following telegram was sent to Moscow by Zabolin:—

241

To the Director,

Facts given by Alek: (1) The test of the atomic bomb was conducted in New Mexico, (with "49", "94-239"). The bomb dropped on Japan was made of uranium 235. It is known that the output of uranium 235 amounts to 400 grams daily at the magnetic separation plant at Clinton. The output of "49" is likely two times greater (some graphite units are ~~established~~ planned for 250 mega watts, i.e. 250 grams each day). The scientific research work in this field is scheduled to be published, but without the technical details. The Americans already have a published book on this subject.

(2) Alec handed over to us a platinum with 162 micrograms of uranium 233 in the form of oxide in a thin lamina. We have had no news about the mail.

9.7.45.

Grant. *

* Faint type indicates words crossed out in original documents.

On the same date, another telegram was forwarded by Zabotin giving information obtained from May on a man by the name of Norman Veall, upon whom we are also reporting (see Section IV, 1). This telegram disclosed that May advised against accepting any information about the atomic bomb from Veall.

243

To the Director,

Alek reported to us that he has met Norman Veal (he was at his home). Veal works in the laboratory of the Montreal branch of the Scientific Research Council . . . He asked the opinion of Alëk: Is it worth while for him (Veal) to hand over information on the atomic bomb. Alek expressed himself in the negative. Alek stated that Veal occupies a fairly low position and knows very little. . . .

Grant.

9.8.45.

A few days after May had handed over to the Russians information concerning the atomic bomb, and the above-mentioned quantity of uranium 233, Zabotin paid a social visit to a friend living in the vicinity of Chalk River. He then had the opportunity of seeing the plant from the river during a motor-boat cruise, and reported to "*The Director*" what he had seen. The latter, on the 14th of August, 1945, sent him a telegram which included the following:—

11438.

14.8.45.

To Grant

1. Your No. 231.

Wire what connections F—— has with the plant indicated by you, where is he working at present, and what are your mutual relations with him?

If possible, give a more detailed description of the exterior of the plant. . . .

Director.

May made two visits to the same plant: the first on the 16th August, 1945, and the second on the 3rd September. He also went on several occasions to the Chicago plant, doing experiments in collaboration with American scientists.

On August 22nd, 1945, "The Director" telegraphed Zabolin:—

Supplement to No. 11923

N 11931

22.8.45

To Grant

Take measures to organize acquisition of documentary materials on the atomic bomb!

The technical process, drawings, calculations.

Director,

22.8.45.

On the 31st August Zabolin, not having received any reply from Moscow as to the value of the information on the atomic bomb which he had sent, telegraphed to "The Director" as follows:—

275

To the Director

I beg you to inform me to what extent have Alek's materials on the question of uranium satisfied you and our scientists (his reports on production etc).

This is necessary for us to know in order that we may be able to set forth a number of tasks on this question to other clients. Have you received all NN mail up to July of this year?

Grant

31.8.45

The evidence shows that May provided the Soviet espionage leaders with information on other subjects as well as on the atomic bomb. One of the documents is a telegram from Zabolin to Moscow, reading as follows:—

242

To the Director

On our task Alek has reported brief data concerning electronic shells. In particular these are being used by the American Navy against Japanese suicide-fliers. There is in the shell a small radio-transmitter with one electronic tube and it is fed by dry batteries. The body of the shell is the antenna. The bomb explodes in the proximity of an aeroplane from the action of the reflected waves from the aeroplane on the transmitter. The basic difficulties were: the preparation of a tube

and batteries which could withstand the discharge of the shell and the determination of a rotation speed of the shell which would not require special adaptation in the preparation of the shell. The Americans have achieved this result, but apparently have not handed this over to the English. The Americans have used a plastic covering for the battery which withstands the force of pressure during the motion of the shell.

Grant.

9.7.45.

After his second visit to the Chalk River plant on September 3rd, 1945, Dr. May departed for England. The documents that have been produced reveal that Colonel Zabotin's organization was aware of this departure and that May was instructed to contact a person in London, England. This contact was being organized between Moscow, London and Ottawa.

The following telegrams were exchanged between Zabotin and "The Director" on this matter:—

No. 10458

30.7.45

To Grant

Reference No. 218.

~~28.7.45~~

*

Work out and telegraph arrangements for the meeting and the password of Alek with our man in London.

Director. 28.7.45

Grant

31.7.45

244

To the Director,

We have worked out the conditions of a meeting with Alek in London. Alek will work in King's College, Strand. It will be possible to find him there through the telephone book.

Meetings: October 7.17.27 on the street in front of the British Museum. The time, 11 o'clock in the evening. Identification sign:—A newspaper under the left arm. Password:—Best regards to Mikel (Maikl). He cannot remain in Canada. At the beginning of

* Faint type indicates word crossed out in original documents.

September he must fly to London. Before his departure he will go to the Uranimum Plant in the Petawawa district where he will be for about two weeks. He promised, if possible, to meet us before his departure. He said that he must come next year for a month to Canada. We handed over 500 dollars to him.

Grant.

11955
22.8.45

To Grant

Reference No. 244.

The arrangements worked out for the meeting are not satisfactory. I am informing you of new ones.

1. Place:

In front of the British Museum in London, on Great Russell Street, at the opposite side of the street, about Museum Street, from the side of Tottenham Court Road repeat Tottenham Court Road, Alek walks from Tottenham Court Road, the contact man from the opposite side—Southampton Row.

2. Time:

As indicated by you, however, it would be more expedient to carry out the meeting at 20 o'clock, if it should be convenient to Alek, as at 23 o'clock it is too dark. As for the time, agree about it with Alec and communciate the decision to me. In case the meeting should not take place in October, the time and day will be repeated in the following months.

3. Identification signs:

Alek will have under his left arm the newspaper "Times", the contact man will have in his left hand the magazine "Picture Post".

4. The Password:

The contact man: "What is the shortest way to the Strand?"

Alek: "Well, come along. I am going that way."

**In the beginning of the business conversation
Alek says: "Best regards from Mikel".**

**Report on transmitting the conditions to Alek.
18.8 Director.**

**22.8.45
Grant.**

The evidence before us does not reveal whether the contact referred to in the above telegram was made.

In February, 1946, while our investigation was in progress, May was arrested in London on a charge of violating the Official Secrets Act. Before being arrested, Dr. May confessed his guilt. His written statement, signed by him, reads as follows:—

About a year ago whilst in Canada, I was contacted by an individual whose identity I decline to divulge. He called on me at my private apartment in Swail Avenue, Montreal. He apparently knew I was employed by the Montreal laboratory and he sought information from me concerning atomic research.

I gave and had given very careful consideration to correctness of making sure that development of atomic energy was not confined to U.S.A. I took the very painful decision that it was necessary to convey general information on atomic energy and make sure it was taken seriously. For this reason I decided to entertain proposition made to me by the individual who called on me.

After this preliminary meeting I met the individual on several subsequent occasions whilst in Canada. He made specific requests for information, which were just nonsense to me — I mean by this that they were difficult for me to comprehend. But he did request samples of uranium from me and information generally on atomic energy.

At one meeting I gave the man microscopic amounts of U.233 and U.235 (one of each). The U.235 was a slightly enriched sample and was in a small glass tube and consisted of about a milligram of oxide. The U.233 was about a tenth of a milligram and was a very thin deposit on a platinum foil and was wrapped in a piece of paper.

I also gave the man a written report on atomic research as known to me. This information was mostly of a character which has since been published or is about to be published.

The man also asked me for information about the U.S. electronically controlled A.A. shells. I knew very little about these and so could give only very little information.

He also asked me for introductions to people employed in the laboratory including a man named Veale but I advised him against contacting him.

* *The man gave me 200 ANM some dollars (I forget how many) in a bottle of whiskey and I accepted these against my will.*

Before I left Canada it was arranged that on my return to London I was to keep an appointment with somebody I did not know. I was given precise details as to making contact but I forget them now. I did not keep the appointment because I had decided that this clandestine procedure was no longer appropriate in view of the official release of information and the possibility of satisfactory international control of atomic energy.

The whole affair was extremely painful to me and I only embarked on it because I felt this was a contribution I could make to the safety of mankind. I certainly did not do it for gain.

As it will be seen, May clearly admits having done what has been revealed by the official documents from the Embassy, namely, the giving of uranium and a written report on atomic research as known to him. He denies having made the pre-arranged contact previously mentioned. The person who contacted him in Montreal and obtained the uranium and other information concerning the atomic bomb has been identified by Gouzenko as being Lieut. Angelov, one of the Secretaries of the Military Attache. It has also been established by the documents that the amount of money which May received was at least \$700. plus two bottles of whisky.

After having elected to be tried by a jury in London, May, on the day set for his trial, pleaded guilty and was sentenced to ten years penal servitude.

After he had pleaded guilty and the United Kingdom Attorney-General had summarized the facts of the case, defending Counsel put in a plea for leniency. In passing sentence Mr. Justice Oliver said:—

Alan Nunn May, I have listened with some slight surprise to some of the things which your learned counsel has said he is entitled to put before me: the picture of you as a man of honour who had only done what you believed to be right. I do not take

* Faint type indicates words crossed out in original documents.

that view of you at all. How any man in your position could have had the crass conceit, let alone the wickedness, to arrogate to himself the decision of a matter of this sort, when you yourself had given your written undertaking not to do it, and knew it was one of the country's most precious secrets, when you yourself had drawn and were drawing pay for years to keep your own bargain with your country — that you could have done this is a dreadful thing. I think that you acted not as an honourable but a dishonourable man. I think you acted with degradation. Whether money was the object of what you did, in fact you did get money for what you did. It is a very bad case indeed. The sentence upon you is one of ten years' penal servitude."

We have no doubt of the importance of the information given by Dr. May on atomic energy; for that purpose we had the advantage of hearing Dr. Cockcroft whose collaboration has been most helpful in the determination of the extent and value of the secret data communicated. This is further dealt with in Section VII.

SECTION III. 14

AGATHA CHAPMAN, Ottawa

Miss Chapman was born in England, May 6th, 1907, and came to Canada in 1918. She is a graduate of the University of British Columbia having obtained her Bachelor's Degree in commerce and subsequently in 1931 her Master's Degree. After some intermediate employment she entered the employ of the Bank of Canada in 1940. When testifying before us, while still on the staff of the Bank, she was on loan to the Bureau of Statistics.

The name of Agatha Chapman was first mentioned in evidence by Kathleen Willsher when she deposed that she had met Eric Adams for the first time in 1942 in a study group in Ottawa when Chapman, Adams, and Benning were present. It was Chapman who invited Willsher. The subject under discussion that evening was, "socialist literature, Marxist literature I suppose you would call it." Adams was in charge of the meeting. The group met regularly every three weeks until Adams left for Montreal at the end of 1944. As to the nature of these groups, Willsher testified:—

Q. Was employment in the government service a qualification for membership in this group?

A. Not that I know of.

Q. What was the qualification?

A. Interest in the same kind of study.

Q. Interest in Communistic writings and teachings?

A. Yes.

Q. And did she (*a mutual friend*) mention any names that you should see, and persons that you should see in order to join the group?

A. Miss Chapman.

Q. She mentioned Miss Chapman?

A. Yes.

Q. And you didn't know her before?

A. Yes, but not in that connection.

Q. But you knew her?

A. Yes.

Q. You phoned her, or you went to see her?

A. I think she phoned me.

Q. And she asked you to join?

A. She asked me if I would like to go to this study group.

Q. And you accepted?

A. Yes.

Q. She knew you were working in the Office of the High Commissioner?

A. Yes.

Q. She knew Adams was in the Communist Party also?

A. Yes.

Q. And she arranged it so that you and Adams would meet?

A. Yes.

Q. And she kept it secret?

A. I suppose so.

On this same matter Mazerall testified:—

Q. Mr. Mazerall, will you tell us when you first met Fred Rose; tell the Commissioners when you first met Fred Rose?

A. I really cannot give you any date. It was shortly after he was elected the first time, if I remember correctly.

Q. Shortly after he was elected where?

A. To the House of Commons.

Q. And where did you meet him?

A. I believe it was at the home of Miss Agatha Chapman.

Q. In Ottawa?

A. That is correct.

Q. On what street?

A. Somerset Street, I believe; yes, Somerset Street.

Q. And how did you come to go there?

A. It was a meeting of representatives from various study groups who were sympathetic to the Labour-Progressive Party.

Q. Was that the name of the Party at that time?

A. I believe so.

Q. What was the occasion of the meeting?

A. It was to hear Fred Rose give an analysis of the difference in the stand taken by the Labour-Progressive Party and the C.C.F.

Q. And that is the first occasion when you met Fred Rose?

A. To the best of my knowledge it is.

Q. But it was not the first occasion that you had assisted at these meetings?

A. No.

- Q. So that would be approximately when?
- Q. In 1943, I imagine?
- A. Yes, I imagine it would be about that.
- Q. And the first meeting at which you assisted, what was decided? Would you explain the nature of those meetings to the Commissioners, Mr. Mazerall?
- A. Mainly the study of Marxist philosophy.
- Q. What sort of philosophy?
- A. Marxist.
- Q. To cut it down to the shortest possible description, you considered that was a cell of the Communist Party?
- A. You might consider it so.
- Q. I want to have your views on that, your honest views, Mr. Mazerall?
- A. I really never did consider that I belonged to the Communist Party.
- Q. I am not speaking of you; I am speaking of the organization, the study group there.
- A. Yes, it might have been.
- Q. I want a better answer than that, if it is possible. You say it might; I want to have your views on it.
- A. Yes. Well, I think it was; yes.
- A. Subsequent to the forming of that group at that time, Durnford Smith joined; then David Shugar, and still later this chap Gordon Lunan.
- Q. Would you give us the approximate times when these three groups existed; the periods. Take the first group?
- A. The first group would have been from about 1941 to possibly the end of 1941. The next one, through part of 1942 — no, all of 1942, and possibly 1943, and the third one from 1943, I think.
- Q. The third one in 1943 until —
- A. No; the first one might have gone into 1942, and the second one on into 1943.
- Q. And when you met Fred Rose for the first time it was at a meeting of what group?
- A. That was at a meeting of the representatives from each of the other groups.
- Q. A number of groups?
- A. Yes.

- Q. Of the three groups?
- A. There were more than three groups, actually. I had had personal contact at that time with only two of them, and subsequently with the third one.
- Q. The period covered by the third group was from sometime in 1943 down to the present?
- A. 1943 or early 1944.
- Q. To the present?
- A. Yes.
- Q. So how many groups were represented when you met Fred Rose for the first time?
- A. Four and possibly five.
- Q. Were they all groups from Ottawa?
- A. Yes.
- Q. There is one answer I do not understand. You said you never considered yourself a Communist, although you had been attending these group meetings twice a month since 1941 until sometime in 1945, when it became more irregular. You say you never did become a member of the Party?
- A. No. Well, it was a sort of tacit consent, you might say, but there was no official Party, and no official membership.
- Q. There was no formal act of your becoming a member?
- A. No.
- Q. But did you consider yourself a member?
- A. Actually I did not.
- Q. You were still unconvinced, with all this education you were receiving?
- A. I don't think I received very much, frankly. It was primarily — the meetings were primarily to study various books by Karl Marx.
- Q. Did you pay a monthly fee?
- A. Yes, we did subscribe subsequently to the Labour-Progressive Party.
- Q. How much did you pay?
- A. I think it was around a dollar or so.
- Q. A dollar a month or a dollar a meeting?
- A. No, a dollar a month.
- Q. To whom did you pay that?
- A. To the person who was the secretary of the meeting.

Q. And did you change secretaries at each meeting, or was there a permanent secretary?

A. No, they didn't change at each meeting. It was a more or less permanent secretary.

Q. And you turned in the money then to whom?

A. To the chairman of that group.

Q. Who was —?

A. I believe that was Miss Chapman.

Q. Miss Chapman?

A. I think so.

Q. When you say that representatives of the group attended this Rose meeting, did you actually mean that, or did you mean all the members?

A. No; the same people who would have normally gone to the group meeting if Fred Rose had not been there.

Q. That is, the entire membership of the groups went?

A. No, just the secretaries. Actually it was not necessarily the secretaries; it was some person picked from the group.

Q. Picked by whom?

A. By the group.

Q. To act as a delegate?

A. That is right.

Q. And how many of these central meetings did you attend?

A. Possibly half a dozen.

Q. And where did they take place?

A. All of them at Miss Chapman's.

Miss Chapman in her evidence was not equally frank. She said:—

Q. We might save time, Miss Chapman, if I put this question to you directly; evidence has reached this Commission that you had at your place, and you followed elsewhere, various study groups. Would you mind telling us what you know about that?

A. Since I have been in Ottawa, before I came to Ottawa, I have been in a number of different study groups with different people. The purpose of them was not to study definitely what you call Communism, but to discuss, as I understood it, current affairs and

political ideas in general, or different viewpoints. I have always been interested in that sort of thing, and I have been to various study groups in my own home and other places, too.

Q. All right. How often at your home?

A. Oh, it used to vary; sometimes it would be once a month, or something like that.

Q. During what period of time?

A. Well, ever since 1938.

Q. Ever since 1938, up to what time, up to the present?

A. Up to the present. I have had most of them on a very informal basis.

Q. Are you still carrying them?

A. Sometimes, but not so much recently.

Q. When did you diminish the number of these meetings?

A. When did I diminish the number of these meetings?

Q. Yes.

A. It depends partly on how busy you are, and how busy other people are, and so on. It is up and down. In the summertime, people do not feel like sitting around and talking.

Q. I gathered from your previous answer that recently you were not as active as in the past; is that what you said, or have I misunderstood you?

COMMISSIONER: That is the impression I got.

COUNSEL FOR WITNESS: Mr. Fauteux says that the impression—that is his impression, and that is what I got too, that the frequency of these meetings had decreased.

THE WITNESS: Oh no, I am sorry if I gave you that impression; they varied from time to time because it depends on how busy people are, how busy other people are; I did not mean to give the impression that there has been any change in the frequency. There was one group I used to attend a while ago which dropped altogether, some time back.

Q. How many people were in your group?

A. In my group?

Q. In your study group?

A. I have had various study groups, been in various study groups. I have been in various study groups.

Q. How many various study groups have you been in?

A. I could hardly count them.

- Q. And at this group did you study Marxism?
- A. We would sometimes read some Marxism, but most of our discussions would be on current topics.
- Q. I was not asking you about anything else. At these groups I asked you if you would study Marxism?
- A. We did sometimes discuss Marxism.
- Q. Quite frequently?
- A. Sometimes—I do not know what you call frequently. We usually got ourselves so involved in discussions on current developments.
- Q. Would you collect any moneys?
- A. We would sometimes take collections for special occasions.
- Q. For what?
- A. We took a collection one time for the Windsor strike.
- Q. That is the Ford strike?
- A. Yes.
- Q. Any other moneys collected for any other purpose?
- A. Let us see. We took one for the Aid to Russia at one time, the Canadian Soviet Friendship Council.
- Q. Anything else?
- A. No; I don't remember any.
- Q. Any moneys collected to buy papers or periodicals or books?
- A. We would sometimes if somebody was going to Montreal or Toronto—they would get some papers for us.
- Q. What papers?
- A. We would like to read *National Affairs Monthly*, for instance. You cannot get it—some of us—you cannot get it on the newsstands.
- Q. *National Affairs Monthly*; is that a paper or a periodical?
- A. It is a magazine.
- Q. Who publishes that?
- A. I am not sure actually who publishes it. I read it in the Bank of Canada library myself.
- Q. What organization is responsible for it?
- A. I think it is not the official organ of the Labour-Progressive Party.
- Q. But it is an organ, is it?
- A. I don't know whether it is an organ. I know people connected with it.

- Q. All right, Miss Chapman, you are not doing anything. We have the paper here. Any other papers or books?
- A. Sometimes they would bring *New Masses*, too, which is a United States paper.
- Q. *New Masses*, is that also a Communist paper?
- A. I believe you would call it Communistic.
- Q. Would *you* call it Communistic?
- A. Well, I know it is understood to be Communistic. I do not understand the question, whether I call it Communistic.
- Q. I think you understand it well enough. Anything else, now?
- A. No.
- Q. Miss Chapman, did you hold any office in this study group?
- A. No.
- Q. Did it have a secretary?
- A. It did not have formal officials. It was just an informal group.
- Q. Who collected the money?
- A. Oh, some individual would take the responsibility of collecting money.
- Q. You did sometimes?
- A. No, I never have. I don't remember ever collecting it.
- Q. Who can you remember as having received money at any time?
- A. I suppose it is possible I may have taken some and handed it out. I don't remember because it was on a very informal basis.
- Q. I am not asking what you don't remember. Do you remember anybody who received any of these moneys?
- A. No, I do not.
- Q. And you have spoken of other study groups going back to 1938. Would they be similar to the one you have described of 1945?
- A. Along the same sort of line.
- Q. And has Poland ever been a member in these groups with you?
- A. I don't ever remember him.
-
- Q. Mazerall?
- A. No.
- Q. Just a minute; let me read this to you, Miss Chapman, from Miss Willsher's evidence:
- Q. Whose picture is that?
- A. Eric Adams.

- Q. When did you meet him?
 A. At a private meeting; I don't know whether it was his or somebody's else's.
- Q. When was that?
 A. I think it is 1942. I don't know, to be exact.
- Q. In what circumstances?
 A. In a study group.
- Q. Who was present?
 A. Miss Chapman.
- Q. Who is Miss Chapman?
 A. She works in the Bank of Canada, or in the Bureau of Statistics.
- Q. And her full name is Agatha Louisa Chapman?
 A. Well, Agatha; I do not know the second name.
- Q. She was working where?
 A. At the Bank of Canada at the moment. I don't know whether she is in the Bureau as an employee, or the Bank of Canada, but at that time it was the Bank of Canada.
- Q. Who was she working for in the Bank of Canada?
 A. I don't know except that Mr. Adams was in her office. I don't know whether he was her direct employer or not.
- Q. And who was present the night you met Adams?
 A. Somebody Benning, I think.
- Q. What is his first name?
 A. I have forgotten.
- Q. How old is he, about?
 A. About thirty.
- Q. I suggest that his name was James Scotland Benning?
 A. Scott; that's right.

- Q. What would you say about that?
 A. I just do not remember it. I have not any recollection of those three people being at my house.

Q. Do you know this gentleman here? (*showing photograph*)

A. That is Mr. Fred Rose.

Q. How long have you known him?

A. I have met him a few times since he came to Ottawa, as I remember it.

Q. What year was that?

A. I do not remember, when he was elected.

Q. How often did you meet Rose?

A. Oh, in the course of time he was here, perhaps, half a dozen times.

- Q. On what occasion, at your place?
- A. He would drop in and have supper, once or twice.
- Q. Is that all?
- A. Yes, or he would drop in and talk, not necessarily to have supper.
- Q. Talk to —?
- A. To me.
- Q. Anybody else?
- A. Or anybody else,—anybody else who happened to be there.
- Q. Anybody else?
- A. I do not remember any specific people; there were different people in and out of my place, and he would talk to anybody who happened to be there.
- Q. People who would be invited for that purpose?
- A. No.
- Q. How many people would be there when he would talk?
- A. He did not ever deliver talks. He would just converse.
- Q. On what subject?
- A. On what is going on in the world, current events, what he thought about the state of Canada, conditions and affairs.

- Q. I am exhibiting to you a number of issues of *National Affairs*. That is the periodical you have been referring to, is it not?
- A. Yes.
- Q. You can find by whom it is published?
- A. Yes.
- Q. The National Committee of the Labour-Progressive Party?
- A. That is right.
- Q. It is very clear, is it not?
- A. That is right.
- Q. You knew that?
- A. When I said it was not the organ I did not know whether it was the official organ, whether it speaks officially or not. I knew it was connected.
- Q. And can you read that at page 194:

We did not follow the American example; on the contrary, the Communist Party being outlawed by the King government we established the Labour-Progressive Party with a Marxist programme, and

utilized the possibilities and the widespread progressive sentiment to strengthen our Party and extend its influence.

You knew that, too?

A. I read it there.

Q. I am asking you, do you know that the Labour-Progressive Party is the current label for the old Communist Party?

A. I do not think they have made any secret about it.

Q. That is not the question you are asked. Would you answer the questions?

A. Yes, I understand —

Q. You would save a lot of time if you would answer the question directly.

Q. Will you answer the question?

A. Yes, I understand that.

Q. You knew that?

A. I know it, yes.

Q. You knew it since when?

A. Oh, I do not remember when I knew that.

Q. But it has always been to your knowledge?

A. It was my understanding.

Q. And to make it clear, Miss Willsher testified here when she was asked what qualification was needed to belong to any of these groups, especially the one she was with, the group to which you belonged yourself;

Q. What was the qualification?

A. Interest in the same kind of study.

Q. Interest in Communistic writings and teachings?

A. Yes.

Is that right?

A. That is putting it more specifically.

Q. Were there regular dues collected in these study groups?

A. No.

Q. We have information that some were requested to pay \$1.00 a month?

A. No.

- Q. Were there any sorts of contributions?
- A. Not where I was. As I described, there were special contributions for special occasions. Sometimes we would decide we would like to take up some money, as I gave an example, for the Windsor strike, and we might take it up over a period of months.
- Q. Did you ever pay a due or fee or anything of that kind to the Communist Party or Labour-Progressive Party?
- A. No.
- Q. Or any organization in connection with it?
- A. No.
- Q. Or for the support of any of its objects?
- A. Pardon?
- Q. Or for the support of any of its objects?
- A. That is such a broad definition I find it very hard to say whether or not. I might have given money to the Red Cross organization which is in support of the war, and is in support of the Red Cross.
- Q. I see. I will take that answer.
- Q. Now, what other groups besides the one you have described did you belong to?
- A. What other group?
- Q. Yes, what other groups? You have the names of certain persons belonging to one group and you stated you belonged to several groups?
- A. At different times.
- Q. What are the other groups?
- A. Well, a while ago there was a group or a couple of study groups here called the Fellowship for a Christian Social Order. I was connected with it, and we used to have discussion groups.
- Q. What else?
- A. I belonged to the Canadian Soviet Friendship Council. I am on the executive.
- Q. What else?
- A. Those are all that have any formality that I can think of now. I belong to the Ottawa Public Affairs Council.

Miss Chapman's attention was also called to the following evidence given by Mazerall:

Q. You have me a little confused there, Mr. Mazerall. I understood that the meetings at Miss Chapman's were meetings of the secretaries of the various groups?

A. That is correct.

Q. How many groups?

A. Possibly five, at the outside.

Q. Then at the Rose meeting, how many groups were represented?

A. The same five. I believe it was five; it may have been four or six, I couldn't say definitely; and that is all.

Her answer was:—

A. I do not remember it at all.

Q. You deny it?

A. I do not remember it at all. I have no recollection of it. Mr. Mazerall has been at my house, but I have no recollection of a meeting of secretaries of groups at which he was at my house.

Q. Would you suggest that Mazerall is not telling the truth then?

A. As I say, I want to go on record as having no recollection of any meeting of secretaries of groups that Mr. Mazerall was at at my house or anybody else.

Q. Would you have any reason to suggest that Mazerall is not telling the truth there?

A. I do not know.

Nightingale had also testified:—

Q. You told us yesterday that you attended some study groups?

A. Yes.

Q. I believe with Communist leanings, to put it as you did, in Ottawa? Where did you attend these meetings?

A. It was at some house out toward Holland Avenue. I don't know the direction, and I don't know the streets.

Q. Always at the same place?

A. I think so. It was only two or three times.

Q. I thought yesterday you said you were going to various places?

A. I don't really know.

Q. But on Holland Avenue?

A. It was not on Holland; it was on one of those little streets near Holland.

Q. You do not know where it is?

A. No, I don't know Ottawa very well.

- Q. Who showed you the place?
A. I went out in a car.
Q. The street car?
A. No, an automobile.
Q. Who was driving the car?
A. Agatha Chapman drove me out.
Q. She is the one who brought you there?
A. Yes.

This evidence being put before Miss Chapman she was asked:—

- Q. Do you remember that?
A. It is quite possible I may have taken him visiting to some house out there; I do not remember it as you describe it.
Q. Not as I described it, but as he describes it, because I quoted the evidence given by the witness; and you say you do not remember?
A. I do not remember taking him to Communist study groups.
Q. Well, did he — may I take it, Miss Chapman, that as to these parts of the evidence of Miss Willsher which were read to you, of Nightingale, of Mazerall, which refer to study groups, Communism, at your house, that you say that you do not remember?
A. How should I answer that?

COUNSEL FOR WITNESS: I do not know.

THE WITNESS: I have not denied.

Kathleen Willsher testified that it was Chapman who arranged with her for meetings with Adams on street corners in Ottawa in 1945 after Adams had been transferred to Montreal. Adams drove in his car to Ottawa and picked up Willsher on the street and on these occasions she communicated to him confidential information obtained in the course of her work in the Office of the High Commissioner for the United Kingdom. She said:—

- A. I didn't contact him; Miss Chapman just told me he was coming, and she apparently did the contacting.
Q. She told you he would be in his car at a certain place at a certain time?
A. Yes.
Q. And you were to be there?
A. Yes.

It was Chapman also who arranged with Willsher for Willsher to go to Montreal to see Adams. Willsher's evidence is:—

- Q. Why did not Adams make his own arrangements to meet you on the street corner?
- A. I don't know. He didn't.
- Q. Were you requested to meet him in Montreal at all?
- A. Yes, last September.
- Q. In September of — ?
- A. 1945.
- Q. How did you know that you were requested to go there?
- A. Miss Chapman told me.
- Q. What did she tell you?
- A. She said he would like to see me during September, towards the end of September.
- Q. For what purpose?
- A. Just to ask me a few things, I suppose. She said he was going away, so would I try to see him before the end of September.
- Q. She said he was going away?
- A. Yes.
- Q. Where?
- A. She didn't say where. She said he wouldn't be in Montreal. I suppose that's it; it would be somewhere distant from here.

It is not surprising, in view of the evidence given by Miss Chapman and quoted above, that on this subject she should give the following typical evidence. She will not deny. She "does not remember".

Willsher had said:—

- Q. You told us that Adams left Ottawa for Montreal around 1944?
- A. Yes.
- Q. How did you meet him thereafter?
- A. He came to Ottawa sometimes.
- Q. How often?
- A. About three or four times, as far as I can remember.
- Q. Four or five times?
- A. No, I think three or four times. I don't remember.
- Q. And how would you get in touch with him then?
- A. Miss Chapman told me he was coming.
- Q. Every time?
- A. Yes.

- Q. She would phone you?
- A. Yes, or if I happened to see her anywhere.
- Q. Or if you would meet her?
- A. Yes.
- Q. Tell us exactly what procedure was followed?
- A. She would telephone, or tell me if she happened to see me somewhere.
- Q. Miss Chapman would telephone you and tell you she had to see you somewhere?
- A. No. She might telephone me and tell me that he was coming, or she might meet me somewhere in the normal course of events and tell me.
- Q. That Adams was coming?
- A. Yes.
- Q. And then?
- A. I would arrange to meet him.
- Q. How would you arrange to meet him?
- A. He usually was driving, and he would just pick me up.
- Q. That is the way the meeting would take place, but how did you arrange to meet him; through whom? How would you contact him?
- A. I didn't contact him; Miss Chapman just told me he was coming, and she apparently did the contacting.
- Q. She told you he would be in his car at a certain place at a certain time?
- A. Yes.
- Q. And you were to be there?
- A. Yes.

Chapman's evidence is as follows:—

- Q. Do you know this gentleman here? (*showing photograph*)
- A. Yes, Mr. Eric Adams.
- Q. — how long have you known him?
- A. I knew him because he worked in the Bank of Canada when I was coming in.
- Q. You met him very often?
- A. No.
- Q. Yes?
- A. I got to know him better when we were both working for National Selective Service, under great pressure, and I saw quite a lot of him at that time.

- Q. Did you ever meet him at your place?
 A. He has been to my place once or twice.
- Q. Once or twice altogether?
 A. Not many times.
- Q. About how many times a month?
 A. Not as often as once a month, certainly.
- Q. Do you remember a trip by Miss Willsher to Montreal?
 A. She has been in Montreal a number of times.
- Q. How do you know that?
 A. She would tell me she had gone down for a week-end.
- Q. Why would she tell you?
 A. Well, she has this mutual friend, for one thing.
- Q. Who is the mutual friend?
 A. Helen _____.
- Q. Did you say Miss Willsher told you very often she was going to Montreal?
 A. I do not remember. I just remember occasionally she would say she had been there.
- Q. How often would that be?
 A. Oh, very seldom.
- Q. All right. How often would that be? How many times?
 A. I cannot remember any specific occasion. When you asked me if she had ever told me she had been there I know she has been there, but I cannot remember when.
- Q. Or that she was going there? Did you know she was going?
 A. I imagine she must have told me sometimes she was going, but I do not remember that either specifically in regard to specific questions.
- Q. Miss Chapman, my question was not limited to what Miss Willsher may have told you. I asked you if you knew she was going to Montreal on occasions.
 A. I cannot deny that because I think it is very likely she did tell me at some particular times but as I say I do not remember any specific occasions. I could not give you dates or how many times or anything else because as far as I was concerned it is very unimportant to me if she went to Montreal or did not.

Q. Did you arrange any meetings between Miss Willsher and Eric Adams?

A. I have not any recollection of having done so.

Q. Well, the memory of Miss Willsher is better than yours. She says referring to these meetings, she said you had arranged:

Q. Did you tell Miss Chapman; of course, Miss Chapman —

A. She knew because she arranged it.

A. I do not remember that at all.

Q. You do not remember having arranged any meetings between Miss Willsher and Eric Adams?

A. No.

COMMISSIONER: Since Adams left?

COUNSEL: While Adams was in Ottawa first.

A. I do not remember that at all. Since I knew them both they might very well have seen each other with me at any particular time but I do not remember arranging any specific meeting.

Q. Did you relay any message or messages to Miss Willsher in connection with any meeting between Miss Willsher and Adams?

A. I do not remember having done so.

Q. You do not deny that you may have?

A. I cannot remember having done so at all.

Q. You do not deny that you may have?

COUNSEL FOR WITNESS: I suggest, Mr. Commissioner, you have the witness' answer, she does not remember.

COMMISSIONER: I have not got the witness' answer. If the witness answered that question I will take it, but I did not hear the answer to my question.

Q. I asked you if you deny that you had?

A. I answered that by saying I have no recollection of having done so.

Q. That is the same answer you made before. I will put it this way. If Miss Willsher says you did and that she kept an appointment or appointments with Adams on messages from you would you deny that?

A. Well, I told you I cannot remember. When you say Miss Willsher said so —

Q. Yes, and the question is, if Miss Willsher says that do you deny it?

A. I think Miss Willsher is wrong.

Q. Do you deny it? Will you deny it?

A. Specifically I do not remember.

Q. That is as far as you will go?

A. Yes.

Miss Willsher's evidence was:—

A. He usually was driving and he would just pick me up.

Q. That is the way the meeting would take place, but how did you arrange to meet him; through whom? How would you contact him?

A. I didn't contact him; Miss Chapman just told me he was coming, and she apparently did the contacting.

This was put to Miss Chapman as follows:—

Q. What do you say about that?

A. I do not remember that at all.

Q. You deny that?

A. I do not remember. I have no recollection of it at all.

Q. Do you deny what Miss Willsher said?

A. If not remembering it is denying it then I deny it. I have not any recollection of it.

Willsher' had also said:—

Q. What did she tell you?

A. She said he would like to see me during September, towards the end of September.

Q. For what purpose?

A. Just to ask me a few things, I suppose. She said he was going away, so would I try to see him before the end of September.

Q. She said he was going away?

A. Yes.

Q. Where?

A. She didn't say where. She said he wouldn't be in Montreal. I suppose that's it; it would be somewhere distant from here.

Q. And he wanted to see you in Montreal?

A. Yes.

This was also put to Chapman as follows:—

Q. What do you say to that, Miss Chapman?

A. I do not remember that at all.

We do not believe that the recollection of this witness was as faulty as she suggests. The following evidence of Willsher is significant:

- Q. Did Miss Chapman know what was the purpose of your seeing Adams?
- A. I don't know.
- Q. Oh?
- A. I don't know at all. I don't think so.
- Q. Why would she take the trouble of phoning you when Adams was coming if she didn't know it was for the purpose of conveying information?
- A. Well, she probably knew; she might have known, and she might not have known what sort of information.
- Q. She knew you were working in the Office of the High Commissioner?
- A. Yes.
- Q. She knew you were in the Communist Party?
- A. Yes.
- Q. She knew Adams was in the Communist Party also?
- A. Yes.
- Q. And she arranged it so that you and Adams would meet?
- A. Yes.
- Q. And she kept it secret?
- A. I suppose so.
- Q. You hoped so?
- A. I should think so.

We think that Willsher, and also Adams, knowing the nature of the operations upon which they were engaged, did not choose as their contact a person who did not know what was on foot and who would therefore be naturally curious, but one who knew all about what was going on and was to be trusted by reason of holding the same views and sympathies as they, and holding such a responsible position in the pyramid of study groups or cells. The evidence discloses also the close association of Chapman with Lunan, Shugar, Gerson, Durnford Smith, Poland and Boyer, as well as with Adams, Nightingale, Benning, Mazerall, Rose and Willsher. With the knowledge of what these people were engaged in we think that Chapman did not assist in furthering the surreptitious meetings between Adams and Willsher, without knowing their object. Her own evidence describes her association with all these people. We think her conduct should be considered in the way prescribed by the Official Secrets Act 1939.

By section 3 (2) it is provided that

it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State.

Section 9 enacts that any person who "*solicits or incites or endeavours to persuade another person to commit an offence or aids or abets or does any act preparatory to the commission of an offence under this Act*" is himself guilty of an offence under the Statute. We think the evidence before us is sufficient to support a conclusion that Agatha Chapman aided in the communication by Willsher to Adams, knowing the nature of the operations in which these persons were engaged.

We add one further comment on the evidence of this witness as illustrative of the way in which her mind works, or rather of the way in which she endeavoured to conceal the way in which it actually worked. When asked what kind of a newspaper the *Clarion* was she said "It is a left-wing newspaper I understand". Then when asked: "What do you mean by 'left-wing'?" she said "I cannot define the term 'left-wing'". Then when asked "What do you understand by it" she replied "Another word that people use in connection with it is 'Progressive' but again how do you define the word 'Progressive'?"

Being required by Order in Council P.C. 411 to "inquire into and report upon which public officials and other persons in positions of trust or otherwise have communicated, directly or indirectly, secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada to the agents of a foreign power, and the facts relating to and the circumstances surrounding such communications", we report that in our opinion Chapman was a party to the communication by Willsher and Adams of such information.

SECTION III. 15

FREDA LINTON, Montreal and Ottawa

As referred to elsewhere in this report, Colonel Zabolin's note-book contained entries made by him of information on the espionage organizations operated by Sokolov and Koudriavtzev, existing on Zabolin's arrival in this country in June, 1943. Part of these notes reads as follows:—

Prior to Re-organization

Director Davie

1. Fred—director of corporation.

Previously worked at the neighbours, up to 1924. In May-June 1942 came to Davie with a proposal to help. Davie checked up on Fred through New York (Molier). The neighbours proposed to make use of Fred. After this, in 1942 in September, Fred contacted Davie on instructions from Molier. Molier was sent to work in Ottawa, for organizing the work. (At the present time on the electoral lists to Parliament in Quebec.)

Fred's Work

Group in Montreal (activists)

1. Gray

Jew. Head of a section of the Directorate for securing war materials for the Allies. Taken on to the work on 1.9.42. He works well. Gives materials on shells and cannons (on films).

2. Green

Works in the administration of the Tank plant "Locomotive" in Montreal. Assistant to the superintendent of the section on contracts. A key position. Gives information on the numbers of tanks being delivered—only.

3. Professor

Frenchman. Noted chemist, about 40 years of age. Works in McGill University, Montreal. Is the best of the specialists on VV on the American

Continent. Gives full information on explosives and chemical plants. Very rich. He is afraid to work. (Gave the formula of RDX, up to the present there was no evaluation from the boss.)

Gave about OV.

1. Gini—(Jew) Auxiliary Group)

~~Photographer~~. Owner of a drug store. He provided a place for photography. He has a photo-laboratory. *

There are working at his place:

- (a) Golia, a young artist, works in the photographic studio.

Contact

1. Freda

Jewess. Works as a fellow-worker in the International Labour Office.

A lady-friend of the Professor.

2. Galya

A housewife. Occupies apartment adjoining that of Davie. Her husband works as a merchant. Is establishing contact with Fred. After the reorganization she was a contact with Gray.

Nobody in the group knows Leon.

Davie's wife was the contact between Leon and Davie. Galya was at times connected with her.

"Davie" is Sokolov. "Fred" is Fred Rose. "Molier" was a Soviet Consul in New York. "The neighbour" is the Soviet secret police, the N.K.V.D. "Gray" is H. S. Gerson. "Leon" is Koudriavtzev. We have not been able to identify "Green" and a tentative identification of "Galya" is too uncertain for us to report definitely. "Freda" calls herself Freda Linton but appears to be known also as Freda or Fritzie Linden. Her name was originally Lipchitz later changed to Linton and she was born in Montreal on March 6th, 1916, of Polish parentage.

It is reasonably plain that "Freda" was not communicating information herself, but was a "contact" or medium through whom information was received from various agents and funnelled through Fred Rose or otherwise to the Embassy.

* Faint type indicates word crossed out in original documents.

As to this woman Dr. Boyer gave the following evidence:—

Q. Then I show you Exhibit 163, (a photograph of Linton).
Do you know who that lady is?

A. Yes.

Q. How long have you known her?

A. Fred Rose came to our house one night with her. I remember that
it was Christmas Eve; I think it was 1941.

Q. 1941?

A. Or 1942; I am not sure which.

Q. At that time was Fred Rose in circulation?

A. Oh, it must have been after that, then.

Q. It must have been after the Labour-Progressive Party was formed,
or would it be before?

A. Well, it must have been after it was formed, or at least after his
reappearance.

Q. Did he reappear before the Toronto Convention, do you know?

A. Oh, yes.

Q. He did, even though the Communist Party was banned?

A. Yes; but those Communist members of the Communist Party were
released.

Q. After Russia came into the war; is that it?

A. I don't remember exactly when it was; sometime, I think, before
the Labour-Progressive Party was formed.

Q. So that at some time around that period he came to your house
with Miss Linden?

A. Yes.

Q. It is Miss Linden, is it not; not Mrs.?

A. As far as I know, it is Miss Linden.

Q. And what was the purpose of that visit?

A. Merely social.

Q. Did you see her again after that?

A. Yes, I have seen her a few times on the street, because she worked
in the International Labour Office, which is on McGill campus.

Q. Was she ever in your house again?

A. No.

Q. Did you have occasion to meet her after that introduction to her
at your house?

A. No. I beg pardon?

- Q. Did you have occasion to meet her after the interview with her at your house? The time Fred Rose brought her to your house?
- A. I met her on the street, yes.
- Q. But other than just meeting on the street, did you have occasion to talk to her?
- A. Just casually on the street.
- Q. Do you know what her political leanings were?
- A. Well, I assumed what they were, since she was with Fred Rose.
- Q. Did she ever say anything in your hearing which would lead you to form an opinion, apart from the company she was keeping?
- A. I don't remember what she said that night she came to our house, but she may have. I don't remember.
- Q. But you distinctly catalogued her in your own mind as a Communist?
- A. Definitely.
- Q. And did you know of her as doing any other work than what she was doing in the International Labour Office?
- A. No.
- Q. Do you know anything of her as a means of transmitting information?
- A. No.
- Q. Or a contact?
- A. No.
- Q. Did you ever know of her by any other name than Freda Linden?
- A. No.
- Q. Did you ever hear her called Fritzie?
- A. No.
- Q. Then still reading from the same record, there is a reference to Freda, who is described as a Jewess who works as a co-worker in the International Bureau of Labour, and as a lady friend of the Professor. "The Professor" is the name that they used to cover you, do you see? Could there be any other Freda that you know than Freda Linden, who could be described as a friend of yours?
- A. No.
- Q. And have you told us all about your meetings with her, the way you met her?
- A. Yes.

Q. And the contacts you had with her?

A. Yes.

Q. There is nothing further you can add to throw any light on why this statement would be made?

A. No.

Benning also knew her. He was shown a photograph of Linton, and deposed as follows:—

Q. Does the name "Freda" mean anything to you?

A. Yes, that is her name; Freda.

Q. Freda Linton?

A. The second name I was never informed of. That is Freda.

Q. Your idea is that at one time she was Fred Rose's secretary?

A. That, I think, was the information that was given to me.

Q. Did you ever hear her called "Fritzie"?

A. No, sir.

Q. And did you ever have any conversation with her, meet her personally?

A. I think it is conceivable I met her at a cocktail party in Montreal, in the days of the left wing circling, but I wouldn't say positively either yes or no.

It was established that this woman was formerly in the employ of the National Film Board at Ottawa and also in the International Labour Office, in Montreal.

On being shown her photograph Gouzenko testified that he had met her in the home of Major Sokolov in Ottawa in the fall of 1943 and that the following day Sokolov had written Zabotin concerning material he had received from Freda.

It has proved impossible to subpoena Linton. She is reported "out of town." The officer who endeavoured to serve her on May 12, 1946, reported as follows:—

"Regarding the subpoena which was issued for Freda Linton of 109 Laurier Avenue, West, Montreal, it has as yet been impossible to serve same on her. In this connection, I wish to inform that upon calling at the aforementioned address at approximately 6.30 p.m. of the 12th instant I was informed by the subject's sister that Freda Linton is presently out of town, and it is not known when she is

expected to return. I was informed by her sister that Freda left for unknown destination about two weeks ago taking all her belongings along with her, and she has not heard from her sister."

The inference is obvious.

In a note-book containing entries in the handwriting of Lieutenant Colonel Motinov there is the following item relating to Freda Linton:—

Professor.

**Research Council—report on organization and work.
Freda to the Professor through Grierson.**

As to this Gouzenko testified:—

Q. This will be Exhibit No. 37, and I will read you a translation and ask you to say if it is correct.

"Professor. Research Council—report on the organization and work.
Freda to the Professor through Grierson."

A. That is right.

Q. Who is Grierson?

A. From the documents which I have read I have assumed that that is Grierson of the Canadian Film Board, chairman of the National Film Board.

Q. That is the Canadian National Film Board?

A. Yes.

Q. What is the meaning of that: "Freda to the Professor through Grierson"?

A. I understand that they wished to appoint Freda to work with the Professor, through Grierson. I want to explain.

Q. Yes, I would like you to explain that.

A. The work that Freda was doing in the Film Board was not satisfactory to Moscow. Therefore they asked Colonel Zabotin to place her in some more important department. Therefore it looks as if Colonel Zabotin was to place Freda to work with the Professor, using Grierson's influence to get her into the position.

Q. So Freda, who has not been identified yet, is a person who lived in Ottawa?

A. I understand yes.

Q. And had worked for the National Film Board?

A. The last time; yes.

Q. But do you know if she changed her position?

A. From telegrams, I understand yes, she changed.

- Q. And she went to work, after she left the Film Board, where?
- A. At first I understand from telegrams she was working in the International Labour in Montreal, and then in the National Film Board.
- Q. But Colonel Zabotin was not satisfied with her work at the National Film Board, and he could obtain nothing, so he suggested that she should work somewhere else?
- A. Yes, in scientific work.
- Q. And that she would be helped to get that new position by Grierson?
- A. I understand so from this.
- Q. And do you know if she got this new job?
- A. No, I don't know.

In a diary found in the possession of M. S. Nightingale who is reported on elsewhere in this Report, there was a list of names, addresses and telephone numbers including those of Durnford Smith, Scott Benning, Agatha Chapman, David Shugar and Bert Hughes. There was also the following entry:—

Fritzie Linden, Greerson's Secreta.

Nightingale identified the photograph of Freda Linton as the same person he knew as "Fritzie Linden".

Linton was, as Nightingale's note says, the secretary of John Grierson, Film Commissioner of the National Film Board. Grierson testified:—

- Q. I am showing you a photograph. Do you recognize that person?
- A. It is Freda Linton. She was my secretary for about a year.
- Q. When you say "my secretary" that is when you were with the Film Board, was it?
- A. This would be about then; but I think the Linton girl went with me to W.I.B., but I wouldn't say for a year; I think she was with me for about six months.
- Q. I am not quite clear, Mr. Grierson. Had she been with you in the Film Board?
- A. That would need to be established; it was just about that period, but I merely associate her with my office for about six months.
- Q. At the time you went to W.I.B. you also retained your connection with the Film Board, did you?
- A. Yes, indeed.

- Q. You might explain to the Commission what those two positions were, and approximately the times you held them?
- A. I became acting Film Commissioner along about the end of 1939. That position was maintained—I took it only two or three months at a time, but in 1941, when the Motion Picture Bureau was taken over by the Film Board, I became the first properly appointed Film Commissioner. It is a three year appointment, under the Films Act. In 1942 the Wartime Information Board was in a bit of a mess, and I was invited to succeed Vining as general manager. The authorities—both offices are maintained, in one case under the National Film Board, which is the administrative body or authority, directly under Parliament; and the authority of the second, the Wartime Information Board, is a Board set up for war purposes. The National Film Board, of course, is a continuing authority.
- Q. Are you connected with either of those now, or have you left the government service?
- A. No, I retired on V-J Day.
- Q. This photograph I show you is a copy of Exhibit 163, the original of which is in use in another court at the present time; and you recognize this?
- A. Yes, indeed.
- Q. As Freda Linton?
- A. Yes.
- Q. How long was she your secretary?
- A. I should say no more than six months.
- Q. Now, let us come back to Exhibit 37. This, then, means Freda Linton to Professor Boyer through Grierson; and the evidence is that that is not a cover name, but you are identified by name and by occupation. The suggestion is, the evidence is, that Freda Linton, who was an agent of the Russian organization, was intended to be placed out of the Film Board in which she was working, the Film Board offices, in National Research to work with Raymond Boyer, and that her move was to be made from the Film Board through your good offices so that she could get into National Research.
- A. Uh-Uh.
- Q. That is the evidence before the Commission. Can you throw any light on it?

- A. I must say it is the most sterile document in this sense, that the Linton girl asked for no offices and no services in that matter. I merely think of her now as an ambitious girl who certainly wanted to get on in terms of the Film Board.
- Q. But was that ever suggested to you, that she wished to change from the work that she was doing?
- A. Only to get a better job inside the organization.
- Q. That is inside—
- A. The Film Board.

- Q. Was Miss Linton still your secretary up to V-J Day?
- A. Oh, no.
- Q. When did she leave?
- A. I think she belonged to about the 1942 period.
- Q. Back in 1942?
- A. Or 1943 at the latest.
- Q. Then where did she go, from being your secretary?
- A. She was promoted to a job in our Distribution Branch; not a high job, a junior distribution job connected, I think, with American circulation.
- Q. And is she still holding that position?
- A. To my knowledge, I don't know of her leaving.

- Q. Just let me repeat the theory behind this. The evidence shows that this is what was intended: that Freda Linton had not the opportunity in the Film Board to be a great deal of use to an organization such as Zabotin's. They thought that she might be more useful for them if they could get her into the National Research Council in some way. The idea was to get her out of the Film Board into the National Research Council, where she could be a contact with Raymond Boyer, and that that could be done through your good graces.
- A. It is a presumption, I take it, on the part of the Russian Embassy, or somebody there, that I would be of service to them?
- A. Yes.
- A. The basis of the presumption, I say, is not very considerable.
- Q. That is another thing I want you to help us on, if you can. Did you yourself know Zabotin?
- A. I have met Zabotin once.

Q. And did you know Motinov?

A. No. You mean his assistant?

Q. Yes.

A. No.

Q. Sokolov?

A. No.

Q. Did you know any of the officials of the Russian Embassy at all?

A. Yes; of course I knew the Ambassadors. I am only talking of meeting people in the usual diplomatic level.

Q. Quite.

A. I knew Zheveinov, the TASS man. I liked Pavlov; he is the only person I had any kind of personal interest in. That is the boy who is still here, I think, is he, the First Counsellor?

Q. He is acting as Secretary, I think.

A. The only person I knew really was Pavlov.

Q. Just casting your mind back, can you recall any of those men even intimating to you or suggesting to you that they would like to have somebody—

A. All I can say is that the Russians, as far as I am concerned, were correct.

Q. Were correct?

A. Yes. I had no reason to associate them with anything like that.

Q. Then let me put another question to you. We are trying to find answers to these things. Did you ever have an inquiry from anybody in the National Research Council as to whether Miss Linton could be used in any type of their work?

A. No. I just don't associate Linton with any National Research Council reference.

Q. Did you know a woman named Agatha Chapman?

A. No.

Q. Then it comes down to this, I take it, Mr. Grierson, that this entry which I have shown to you, Exhibit 37, is something that you cannot make any suggestion on that you think might be helpful to the Commission?

A. I am afraid not, sir.

Q. You cannot make any suggestion at all; that is what you mean?

A. I mean it has no reference to me that I can think of, either through Linton or directly.

There is additional evidence as to the activity of Freda. In the same book in which the last-mentioned entry was, there is also the following:—

To Debouz

Steinberg—"Berger". 4133

Debouz is to tie up with Berger and depending on the circumstances is to make a proposal about work for us or for the corporation. Contact in Washington with Debouz's person. To work out arrangements for a meeting and to telegraph. To give out 600 dollars. If Debouz should be unable to go to U.S.A. then there should be a letter from Debouz to Berger containing a request to assist the person delivering the letter to Berger.

12.5.45 22.00 St. Patrick Cumberland.

"St. Patrick and Cumberland" is a street corner in Ottawa.

This outlines a plan under which Fred Rose is to contact "Berger" (Steinberg) who was then in Washington, with a proposal that Steinberg "work for us or for the corporation". "The corporation" is the cover name for the Communist Party. As appears below, the contact was made and Freda was the emissary.

Gouzenko testified:—

Q. Who is Steinberg, do you know?

A. That is a scientist in the United States.

Q. How did you learn that?

A. In previous telegrams.

Q. Is it the real name of the man or is it a cover name?

A. It is the real name.

Q. Do you know anything more about him than that?

A. Yes; there were further telegrams about him.

Q. Did you ever hear him discussed by Zabotin or Motinov or any of the others in the Embassy?

A. There were telegrams which were written by Colonel Zabotin.

Q. So of your own knowledge, it all comes from telegrams?

A. Yes.

Q. "Berger" then is the cover name for Steinberg?

A. That is right.

COMMISSIONER: I suppose that there is no doubt that where we use time recorded as it is here, for instance, "2200", that this means 10 p.m., as the witness understands it?

THE WITNESS: Yes, that is 10 p.m.

COUNSEL:

Q. In Russia do you compute the day on the basis of twenty-four hours?

A. Yes.

Q. You take it from one to twenty-four hours?

A. Yes.

Q. So as the Commissioner points out, 2200 would be—"

A. 10 p.m.

Q. Do you know in what city in the United States Steinberg lives?

A. No.

A. In the telegrams which Colonel Zabotin sent to Moscow he described him as a scientist who was a friend of Debouz. . . .

Q. Do you know if Debouz went to Washington, or was it his friend who made the contact with Steinberg?

A. In later telegrams that were sent it was pointed out that Debouz's man had handed over Steinberg to the Military Intelligence in Washington.

Q. That is the Russian Military Intelligence in Washington?

A. Yes.

Q. And the contact was to be made in Washington?

A. Yes, sir.

Q. Through the officials of the Russian service?

A. Yes.

Q. So Debouz did not go himself; it was his man who made the contact in Washington?

A. This telegram to which I refer was sent much later, and it was not indicated whether Debouz had made the contact, but the contact was established.

Q. Do you know the name or the cover name of Debouz's man in Washington?

A. No, but in the telegram that reported the handing over of Berger, it mentioned that it was done through Freda. It was not a contact; it was handing over.

Steinberg had previously worked in Canada, and he and "*The Professor*" (Boyer) had become close friends. Boyer said:—

Q. Then here is a letter, Exhibit No. 177, which appears to have been written by two people, one Arthur and the other Edith. From whom was that letter received, Dr. Boyer?

A. Arthur and Edith Steinberg.

Q. Who is Arthur Steinberg?

A. He is an American geneticist who came to Montreal to teach genetics, I think in 1940 or 1941. However, I did not meet him until 1942 when we became close friends. We moved to where he and his wife lived. He left Canada in June, 1944, and went to a job with the American Navy, a research job, and he has been in Washington ever since.

Q. Is he a Communist?

A. I do not know; he has never said so: I know he has certain sympathies.

Q. He is sympathetic to the Communists?

A. Yes.

It would appear to us that Freda, Boyer, Steinberg and Rose well understood one another.

Being required by the terms of Order in Council P.C. 411 to "inquire into and report upon which public officials and other persons in positions of trust or otherwise have communicated, directly or indirectly, secret and confidential information, the disclosure of which might be inimical to the safety and interests of Canada to the agents of a foreign power, and the facts relating to and the circumstances surrounding such communications", we think that Linton was used by Rose as a "contact" in his operations for the Russians in obtaining and communicating information from secret and confidential sources. The flight of Linton is, in our opinion, as significant as that of Sam Carr. The reasons are doubtless the same in both cases.