

## **Presidential Address: The Empire Strikes Back: The Nineteenth-Century Origins of the Canadian Secret Service**

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### Article abstract

While the history of the RCMP security service is becoming better known, study of its nineteenth-century predecessors is just beginning. From experiments with a rural police force established in Lower Canada in the aftermath of the 1837 Rebellions, the United Provinces of Canada created two secret police forces in 1864 to protect the border from American invasion. With the end of the Civil War, these forces turned to protecting the Canadas from Fenian activities. The Dominion Police, established in 1868, provided a permanent home for the secret service. The NWMP followed in 1873. Unlike the English, whose Victorian liberalism was suspicious of political and secret police, Canadians appear to have been much more accepting of such organisations and did not challenge John A. Macdonald's creation or control of a secret police. Republicanism, whether in the guise of Quebec, Irish or American nationalism, was seen as antithetical to the new nation of Canada, and a secret police was deemed necessary to protect the nation against it.



**GREGORY S. KEALEY**

# PRESIDENTIAL ADDRESS DISCOURS DU PRÉSIDENT

## The Empire Strikes Back: The Nineteenth-Century Origins of the Canadian Secret Service

GREGORY S. KEALEY

**F**or the past dozen or so years I have been studying Canada's Secret Service, our own domestic political police. While much of that work has focused on World War I and the inter-war years, you will not be surprised to hear that I also have ongoing concerns with more recent events. Not surprisingly, much of my interest in the history of political policing and in the larger questions that account raises about the nature of civil liberties in a democratic society stems from contemporary considerations. Recently, this intersection of the personal and the political and of the activist and the academic became somewhat less abstract for me.

This afternoon I would like to commence with that personal experience as a way of delineating some of the serious issues encountered in the historical study of our national security and intelligence apparatus. I shall then turn to a rather longer historical view of the origins of Canada's secret service, returning firmly to the terrain of the long nineteenth century.

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Last year in Ottawa at the first Congress of the Social Sciences and Humanities, a session of the Canadian Association for Security and Intelligence Studies garnered considerable media attention. A historical panel featuring papers on the RCMP Security Service and the far right in the 1930s, on the targeting of student radicals in the 1960s and 1970s, and, more surprisingly, on surveillance of the annual meetings of the Learned Societies themselves, generated front-page coverage and national television programming. University of Saskatchewan historian, Steve Hewitt, captured part of this media barrage with a paper that covered the RCMP Security Service and the Learned in the period from the early 1960s until the Service's demise in 1983.<sup>1</sup> Undoubtedly, his most compelling discovery was a five-page document on the 1977 Fredericton Learned.

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My thanks for useful comments to Linda Kealey and Stephen Bornstein. I am indebted to Ingrid Botting, Jillian Murphy, Andy Parnaby and Rick Rennie for research help. The longer project from which this is extracted was supported by the Social Sciences and Humanities Research Council of Canada.

<sup>1</sup> Steve Hewitt, "Intelligence at the Learned: The RCMP, the Learned and the Canadian Historical Association," *Journal of the Canadian Historical Association*, N.S. 9 (1998), 267-86, esp. 279-82.

Our increasing suspicion is that it was the work of an informer, not an undercover Mountie. One reason for this surmise is the uncharacteristic humour conveyed in the contextual material on the meetings – such as, “The most popular pastime at the Learned is drinking and this year there was a lot of it, possibly spurred on by the weather.”<sup>2</sup>

On a more ominous note, the RCMP source provided the following rationale for such academic surveillance: “These conventions provide an excellent opportunity to chart and observe the continuing growth of a marxist academic tradition in Canada, to discover who is involved, to assess them, to learn how they are organizing, what their long term goals are and what traditional academics are doing about it.” Downplaying the importance of Communist Party of Canada academics, he focused full RCMP attention on the emergence of “the more academically minded of the student radicals of the 1960s” who, he alleged, were utilizing “friendships formed during the radical years” to “form the basis of new marxist academic associations, i.e. the Labour History Group and the Political Economy Network.” (PEN) The informant worried that “the marxists are becoming much better organized” and charged them with “a semi-religious fervour” in pursuing their “moral duty to use their intelligence and teaching positions to spread the cause of marxism.” Also on three occasions in the five pages he mentioned the use of federal monies to support conference travel and research – a not too subtle suggestion for possible RCMP remedial action.

Needless to say, the allusions to the “Labour History Group” caught my attention. In perusing some of the passages exempted by the Access to Information and Privacy (ATIP) process, it seemed plausible that at least some of the deletions were for reasons of privacy:

Two of the key marxist organizers are former student radical leaders.

\_\_\_\_\_ was easily the most active academic at the conference.

\_\_\_\_\_ (another traditional feature at these conferences).

Perhaps displaying unseemly personal vanity, I made a Privacy request of my own for this document. This request led to this further release, which confirmed my suspicion:

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2 This and subsequent quotations are from NA, RG 146, V. 2910, file 97-A-00062, Pt. 1, [deleted] to the Officer i/e Security Intelligence II, Re: Learned Societies - Canada, 4 July 1977.

## THE EMPIRE STRIKES BACK

Two of the key Marxist organizers are former \_\_\_\_\_ student radical leaders. \_\_\_\_\_

Greg Kealey, now at Dalhousie, was easily the most active academic at the conference. He is Secretary of the Labour History Group, spoke at sessions of at least five separate organizations or societies, was program chairman for Socialist Studies and assembled the Hogtown Press booth at the publishers' exhibit (another traditional feature of these conferences).

Twenty years later reading this exaggerated account exhausts me. (I should also add that the document was not part of the personal file released to me in the late 1980s by the Canadian Security and Intelligence Service as the result of a privacy request for my personal file, which primarily contained materials covering my undergraduate years at the University of Toronto.)

Why was the RCMP interested in scholars, Marxist or not, who created bodies such as the Canadian Committee on Labour History within the Canadian Historical Association, or the PEN in the Canadian Political Science Association? The informant made this case:

The marxists are very realistic. Over and over again, their leading spokesmen repeat that they are involved in a very long process, that the hoped for revolution will not occur overnight, that it will be a long struggle. But they are equally clear on their goals: to create a tradition of marxist academic scholarship in Canada; to get government funding for Marxist-oriented research; to convert their students to marxism; to destroy the academic credibility of the capitalist social and government system ... their goal might be called long range ideological *subversion*.<sup>3</sup>

"*Subversion*" demands highlighting because this allegation provides a putative legal rationale for the RCMP Security Service's interest in the Learneds. In a further intriguing sidebar to history, the source also warned that:

Marxist scholars can be expected to make serious demands in the next few years for the release of confidential RCMP material ... they will claim that it is vital to their research but their goal, as stated several times in the company of other marxists, is to prove that the RCMP is, in their terms, "an agent of state repression," and then to try to discredit the RCMP.

Beside this, one RCMP reader has noted in the margin: "They've missed the boat." Whether this cryptic comment is a sarcastic allusion to the destruction of the Security Services' historical materials, to the withdrawal of such material from the Public Archives of Canada earlier that decade, or is simply a

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<sup>3</sup> Emphasis is mine.

contextual comment about the public relations disaster the RCMP Security Service already faced in 1977, we can only conjecture.<sup>4</sup> I also wonder, however, what internal RCMP and CSIS processes were generated when I started making access requests in subsequent years.

So in 1977 the RCMP Security Service surveilled the Learneds and took special interest in the CCLH and the PEN. Indeed, the last unexempted part of the document indicates that “identifying information on the Political Economy Network and on the Labour History Group is being developed.” In RCMP parlance, this probably meant the two groups were to be honoured by the creation of a security file. While, as Steve Hewitt has pointed out, there was controversy within the RCMP Security Service about this report, at the end of the day the Force continued to cover the Learneds until they lost their secret service mandate to the new civilian CSIS.

My point here today is not to evaluate these actions of the RCMP Security Service. I shall happily leave that for subsequent discussion. Instead, I want to emphasize that such discussion, assessment, evaluation and debate are essential and healthy for both the larger society and, indeed, for the intelligence community itself. Consequently what we need is openness not secrecy, both about the past and about the present. Only Access to Information and Privacy Legislation allowed Steve Hewitt and me to see this document – no legislation, no document; no document, no debate. The message should be absolutely clear.

The passage of ATIP Legislation and a new National Archives Act in the 1980s enabled scholars to begin a historical assessment of the history of Canada’s secret service. Over the past decade scholars such as Steve Hewitt, Reg Whitaker, Larry Hannant, Wesley Wark, Bill Kaplan, Dean Beeby, and Gary Kinsman, to name only a few, have begun to chip away at the immense state security archive now, finally, safely housed at the National Archives of Canada (NAC), even if still far from adequately accessible.<sup>5</sup>

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4 For the unseemly story of the RCMP and the PAC, see my “The Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Public Archives of Canada, and Access to Information: A Curious Tale,” *Labour/Le travail*, 21 (1988), 199-226. For further discussion of these issues see my “In the Canadian Archives on Security and Intelligence”, *Dalhousie Review*, 75 (1995), 26-38.

5 Steve Hewitt, “September 1931: A Reinterpretation of the Royal Canadian Mounted Police’s Handling of the 1931 Estevan Strike and Riot,” *Labour/Le travail* (Spring 1939), 159-178; Reginald Whitaker, *Cold War Canada: The Making of the National State, 1945-1957* (Toronto 1994); Reginald Whitaker, *The End of Privacy: How Total Surveillance is Becoming a Reality* (New York 1999); Gregory S. Kealey and Reg Whitaker, eds., *R.C.M.P. Security Bulletins*, 8 vols. (St. John’s 1989-1997); Larry Hannant, *The Infernal Machine: Investigating the Loyalty of Canada’s Citizens* (Toronto 1995); Larry Hannant, “Access to the Inside: An Assessment of Canada’s Security Service: A History,” *Intelligence and National Security* 8:3 (1993), 149-159;

While the history of the RCMP Security Service is becoming better known, what of its nineteenth-century predecessors?

The English historiography of the development of the secret service in that country highlights a contradiction at the core of Victorian liberalism. Both Christopher Andrew and Bernard Porter, whose work dominates the field, make much of the English reluctance to embrace a domestic political police, a conception that the English viewed as dangerously continental and associated with unseemly nations such as France, Italy, and Russia.<sup>6</sup> Indeed, Porter's major thesis in *The Origins of the Vigilant State* concentrates on how these tensions were overcome, finally, only during World War I, after halting starts in the 1880s. His argument, however, highlights a rather different matter for the Canadian reader. For this Victorian liberalism, as he notes, "did not seem to work abroad. In most of the countries of the world ruled from Britain ... the expansion of her free enterprise system had not – yet – had the same politically liberating effect it had had back home."<sup>7</sup> To the few English critics who detected this contradiction, the putative explanation lay in the political immaturity of the colonial peoples, especially easy to attribute if those people were of colour (India, Africa) or Roman Catholic (Ireland, Quebec). For Porter, the ultimate dual irony was that the successful counterrevolution against liberalism's distaste for a domestic political police was, simultaneously, a product of Imperial issues brought home (Fenian bombs) and was implemented by men from Ireland and India, who stood outside the failed Victorian consensus. As he put it, "The empire was striking back. The contradictions always implicit in Britain's situation in the world were coming home to roost."<sup>8</sup>

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Larry Hannant, "Using the Privacy Act as a Research Tool," *Labour/Le travail* 24 (Fall 1989), 181-185; Larry Hannant, "The Origins of State Security Screening in Canada," unpublished PhD thesis, University of British Columbia, 1993; Wesley Wark, ed., *Past, Present, Future?* (Ilford, Essex; Portland, Oregon 1994); Wesley Wark, "Beyond the Missing Dimension: The New Study of Intelligence," *Canadian Journal of History* 24:1 (1989), 82-89; Wesley Wark, "The Evolution of Military Intelligence in Canada," *Armed Forces and Society* 16:1 (1989), 77-98; Wesley Wark, "Security Intelligence in Canada, 1864-1945: The History of a 'National Insecurity State'," in Keith Neilson and B.J.C. McKercher, eds., *Go Spy the land: Military Intelligence in History* (Westport, Connecticut 1992), 153-178; William Kaplan, "The Access to Information Act: A 1988 Review," *Labour/Le travail* 22 (Fall 1988), 181-198; Dean Beeby, *Cargo of Lies: The True Story of a Nazi Double Agent in Canada* (Toronto 1996); Gary Kinsman, *The Regulation of Desire: Sexuality in Canada* (Montreal 1987); Gary Kinsman, "'Character Weaknesses' and 'Fruit Machines': Towards an Analysis of the Anti-Homosexual Security Campaign in the Canadian Civil Service," *Labour/Le travail* 23 (Spring 1989), 133-161.

6 Christopher Andrew, *Secret Service: The Making of the British Intelligence Community* (London 1985); Bernard Porter, *Plots and Paranoia: A History of Political Espionage in Britain* (London 1989); and Bernard Porter, *The Origins of the Vigilant State: The London Metropolitan Police Special Branch Before the First World War* (London 1987).

7 Porter, *The Origins of the Vigilant State*, 188.

8 Porter, *The Origins of the Vigilant State*, 194.

Canada, as is often the case, stands somewhere between the British model, as outlined by Porter and Andrew, and that of Ireland and India, but, as we shall see, perhaps uncomfortably closer to the Imperial experience than to the home country. In matters of political policing, Imperial policy provided ready models for colonial administrators to mimic, albeit at considerable distance from English domestic practice. For example, in the aftermath of the 1837 Rebellions one could detect little liberalism as direct military rule slowly gave way in the Quebec case to a rural police under stipendiary magistrates directly modeled on the Irish Constabulary and on the post-slave revolt Jamaican system. As ably described by Elinor Senior, Allan Greer and Brian Young, the Special Council, which ruled Lower Canada from 1839 to 1841, created a rural police force whose primary aim was the suppression of subversion.<sup>9</sup> As the Civil Secretary of Lower Canada put it:

The immediate object of its institution was to prevent the recurrence of those combinations of the people which in the two preceding years had led to such disastrous results, and to supply the Government with a means of intelligence in those localities where discontent and disaffection appeared to have taken deepest root.<sup>10</sup>

Indeed, the instructions to the Stipendiary Magistrates ordered that the rural police not only were “to know, but in their intercourse with the people, to respect their manners and usages” so that authorities could “obtain the confidence of the people and ... destroy the pernicious influence which produced the disturbances of 1837 and 1838.”<sup>11</sup> This centrally-controlled police force, most active in the rebellious rural areas surrounding Montreal, proceeded to spy, to intercept mail, to prohibit public gatherings, to suppress open political discussion, to police the taverns, and, in general, to pacify the countryside. Not surprisingly, given that 80 per cent of the police were English and most of those were army veterans, they failed to win the hearts and minds of the people. They did succeed, however, as their leader, Commissioner Augustus Gagy, explained

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9 See for example, Elinor Senior, *British Regulars in Montreal: An Imperial Garrison, 1832-1854* (Montreal 1981); Allan Greer, *The Patriots and the People* (Toronto 1993); Allan Greer, “The Birth of the Police in Canada,” in Allan Greer and Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto 1992), 17-49; Brian Young, “Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815-1866,” in *Colonial Leviathan*, 50-63.

10 NAC, Lower Canada Police Records, vol. 2, Civil Secretary to Cathcart *et al.*, 27 April 1840. Quoted in Allan Greer, “The Birth of the Police in Canada,” 32.

11 *Rules for the Government of the Rural Police: Circular Memorandum for the Information and Guidance of the Inspecting Stipendiary Magistrate... in the Montreal District* (Montreal 1839), 2. Quoted in Brian Young, “Positive Law: Positive State,” 60.



in 1839, in making “the government visible to the most ignorant.”<sup>12</sup> As both Young and Greer have argued, “the decisive defeat of republican opposition in the Canadas paved the way for a major transformation of imperial rule” in which the “colonial regime was not so much restored as reconstituted.”<sup>13</sup> These changes dramatically transformed the Canadian state in ways that facilitated the ongoing development of capitalist structures on both sides of the Ottawa River.

Some twenty years later in September 1864 the United Provinces of Canada created two secret police forces to protect the border and to prevent the warring United States from intruding on Canadian neutrality. Using the now familiar model of stipendiary magistrates, George-Étienne Cartier placed the force in the East under the control of William Ermatinger, a Montreal police administrator with extensive experience handling labour unrest and urban crowds.<sup>14</sup> In the west, John A. Macdonald inexplicably chose Gilbert McMicken, a political ally with no such experience, to establish the new Western Frontier Constabulary.<sup>15</sup> The two forces enjoyed but limited success in their initial attempt to prevent infringements of Canadian neutrality. While there were no further dramatic incursions such as the Confederate raid on St. Albans, union recruiters or “scalpers” continued their work relatively unimpeded for the remaining months of the Civil War.

The secret police, however, did not disappear with the Civil War’s denouement. Instead it was invigorated by a new threat, one that was simultaneously domestic and foreign, national and Imperial. The new menace came in the form of Irish nationalist revolutionaries, the Fenian Brotherhood. In the following seven years they would launch no fewer than five invasions against Canada from U.S. soil – Campobello (April 1866), Fort Erie, Ridgeway and Quebec (June 1866), Franklin and Cook’s Corners (May 1870), and, finally, Pembina (October 1871). Neither the military events nor the impact of the Fenians on Confederation, both established staples of Canadian historiography, need detain us here. Instead, I shall trace the development of the Constabularies, and their successors, the Dominion Police and the North-West Mounted Police, in the context of state formation. In addition, I shall explore the tension between Imperial practice in the realm of intelligence and security and the prevailing English ideological context and consider Canada’s place therein. It should also be noted that the Canadian efforts in this realm, while performed in an ambit of Imperial cooperation, simultaneously reflected Canadian impatience with

12 NAC, Lower Canada Stipendiary Magistrates, vol. 3, Gagy to Murdoch, 4 November 1839. Quoted in Greer, “The Birth of the Police in Canada,” 40-41.

13 Allan Greer, “1837-38: Rebellion Reconsidered,” unpublished paper presented to the Canadian Historical Association, Calgary, June 1994, 25-6.

14 Elinor Senior’s biography in *Dictionary of Canadian Biography* (DCB), vol. IX (Toronto, 1976), 242-3.

15 See Carl Betke’s biography in *DCB*, vol. XII (Toronto, 1990), 675-80.

British consular intelligence and a nascent sense that Canadian and British interests were not always identical.

The Irish Republican Brotherhood was founded in Dublin on 17 March 1858 by James Stephens, a veteran of the Irish risings of 1848 and 1849. In October 1858 Stephens traveled to New York and with the aid of Irish exiles helped to form an American support group, the Fenians, under the leadership of John O'Mahony. The name chosen in the United States became the generic name for the international movement. An avowedly revolutionary organization committed to staging an armed rebellion in Ireland to overthrow British rule and to establish an Irish republic, the Fenians grew rapidly in Britain, Canada, the United States and Ireland. Its membership was overwhelmingly working class, although its leaders tended to be lower-middle class. Fenian strategy in Ireland continuously focused on the need for strong American support. Splits within the American movement and especially the rise of the strategy to invade Canada dissipated the potential for successful revolutions in Ireland.

In fall 1865 the American Fenians split into two wings. O'Mahony's opponents, the Senate or Roberts wing, named for its leader, William Roberts, proposed an invasion of Canada. In an attempt to restore his slipping leadership, O'Mahony launched a feeble attempt to seize Campobello in April 1866. The Roberts faction in turn made more ambitious forays into Canada West and East in early June. Despite a minor victory at Ridgeway, the Fenians' initial attacks gained them little. It did help, however, to prevent a serious effort in Ireland, which, when it finally occurred in March 1867, came too late.

The Fenians have enjoyed a poor historical press in both Canada and England. Not surprisingly, they have done somewhat better in traditional Irish nationalist historiography. While this paper concerns the Canadian state response to the Fenians, not the Fenians themselves, it seems appropriate to define my view. I would accept the forceful arguments of scholars such as Peter Toner, George Sheppard, and Brian Clarke that have documented the strength and pervasiveness of Fenianism in Canada.<sup>16</sup> In addition, I would also accept their conclusion that the Canadian Brotherhood was largely working class in composition and that, although it existed in considerable tension with the Roman Catholic hierarchy, it was not predominantly anti-clerical. Nevertheless in Canada, as well as in England, Ireland, and the United States, as John

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16 Peter M. Toner, "The Military Organization of the 'Canadian' Fenians, 1866-1870," *Irish Sword* 10:38 (Summer 1971), 26-37; Peter M. Toner, "The Home Rule League: Fortune, Fenians, and Failure," *The Canadian Journal of Irish Studies* 15:1 (July 1989), 7-19; Peter M. Toner, "The Rise of Irish Nationalism in Canada, 1858-1884," unpublished PhD thesis, National University of Ireland, 1974; George Sheppard, "'God Save the Green': Fenianism and Fellowship in Victorian Ontario," *Histoire Sociale - Social History* 20:39 (May 1987), 129-44; and Brian Clarke, *Piety and Nationalism: Lay Voluntary Organizations and the Creation of an Irish-Catholic Community in Toronto, 1850-1895* (Kingston 1993).

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Newsinger has argued, it was a significant, popular, working-class nationalist revolutionary movement that posed a major challenge to the Protestant ascendancy, British rule, and to the Irish Catholic middle class.<sup>17</sup> In Canada and the United States it also played major role in bringing Irish workers into the labour movement, a process best seen in the close relationship between Irish nationalism and the leadership of the Knights of Labor.

The Constabularies under McMicken and Ermatinger, and we know much more about the former than the latter, initially focused on defence of the border with agents being placed not only in Canadian towns but in United States cities as well. In Canada West McMicken recruited some fifteen agents before the end of the Civil War, and an estimated total of 50 between 1865 and 1870.<sup>18</sup> In Canada East Ermatinger also ran a string of some six agents. Preliminary social analysis of the agents suggests that McMicken initially recruited from young men in their late twenties and early thirties with military and police backgrounds, including the Irish Constabulary. Of seventeen who can be identified, seven were Irish (six Roman Catholics), six were Scots (one Roman Catholic) and five were English, all Protestants. Fully thirteen of the seventeen had police or military backgrounds or both. When they were paid, which initially was infrequently, they did well, making \$1.25 per day and up with all expenses covered, including the purchase of information. By the autumn of 1865, McMicken had ordered the agents to obtain jobs in their towns to allay any suspicions of how they were supporting themselves. While healthily suspicious of his agents' reports, the open Canadian invasion aims of the Roberts wing of the Fenian movement (ironically, fueled by Canadian Fenian leader Michael Murphy's inflated claims) and the increasing fear at home of Canadian Hibernian activities, led McMicken to a renewed focus on the domestic threat. Agent Patrick Nolan, by far the most reliable of McMicken's United States' implants, was brought back from Chicago to penetrate the Ontario Fenians. Running a spy in Toronto set off considerable controversy in the government, and McMicken was forced to defend his source in a letter to Macdonald. In a passage redolent of John Le Carré, McMicken reflected on the psychology involved in handling a spy:

I feel quite provoked at all this for it is a very difficult thing to find a capable and reliable Irish Roman Catholic who will undertake such service and it is extremely imprudent to say the least to place a detective working in secret in communication with too many – he is apt to become demoralized – to think what he has to inform so many is of little consequence and may be got up for

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17 John Newsinger, *Fenianism in Mid-Victorian Britain* (London 1994).

18 Much of this account is based on Jeff Keshen, "Cloak and Dagger: Canada West's Secret Police, 1864-67," *Ontario History* 79 (1987), 353-77.

the occasion. He loses the attachment, as I may say, between himself and the person he deals in secrecy with. He fears for his own exposure and is apt to become careless and indifferent and in some case the result might be a "change of face" to save himself.<sup>19</sup>

McMicken's arguments won the day and Nolan vindicated himself. (McMicken later formed a similar close relationship with Henri Le Caron whom we shall discuss below.)

Nolan's success confirmed McMicken's and Macdonald's worst fears, as he identified some seventeen Fenian lodges in Canada West, nine of them in Toronto. Nolan correctly revealed that the Hibernian Benevolent Society contained within it a sufficiently large Fenian presence to allow the radicals to control it. His most important report contained a cutting commentary on the Toronto police's intelligence capabilities, suggesting an ongoing theme in intelligence history: conflict between regular and secret police:

Capt. Prince had a lot of his men out in plain clothes some time ago watching for the Fenians. They went to the Catholic Church to look for them there. One of them thought he had a lodge full one night on Nelson St., but it turned to be an Orange Lodge. I think the Capt. got tired of them telling lies, as they are all on their beats now.<sup>20</sup>

Canadian spies, such as Nolan, successfully infiltrated Fenian circles, and McMicken had multiple agents present at most of the Fenian conventions throughout the 1860s. Hence, Toronto Fenian leader Michael Murphy, who had been identified as such by Patrick Nolan, was under close and continuous scrutiny. Thus, when the call came to support the O'Mahony-led Fenian effort to seize New Brunswick's Campobello Island in April 1866, the Canadian authorities were fully apprised. Dissent in government ranks, however, led to the arrest of Murphy and his group at Cornwall, which was ordered by Galt and Cartier. Macdonald had wanted to keep him under surveillance to gather stronger evidence against him. Indeed no fewer than four of McMicken's agents had been endeavouring to collect evidence against Murphy, and Macdonald had ordered Ermatinger to trail him once he entered Quebec. Such tensions between open prosecution and longer-range intelligence gathering remained a core issue for all political police forces. Murphy's arrest proved an

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19 NAC, MacDonald Papers, vol. 237, McMicken to Macdonald, 2 January 1866. Quoted in Wayne A. Crockett, "The Uses and Abuses of the Secret Service Fund: The Political Dimension of Police Work in Canada, 1864-1877," unpublished MA thesis, Queen's University, 1982, 40.

20 NAC, Macdonald Papers, McMicken Reports, vol. IV, E.C. Burton [Patrick Nolan] to McMicken, 31 December 1865. Quoted in William D'Arcy, *The Fenian Movement in the United States: 1858-1886* (New York 1947), 97-98.

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embarrassment as repeated spying efforts, including planting a phoney Fenian to spy in the jail, failed to generate adequate evidence to prosecute. Only the suspension of *habeas corpus* after Ridgeway and the eventual escape of Murphy to the United States allowed Macdonald to avoid losing a state trial.

Despite considerable intelligence, the Canadian authorities, largely owing to confused communications, were not ready for the Fenian invasion of Fort Erie two months later on 31 May 1866. Led by John O'Neill, an experienced Civil War officer, the Fenians won a modest victory at Ridgeway – their only modest success during their various invasion attempts – but then quickly retreated back to the U.S.. A foray into southern Quebec a week later also failed.

In the aftermath of the Fenian raids, the provincial parliament extended to Lower Canada the Upper Canadian Treason legislation of 1838, which allowed the trial by military court martial of foreigners or British subjects who took up arms in the province, and, simultaneously, suspended *habeas corpus* for one year. Some 50 men were initially arrested and held. Parliament later in the session also passed legislation “to prevent the unlawful training of persons to the use of arms,” and made a huge military appropriation, which included \$100,000 for detective and secret service work to which was added another \$50,000 in 1867 and \$75,000 more in 1868.<sup>21</sup> While considerable money was being expended, the results were rather limited. One promising scheme, which infiltrated Charles Clarke, a.k.a. Cornelius O'Sullivan, into New York's Fenian Commissariat in 1867, ran amok of an unhappy woman who recalled that he had fought with the Canadian volunteers at Ridgeway and so informed the Fenian leadership. Fortunately for him, he was in Quebec when exposed and other Canadian agents managed to warn him. A related scheme to have a Canadian agent (Philip Kavenagh) found a Fenian circle in Kansas also failed. More successfully, John Dakers (a Potsdam, New York, telegraph operator) agreed to forward all Fenian messages to Ottawa before sending them to their proper recipient. Two other agents, William McMichael in New York and John W. McDonald in Philadelphia, developed into extremely successful spies. McMichael, who received \$100 month for his efforts, worked in Fenian headquarters in New York City after 1868 and provided much detailed information. In addition to McMicken's and Ermatinger's agents at home and in the United States, Macdonald also asked Charles Joseph Coursol, a cavalry officer with considerable police and militia experience, to run agents on the Quebec-United States border after Ermatinger's resignation owing to poor health.<sup>22</sup> By late 1868, Macdonald now had three quasi-independent sources of information for

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21 Carl Betke and S.W. Horrall, “Canada's Security Service: An Historical Outline, 1864-1966,” R.C.M.P. Historical Section, Ottawa, 1978, unpublished manuscript in possession of the author, 70, 113ff.

22 On Coursol, see Lorne Ste. Croix in *DCB*, X (Toronto 1982), 206-7.

Fenian intelligence. Macdonald used them to verify each other and it is clear that Coursol was kept unaware of other intelligence efforts.

In the aftermath of the April 1868 assassination, allegedly by a Fenian, of D'Arcy McGee, the moderate Irish nationalist political leader, the Canadians gained perhaps their most valuable source. In June 1868 McMicken travelled to Detroit to meet Henri LeCaron. Dubbed the "Prince of Spies" by one biographer,<sup>23</sup> LeCaron, a pseudonym derived from his years in France (and perhaps the source for David Cornwell's pseudonym Le Carré), was actually Thomas Beach, an Englishman who had left France in 1861 to fight for the Union Army in the Civil War. On the basis of his military credentials and his Fenian acquaintances from those days, he had been recruited by British spymaster, Robert Anderson, to work for the nascent British secret service in 1867. After LeCaron founded a Fenian circle in Illinois, John O'Neill, the new Fenian President and the hero of Ridgeway, recruited him as a Major and Military Organizer with a mandate to organize throughout the eastern states and a Fenian salary of \$100 a month. LeCaron had initiated the Canadian contact when he wrote directly to Macdonald offering his services. The deal McMicken struck with LeCaron was that he would "furnish from time to time with correct information as they proceed with work and in due season inform me of the actual points of attack with all particulars in order that we may be prepared for them."<sup>24</sup> Macdonald, apparently impressed with LeCaron's connections, authorized McMicken to hire him for \$150 a month but warned: "A man who will engage to do what he offers to do, that is, to betray those with whom he acts, is not to be trusted."<sup>25</sup> From the date of his recruitment, LeCaron provided McMicken with copious intelligence often on a daily basis. Much ink has been spilled about LeCaron, most of which treats him as an exceptional, romantic character. Instead I think it important to realize that he was only one of a considerable number of Canadian and English agents in the field, whose fame derived from the British decision to allow him to testify before the special Commission in London in 1889 and the subsequent 1892 publication of his memoirs.<sup>26</sup> His efforts to place Parnell in the revolutionary camp, and to defend *The Times* which had made such inflammatory charges, received massive public attention in Britain. Other agents, such as McMichael, accomplished their tasks with few ripples on the sea of secrecy.

The 1868 McGee assassination led to a series of arrests of some 70 Hibernian (allegedly Fenian) leaders across Ontario. Among those incarcerated

23 John Alfred Cole, *Prince of Spies: Henri le Caron* (London/Boston 1984).

24 NAC, Macdonald Papers: McMicken Reports. VIII, 48. McMicken to Macdonald, 8 June 1868. Quoted in D'Arcy, *The Fenian Movement*, 296.

25 NAC, Macdonald Letter Books, XI, Macdonald to McMicken, 15 June 1868. Quoted in D'Arcy, *The Fenian Movement*, 297.

26 Henri le Caron, *Twenty-Five Years in the Secret Service: The Recollections of a Spy* (London 1892).

## THE EMPIRE STRIKES BACK

were Patrick Boyle, the editor of the *Irish Canadian*, and John Nolan, Toronto's Hibernian treasurer. Despite considerable use of the secret service fund to try to link the Fenians to McGee's murder, including monies paid to the putative eye-witness, Jean-Baptiste LaCroix, and to the prosecuting attorney, James O'Reilly, the Government could not convincingly connect the accused, James Whelan, to the Fenian organization. Indeed LeCaron reported himself to the Canadian government that the O'Neill wing had nothing to do with the murder.

A longer-lasting effect of the assassination was the creation of the Dominion Police, which received royal assent in May 1868. The following year McMicken and Coursol became its first commissioners, and McMicken relocated to Ottawa to take control. Its mandate included the protection of Parliament and other government buildings, the investigation of federal offences such as mail theft and counterfeiting, and, most importantly for our purposes, secret service work. In many ways, McMicken and Coursol simply continued the secret service arrangements they already had in place. The new Dominion Police provided a convenient and permanent home for the secret service, which constituted one of its three departments.

By 1870 the various streams of intelligence provided the Macdonald government with almost complete knowledge of Fenian planning. Indeed so good was the information that the Canadians debated how to respond. As LeCaron wrote: "The thing to be decided is will you let the move take place and kill it or crush it forever? or will you prevent it for many years by seizing all the arms and munitions of war? You can do either, if the latter you must look out for me that's all."<sup>27</sup> Whether the last issue proved crucial in the decision-making is hard to judge, but in February McMicken was said to believe "that with the present perfect means of gaining information at his command, it is better to let the raid take place so as to give the raiders a lesson which will not be easily forgotten and will probably squash the Fenian organization altogether."<sup>28</sup> Apparently McMicken's advice won the day and when the final, major Fenian raids came in May 1870 the Canadians knew everything and were fully prepared. The combination of LeCaron, McMicken's other American spies, and Coursol's agents provided full details of the plans for the invasion from New York and Vermont. Canadian forces met the Fenian invaders in considerable numbers and easily defeated them. LeCaron's important military role during the invasion further threw the Fenians into disarray as he intentionally subverted aspects of the battle plan. Similarly, one year later, LeCaron warned McMicken of O'Neill's final effort, the abortive attempt to ally Fenian with Métis forces

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27 NAC, Macdonald Papers: Fenians, Vol. 5, LeCaron to A. Liddell, 7 November 1869, Quoted in D'Arcy, *The Fenian Movement*, 322.

28 Sir John Young [Governor General of Canada] to Earl Granville, 10 February 1870. Quoted in D'Arcy, *The Fenian Movement*, 338.

in the 1871 raid on Pembina. Ironically, Riel's success in gaining provincial status for Manitoba in the Rebellion the previous year delayed the creation of the other Federally-controlled police force – the North-West Mounted Police. In 1869 Macdonald had proposed for the newly acquired west “that the best Force would be, *Mounted Riflemen*, trained to act as cavalry, but also instructed in the Rifle exercises. They should be instructed, as certain of the Line are, in the use of artillery, this body should not be expressly Military but should be styled *Police*, and have the military bearing of the Irish Constabulary.”<sup>29</sup> Indeed, in February 1870, Macdonald sought as much information as possible from Sir John Rose in London regarding the organization of the Royal Irish Constabulary.<sup>30</sup> For a variety of reasons, the creation of the NWMP was delayed until 1873 but its organizational structure and vision derived from the 1869-70 discussions and the final implementation fell to Deputy Minister of Justice, Hewitt Bernard, Macdonald's former secretary and brother-in-law, who had been fully involved in the earlier plans.

An overall assessment of these early Canadian security and intelligence efforts is difficult, although we have far more historical data to base our judgment on than is normally the case in this field. In three of the four actual invasion attempts, Canadian authorities had considerable advance notice. In the case of the fourth (Fort Erie), the failure lay more in the interpretation of intelligence data than in the gathering. Moreover, it is difficult to assess McMicken's claims that in March 1865 and again in November 1869, Fenian invasion plans were thwarted by Canadian military readiness. Perhaps more important than such strategic assessment, however, is the question of precedent and here one must be less sanguine.

It is notable that English Victorian liberalism's pervasive suspicion of a political police, of detectives, and of secrecy itself appears to have had little resonance in Canada. The only controversy about the secret service came in 1877 when the Mackenzie government investigated Macdonald's use of the funds. While the investigation raised significant questions about Macdonald himself, it did so only in terms of misappropriation and political corruption. The Parliamentary Committee consciously refused to question the propriety of the secret service itself and of the secrecy that surrounded it. While it basically found Macdonald guilty as charged, its mild reassertion of parliamentary control fell far short of the equivalent sentiments found in England in the same period. While the intensity of secret service activity waned in the 1870s, the precedents had been effectively established. Hence, when the Irish nationalist

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29 NAC, Macdonald Papers, vol. 516, Macdonald to McDougall, 12 December 1869. Quoted in S.W. Horrall, “Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories,” *The Canadian Historical Review*, 53 (1972), 181.

30 Horrall, “Macdonald and the Mounted Police Force,” 182.



movement again emerged as a significant force in the early 1880s the Macdonald government knew exactly what to do. In 1881 Macdonald hired a female agent, a Mrs. E. Forest, who had access to American Land Leaguers. Macdonald's recourse to a woman informant was unusual. All the previous spies were men, although McMicken had considered using a female agent in the 1860s to discover Fenian secrets. The Prime Minister also called on McMicken to reactivate LeCaron who had continued to provide information to the British.

After a February 1881 meeting in Chicago, McMicken put LeCaron back on the Canadian payroll. In his renewed spying role, LeCaron attended the Chicago *Cla-na-Gael* convention and proceeded to provide information for the bulk of the decade. Only after his return to England in 1889 and his public testimony to the Special Commission did his illustrious career as a spy end.

The Dominion Police also played a role in gathering intelligence on the resurgent Irish nationalists. Percy Sherwood, a Dominion Police Superintendent and, subsequently Commissioner, trailed Fenian leader Big Jim McDermott when he visited Canada in 1883. (Apparently no one had bothered to inform the Canadians that McDermott was a British informant.) Similarly, Sherwood described running "paid agents in the various large cities just now who are employed temporarily. Their duty is to report what occurs at the various secret meetings of these dynamite conspirators." Somewhat ambivalently, he noted: "I need scarcely tell you that my informants are of the same stripe and have a finger in the pie. The only way to deal with this class of crime is to buy up the principal. It goes against the grain but has become a necessity."<sup>31</sup>

The Fenian threat and the development of both a state response, and, indeed, a new state, were inextricably intertwined in these crucial years. The new state's response was simultaneously related to its colonial legacy but also at some remove from it. For if, as Porter argues, England was slow to develop a political police because of its extraordinary self-confidence, even in the face of Fenian bombs, the same cannot be said of the slowly emerging new nation state north of the United States.<sup>32</sup> Macdonald showed few hesitations in creating a secret police; indeed he exercised tight control over his subordinates, personally controlled the Secret Service fund, and developed this independent intelligence in recognition of emerging Canadian interests. As Wayne Crockett has demonstrated, he proved eminently willing to use it for partisan political purposes as well as for the protection of the new nation.<sup>33</sup>

31 *Dominion Police Records*, vol. 3090, A.P. Sherwood to "My Dear Livy," 14 May 1883. Quoted in Betke and Horrall, "Canada's Security Service," 133.

32 For example, Porter writes of Britain's lack of "political police" that "nearly everyone in Britain regarded this as a matter for national self-congratulation; one proof, among others, of Britain's superiority over all other societies everywhere." *The Origins of the Vigilant State*, 2.

33 Crockett, "The Uses and Abuses of the Secret Service Fund," 197.

Hence, even at its birth, Canada's secret service went unchallenged. No political debate surrounded it; no-one criticized its creation. The profound suspicion so prevalent in Victorian England of spies, spying and secrecy found few reflections in Canada. The suspension of *habeas corpus*, political arrests without charges, mail seizure, penetration agents, perhaps *agents provocateurs* – all were present in these formative years of the new nation state and all went unopposed but for the victims. One can only surmise that the immense self-confidence of Victorian liberalism which underlay the powerful association of a secret police with oligarchy found little resonance in the Canadian outpost of Empire. Instead republicanism (be it of a Quebec nationalist, Irish nationalist or even American stripe) was cast as antithetical to the new nation state created to counter them. That new nation state, largely imposed from above, contained a secret service from its inception.

As Allan Greer has argued, “The Rural Police episode was not the last occasion on which a Canadian government instituted a new police force in order to meet a revolutionary challenge.”<sup>34</sup> In leap-frogging from 1838 to 1919, however, he ignored one other significant occasion, namely the crucial years from 1864-1873, which saw the birth of no fewer than four new political police forces in response to the Fenian and Métis threats.

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34 Greer, “The Birth of the Police in Canada,” 41.