

# Strike or Revolution? H.A. Robson's Inquiry and the Winnipeg General Strike

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T O M M I T C H E L L \*

## PRELUDE

On 24 June 1919, the *Winnipeg Telegram* announced in a bold headline that Winnipeg lawyer, former judge, and Liberal insider, Hugh Amos Robson K.C. would be appointed to head a royal commission investigation into the origin and causes of the still ongoing Winnipeg General Strike.<sup>1</sup> The royal commission, it seemed, was the idea of the Strike Committee, and amounted to a condition for calling off the strike. The *Telegram's* source was a "labour alderman," almost certainly James Winning, President of the Winnipeg Trades and Labour Council and member of the Central Strike Committee, who had negotiated the end of the strike.<sup>2</sup> The province imposed a condition: the general strike had to be called off before the commission would be appointed. As the *Telegram* reported this, a meeting of labour representatives and members of the provincial cabinet was in session.<sup>3</sup>

Next day, in confirmation of the *Telegram* report, Ernie Robinson, Secretary of the Strike Committee, wrote to Manitoba Premier T.C. Norris to

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<sup>1</sup> For a detailed account of Robson's professional life see Dale Brawn, *The Court of Queen's Bench of Manitoba 1870-1950* (Toronto: University of Toronto Press, 2006) at 232-46.

<sup>2</sup> "Former Trades Council Head, J. Winning Dies", *Winnipeg Free Press* (26 November 1951) at 31.

<sup>3</sup> "Hon. H. A Robson Named on Royal Strike Commission", *Winnipeg Telegram* (24 June 1919) at 1.

affirm that the strike would end Thursday 26 June at 11:00 am, and to ask Norris to create a royal commission “having the widest powers of enquiry.”<sup>4</sup> As these formalities played out, the usually reliable Liberal *Winnipeg Free Press* reported the details of the agreement between labour and the province for all to read.<sup>5</sup> 11:00 a.m., 26 June arrived and the strike ended, but days passed without the appointment of a royal commission.

Finally, on 4 July 1919 the appointment of Robson to investigate the strike was announced. Order in Council 31712, approved that day “authorized and empowered” Robson to inquire into and report upon the causes and effects and to examine “the methods of calling and carrying on” the strike. To pursue his inquiry, Robson was empowered to “summon before him any party or witness and to require them to give evidence on oath orally or in writing.” Finally, he was required to produce a report of his findings and to “cause a record to be made of all the evidence ... produced before him during such inquiry.”<sup>6</sup> Beginning in mid-July 1919 the Robson inquiry held eleven public hearings on the strike and on 6 November 1919 Robson submitted his report to the Norris government. Decades after the strike, now only an archival trace of the 1919 crisis, Robson’s report emerged as the most compelling and influential primary source on the origins and meaning of the Winnipeg General Strike.

### WHY A ROYAL COMMISSION?

Conventionally, royal commissions are portrayed as impartial finders of facts and givers of advice to government. More cynical observers have suggested that commissions of inquiry exist to allow the state to delay addressing

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<sup>4</sup> “Premier T.C Norris Issues Statement”, *Manitoba Free Press* (27 June 1919) at 12.

<sup>5</sup> The *Free Press* reported that the strike would end Thursday, the province would appoint a one man Commission of inquiry headed by H. A. Robson K.C., and the Commission would have “the widest powers that can be conferred upon it by the province.” *Manitoba Free Press* (25 June 1919) at 1.

<sup>6</sup> Order in Council 31712 (4 July 1919), Winnipeg, Archives of Manitoba, (EC0003A). The inquiry was created using the provincial *Inquiries Act*, RSM 1913, c 34. There is some evidence to suggest that Robson’s brief was not exactly what labour had asked for: on 25 June, *The Enlightener* (Fred Dixon’s replacement for the *Western Labour News*) reported the end of the strike, but with a promise “The provincial government have appointed a commission to make a thorough investigation regarding re-instatement of all Workers.” *The Enlightener* (25 June 1919) at 1.

controversies. The Robson commission had a complicated provenance. Counterintuitively, the initiative for the inquiry came not from the state but from labour. On 18 June 1919, federal acting Attorney General Arthur Meighen learned that representatives of the provincial government were negotiating with James Winning and another member of the Strike Committee for the appointment of Judge Robson "to inquire into the causes and conduct of the strike." The provincial government hoped that "if this was done the strike would be called off."<sup>7</sup>

Some historians believe the inquiry proffered did end the strike.<sup>8</sup> Some suggest otherwise. Fudge and Tucker say that "the massive use of force ended the strike [...]" Yes, a commission of inquiry was involved, but the inquiry was only a way to "defuse the conflict [...]"<sup>9</sup> There was no mention at all of the commission from D.C. Masters: in his account, the strike leaders "capitulated" when they were "reduced to a state of terror" by the arrests of the strike leaders and the events of Bloody Saturday.<sup>10</sup>

Could it be that the stated or presumed purpose of the Norris government's action was less important than the unstated, even unintended, purposes?<sup>11</sup> After six weeks of acrimony, perhaps the appointment of the inquiry was designed to restore the Norris government's standing with labour following the

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<sup>7</sup> Andrews to Meighen (18 June 1919), Ottawa, Library and Archives of Canada [LAC] (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>8</sup> Winnipeg Defense Committee, *Saving the World from Democracy: The Winnipeg general sympathetic strike, May-June, 1919: strike-arrests-trials-penitentiary* (Winnipeg, 1920) at 216; J M Bumsted, *Winnipeg General Strike of 1919 - An Illustrated History* (Winnipeg: Watson & Dwyer, 1994) at 58.

<sup>9</sup> Judy Fudge & Eric Tucker, *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900-1948* (Toronto: University of Toronto Press, 2004) at 112.

<sup>10</sup> D C Masters, *The Winnipeg General Strike* (Toronto: University of Toronto Press, 1950) at 110.

<sup>11</sup> On the complex purposes that royal commissions may serve, see F Burton & P Carlen, *Official Discourse: On discourse analysis, government publications, ideology and the state* (London: Routledge, Kegan and Paul, 1979); Petra E Sheriff, "State Theory, Social Science, and Governmental Commissions" (1983) 26:5 *American Behavioral Scientist* 669 at 669-80; Adam Ashforth, "Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/Knowledge" (1990) 3:1 *Journal of Historical Sociology* 1 at 1-22; George Gilligan, "Royal Commissions of Investigation" (2002) 35:3 *Australian and New Zealand Journal of Criminology* 289 at 289-307; Paul Scraton, "From deceit to disclosure: the politics of official inquiries in the United Kingdom" in George Gilligan & John Pratt, eds, *Crime, Truth and Justice - official inquiry, discourse, knowledge* (New York: Routledge, 2004) 46 at 46-70.

*neutrality* that the provincial government asserted during the strike.<sup>12</sup> Beyond ending the strike, perhaps Norris and company intended that Robson should lay bare the conditions that triggered the crisis, and specify ways in which the state might speak about the 1919 crisis as a multi-faceted problem to be ameliorated.<sup>13</sup> Norris had need of a new reform agenda after five years in power and the Norris government had a record of labour friendly legislation.<sup>14</sup> No matter what intended or unintended purposes the Norris government set in play with Robson's appointment, there were risks. Commissions once created had an independent life: commissioners might stray beyond their terms of reference or provide reports that "become a source of political embarrassment or danger to a government."<sup>15</sup>

### COMMISSIONER(S)

The character and tendencies of those appointed to undertake an inquiry are a telling indication of the preoccupations of a government. If Robson was labour's choice, his appointment suggests only that the Norris government, eager to bring the strike to an end, left the choice of commissioner to labour. Alternatively, there is evidence that Robson was a Norris confidant: Robson spoke to Ottawa on Norris' behalf the night the strike leaders were arrested.<sup>16</sup> If a commission of inquiry into the strike was needed, Robson, a Liberal insider, untainted by any association with the anti-strike Citizens' Committee of One Thousand, was an obvious choice. To his credit, at least in the eyes of labour, Robson had been a member of the conciliation committee of the Citizens Committee of 100 in 1918 that had negotiated an end to a threatened

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<sup>12</sup> On the involvement of the Norris government in the strike, see Barry Ferguson & Robert Wardhaugh, eds, *Manitoba Premiers of the 19th and 20th Centuries* (Regina: University of Regina Press, 2010) at 149.

<sup>13</sup> Ashforth, *supra* note 11 at 17.

<sup>14</sup> On the legislative record of the Norris government affecting labour see Ferguson & Wardhaugh, *supra* note 12 at 146.

<sup>15</sup> Gilligan, *supra* note 11 at 294.

<sup>16</sup> "General Strike Winnipeg, 1919" Gen. H.D.B. Ketchen, G.O.C. to the Secretary (17 June 1919), Militia Council, Ottawa, LAC (RG24, National Defence, Series C-1 reel C-5052, File: 36346-1).

general strike of that year.<sup>17</sup> Both labour and the provincial government had reason to feel good about the appointment of Robson to investigate the strike.

In 1919, Robson, age forty-eight, was at the top of his form as a leading figure in Winnipeg's administrative and legal communities. Born at Barrow-in-Furness, Lancashire, England, 9 September 1871, of Scottish Presbyterian parents, Robert and Jane Robson, Robson was raised in modest circumstances. Robson's lived experiences in Britain and later in Canada may have allowed him unusual insight into the daily challenges of working-class life. In Barrow, he attended the "Board School" while more privileged boys in the town attended what Robson referred to in his unpublished autobiography as the "Green School." The boys at the Board School bore an "antipathy towards the Green School and its supposed class superiority."<sup>18</sup> And Hugh lived no cloistered life as a child: he recalled being taken to horse races at Gosforth Park, Newcastle and "noisy red-coated gentlemen shouting from book-makers stands something like 'two-to-one-bar-none.'"<sup>19</sup>

The family arrived in Winnipeg in 1882, his father having come out ahead in 1880 and, as Robson recalled, "was somewhere in Manitoba or beyond." Hugh travelled with his mother and four siblings on the Allan Line *Parisian*, departing Liverpool in May 1882. They travelled in what was called Intermediate, above steerage but below cabin rank.<sup>20</sup> During the Robson's brief stay in Winnipeg, eleven-year-old Hugh was employed planting potatoes and running errands as an office boy for an employment agent. In August 1882, the family moved on to "Pile o' Bones", traveling by box-car on the just built CPR. There Robson's father opened a butcher shop.<sup>21</sup> Did Jane Robson have doubts about her new life in the North West Territories? Robson reports that in 1884, Jane took Hugh and his siblings to Glasgow, but "having seen her friends again,

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<sup>17</sup> A Ernest Johnson, *The Strikes in Winnipeg in 1918: the Prelude to 1919?* (Master of Arts thesis, University of Manitoba, 1978) at 147-48.

<sup>18</sup> H A Robson, *Autobiography - draft and correspondence* (ca. 1945, 1989, Legal Judicial Historical Collection), Winnipeg, Archives of Manitoba, (Q 26462, file 40) at 3 [Robson Autobiography].

<sup>19</sup> *Ibid* at 1. For an account of temperance rallies against racing at Gosforth Park, see Mike Huggins, *Flat Racing and British Society 1790-1914 - A social and economic history* (Routledge: London and New York, 2013) at 217.

<sup>20</sup> Robson Autobiography, *supra* note 18 at 5. For the fine gradations of class on board, see Allan Line Royal Mail Steamships, *Information for passengers* (Montreal, 1892) at 10-11.

<sup>21</sup> *Regina Directory for 1885* (Regina: Regina Leaders Steam print, 1885), online: <peel.library.ualberta.ca/bibliography/1530/11.html> [perma.cc/U3QB-NQCR].

had the experience of thousands, and preferred to be back in Canada.”<sup>22</sup> Sometime in the next few years the family moved on to Revelstoke, British Columbia, on the Fraser River. There, the 1891 census lists Robert Robson as “boarding house keeper.” Hugh Robson is listed as a law student.<sup>23</sup>

From these modest circumstances, Hugh Robson constructed a life of hard driving professional accomplishment. Sometime prior to 1890, Robson left Revelstoke to return to Regina and enter the office of D.L. Scott, Q.C. as a law student.<sup>24</sup> Did Robson have doubts about a career in law? In February 1891, the *Kootenay Star* reported that Hugh Robson, a student in law with Scott & Hamilton in Regina, was leaving Revelstoke to take up studies at Manitoba College. There is no evidence that Robson ever attended Manitoba College.<sup>25</sup> In 1892, now twenty-one, Robson was called to the bar of the Northwest Territories. In 1898, he was appointed Deputy Attorney-General of the Northwest Territories; in 1899, he returned to Winnipeg and joined the law firm of Aikins, Culver & Co. A family man now, he had married Fannie Laidlaw in 1897, and Jean, the first of six Robson children was born in 1898.

In 1899, Robson's mother Jane Robson, fifty-four, accompanied by Margaret (24), Elizabeth (23), John (21), and Jessie (17) showed up in Winnipeg and took up residence at 243 Hargrave in Winnipeg's middle class Ward 2.<sup>26</sup> If Hugh Robson had to assume additional financial obligations, his expanding practice as assistant solicitor for the Canadian Pacific Railway in Manitoba's

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<sup>22</sup> Robson Autobiography, *supra* note 18 at 9.

<sup>23</sup> Census of Canada, 1891, online: <central.bac-lac.gc.ca/.item/?app=Census1891&op=img&id=30953\_148094-00479> [perma.cc/K293-SM9S].

<sup>24</sup> “Sunday School Convention”, *Manitoba Daily Free Press* (28 November 1890) at 4.

<sup>25</sup> *The Kootenay Star* (7 February 1891) at 1. Manitoba College was one of the two colleges upon which the University of Winnipeg, established 1967, was based. E-mail, Daniel Richard Eric Matthes, University of Winnipeg Archives, to the author, 25 January 2019.

<sup>26</sup> *Henderson's City of Winnipeg Directory* (Henderson Directory Company, 1899) at 316. Soon all of Hugh's siblings were employed as stenographers or clerks. In the 1901 *Census* the family, absent Robert, appear in Winnipeg, Ward 2, with Jane listed as “head” of the family composed of Margaret (24), Elizabeth (23), John (21), and Jessie (17). Jane lists no occupation, Margaret, Elizabeth, John and Jessie all list “stenographer” as full time occupation with the following incomes: Margaret \$600.00; Elizabeth \$420.00; John \$420.00; Jessie \$360.00, online: <data2.collectionscanada.ca/1901/z/z001/jpg/z000019684.jpg> [perma.cc/4XSH-GNKW]. It appears that Jane had left Robert who continued to reside in British Columbia engaged in a variety of pursuits. In the 1901 *Census*, Robert Robson was in British Columbia making a living as a baker, online: <central.bac-lac.gc.ca/.item/?app=Census1901&op=&img&id=z000012770> [perma.cc/7E9Z-YB69].

largest law firm almost certainly made this manageable. He added the honorific K.C. (King's Counsel) to his business cards in 1909; and in 1910, for a short stint, Robson served as Judge of the Court of King's Bench. An appointment as Public Utilities Commissioner of Manitoba to sort out the provincial telephone system followed in 1912. In 1915, job done, he returned to legal practice as general counsel for the Union Bank of Canada.

In July 1919, on the heels of his appointment to investigate the general strike, the *Manitoba Free Press* reported that Ottawa was seeking to recruit Robson to tackle the vexing problem of Canada's spiraling cost of living. Would he serve as Chair of a federal board of commerce charged with administering the new *Fair Prices Act*?<sup>27</sup> Robson, observed the *Free Press*, "has earned an enviable reputation as the head of commissions and in his capacity of Judge."<sup>28</sup> Later, in August 1919, the *Toronto Globe*<sup>29</sup> reported that Robson had been asked to assume the chairmanship of the Dominion Board of Railway Commissioners.<sup>29</sup> He was a man in demand. Would the character of his inquiry and the quality of his report confirm the wisdom of his selection to investigate the general strike?

## PROCESS AND TESTIMONY

In July 1919, Judge Thomas Mathers had just completed a federal inquiry into the state of industrial relations in Canada.<sup>30</sup> The inquiry had been appointed by the Borden government in response to growing labour unrest across the country. To conduct the public side of his investigation, Mathers had opted for an open forum in which witnesses could relate their views without being cross-examined or challenged. Given the temper of the times, any other approach would have set off protests or triggered a boycott of the commission. In his report, Mathers sidestepped around this difficulty: because of the "nature of our inquiry it had been decided that statements should be received without

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<sup>27</sup> "Chief Justice Robson is Dead", *Winnipeg Free Press* (9 July 1945) at 1-2.

<sup>28</sup> "Judge Robson is to Head Commerce Board", *Manitoba Free Press* (18 July 1919) at 1.

<sup>29</sup> "Judge Robson Asks Few Days to Decide", *Toronto Globe* (2 August 1919) at 3.

<sup>30</sup> *Report of Commission appointed under Order-in-Council P.C. 670 to Enquire into Industrial Relations in Canada Together with a Minority Report*, Ottawa (Ottawa: King's Printer, 1919) at 4 [Mathers Commission 1919]. On Justice Thomas Graham Mathers' distinguished career, see Brawn, *supra* note 1 at 185-99.

oath... and that the cross-examination of witnesses in the ordinary sense should not be permitted."<sup>31</sup>

Robson may have considered following in Mathers' footsteps (Mathers' report was released on 4 July 1919), but he chose a different more inquisitorial approach.<sup>32</sup> Hearings of the Robson inquiry took place in the formality of Manitoba's Legislative Chamber, and they were in no sense a peoples' forum conducted in a register of low-key informality. Robson's inquiry would adopt the brusque impartiality of courtroom practice in the asking and answering of questions. In the contentious atmosphere of post-strike Winnipeg, evidence presented orally - subject to cross examination - would underscore the factual accuracy of testimony considered by the commission.<sup>33</sup> Witnesses before the inquiry were not required to be sworn, but they stood to have the veracity of their testimony challenged by Commission counsel C.P. Wilson.<sup>34</sup> Wilson, fifty-nine years of age in 1919, was a courtroom lawyer, accustomed to and equipped by temperament and skill for adversarial litigation.<sup>35</sup> Did Robson hope to draw authority for his inquiry from the deployment of Wilson's mordant court room exchanges?

In his final report, Robson stated that "due notice publicly given" preceded the hearings,<sup>36</sup> though a search of Winnipeg newspapers reveals only one such notice at the beginning of the inquiry.<sup>37</sup> Over the course of eleven hearings, testimony was offered and solicited about the reinstatement of striking workers, the causes and calling of the strike, permission cards deployed by the strike committee, intimidation, and the risks the strike posed to the well-being of

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<sup>31</sup> Mathers Commission 1919, *supra* note 30 at 4.

<sup>32</sup> In 1919, the *Manitoba the Inquires Act* and the *Manitoba Evidence Act* gave royal commissioners a formidable arsenal of investigative powers. How these were deployed depended almost entirely on the discretion of the commissioners.

<sup>33</sup> Ashforth, *supra* note 11 at 11-12.

<sup>34</sup> Labour was represented at the hearings by T. J. Murray. Murray could also cross-examine witnesses but rarely did so as virtually all who came before the commission were labour spokespersons. Murray graduated in law from Osgoode Hall in 1898 and began legal practice in Winnipeg in 1904. He served as counsel for the Winnipeg Trades and Labour Council for over three decades. *Winnipeg Tribune* (27 December 1954) at 7.

<sup>35</sup> "C.P Wilson, K.C. Dies in General Hospital", *Manitoba Free Press* (12 September 1931) at 18.

<sup>36</sup> The Royal Commission To Investigate the Cause, Effects, Methods of Calling and of Carrying on the General Sympathetic Strike, Winnipeg, Archives of Manitoba (A0063/GR 6202, G7529) at 3 [AM, Royal Commission].

<sup>37</sup> "Commission of Inquiry into General Strike", *Manitoba Free Press* (15 July 1919) at 12.

Winnipeg residents. Throughout, Commission counsel Wilson challenged working class testimony with questions often more fitting of a Citizens' Committee inquisition than the labour friendly inquiry one might have anticipated with Robson as commissioner. If the strike was not exactly over for Wilson, who sorted mail at the central post office during the shutdown, nor was it for workers who appeared before the inquiry.<sup>38</sup>

The dynamics of the daily Robson commission hearings might be thought of as “a theatre of power,” a drama in which those subject to state power might speak of their interests and be heard. In this drama, Robson served as a surrogate for the state, as a not quite “benign partner with Society in pursuit of the Common Good.” Robson, as surrogate, operated within the inquisitorial model he had chosen for his hearings, a model that served as a “framework of codes and rules for representing true knowledge.”<sup>39</sup> It was an approach that was intentionally contentious, designed to arrive at accurate knowledge through frank expression and argument. For Robson, impartiality did not imply a forum where any opinion or claim could be made without scrutiny: hard truths were not that easily arrived at in the wake of the most disturbing social crisis in Winnipeg's history.

The first day of the inquiry set the tone for what was to follow. T. C Murray appeared with a list of workers who had been denied reinstatement to their pre-strike positions. He believed that “the sole reason why quite a number of the men were out of work was that the employers were aiming a direct blow at the trades' union movement.”<sup>40</sup> When Ernie Robinson also complained about employers refusing to take men back, C. P. Wilson led Robinson to admit that the men in question had refused to work when their employers had wanted them to do so, and for some employers this refusal had proved ruinous. Labour, said Wilson, did not have “the right to break its contract whenever it feels like it.” He presented Robinson with a leading question: surely an employer had the right to refuse to rehire workers who had “deserted him.” “The employer has the legal right to refuse to reinstate the striker,” conceded Robinson, “but I do not think he has the moral right to do so.”<sup>41</sup>

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<sup>38</sup> Preliminary Hearing, *The King vs. Wm. Ivens, R.B. Russell*, testimony P.C. McIntyre, Winnipeg, Archives of Manitoba (M 268–269) at 1413.

<sup>39</sup> Ashforth, *supra* note 11 at 9.

<sup>40</sup> “Disrespect for Court by Strike Leaders”, *Manitoba Free Press* (23 July 1919) at 2 [Disrespect for Court].

<sup>41</sup> *Ibid.*

Throughout the hearings, Wilson turned cross-examination away from the preoccupations of labour to revive the anti-strike Citizens' Committee shibboleth that the strike had put the well-being of Winnipeg residents at risk. He asked Ed Robinson "if the paralyzing of the telephone system so far as medical men was [sic] concerned did not entail a very great menace to life and health?" Was it not the case that "the strike committee favored carrying on the strike in a manner which endangered human life?" Robinson could only muster a weak response: the strike had been "carried on [...] as it was carried on." Wilson echoed another Citizen talking point in his response to Robinson: "Your class see a strike as a sort of war do you not?" Robinson: "Industrial war—yes."<sup>42</sup>

Postal worker J. A. Elrick came to the inquiry to challenge the idea that Winnipeg postal workers had gone out on strike "to support a soviet form of government." The idea had originated in the House of Commons with Premier Borden, he stated. Wilson wanted Elrick to talk about the well-being of the city's residents. Did he "approve of access by telephone to doctors being shut off?" When Elrick answered that medical attention had not been denied during the strike, Wilson turned to the morality of the strike. "Do you now repudiate such a strike?" Wilson asked. "It seems to me that that form of strike was an extreme hardship on many innocent people although I see no way of avoiding such hardships in a big political struggle," said Elrick.<sup>43</sup>

Wilson also focused the inquiry on the method by which the strike vote was taken, suggesting by implication that the Trades Council had taken workers into the strike without proper authority.<sup>44</sup> He produced a ballot form used in taking the strike vote and pointed out that it contained "a notice entirely at variance with the constitution of the Winnipeg Trades and Labour Council."<sup>45</sup> The notice stated that the votes of all the unions would be pooled and the total majority for and against the declaring of a strike would be authority for the council. The constitution of the Trades Council required each individual union to decide for itself. Wilson had a point: the strike vote was based on an overall majority vote rather than majorities at the level of individual unions, but he was engaged in a bit of sophistry. In his report, Robson disclosed that

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<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> "Evidence Against Central Strike Committee Given Before Robson Commission", *Manitoba Free Press* (24 July 1919) at 10.

<sup>45</sup> Disrespect for Court, *supra* note 40 at 2. See also AM, Royal Commission, *supra* note 36 at 14-16 for a detailed account of how this process worked in May 1919.

support for the strike was overwhelming; nearly all of the unions affiliated with the Council had majorities in support of the strike.<sup>46</sup>

A. F. Landry, an organizer for the Canadian Brotherhood of Railway Employees, testified about several causes of the strike: wages didn't pay for the necessities of life; the government refused to take action; and employers refused to allow workers to bargain with them collectively. A general strike was the only alternative left. Though the strike was over, Landry believed that "a general movement was on foot to undo the principle of trades' unionism...to the point of extinction." C.P. Wilson put it to Landry that employers had a moral right to deny reinstatement to men who had conducted a strike "in such a manner as to endanger life and health in the population at large." Landry was not prepared to be tutored on morality by Wilson: "a civilization which permitted thousands upon thousands of men to receive an insufficient amount of money in wages to keep them in the necessities of life was a far greater danger to human life."<sup>47</sup>

As the inquiry progressed, reports of the Legislative Chamber proceedings of the Robson Commission were conveyed to the general public by word of mouth and Winnipeg's daily press. In this way, Robson's inquiry came to occupy an imaginative ground, drawing Winnipeg into a dialogue on controversies at the heart of the strike. Charles Taylor, relying on Benedict Anderson and Jürgen Habermas, has spoken about how the social imaginary at the centre of modern western society "incorporates a sense of the normal expectations that we have of one another, the kind of common understanding which enables us to carry out the collective practices that make up our social life." Through such a social imaginary, "people imagine their social existence, how they fit together with others, how things go on between them and their fellows [...]"<sup>48</sup> Economic life, the terms and conditions of the economic collaboration, what Taylor refers to as a "harmony of interest" basic to modern society, is central to this social imaginary.<sup>49</sup> The strike was both a practical and imaginative event - workers practically and imaginatively rejected the basic terms of the economic collaboration upon which Winnipeg's commercial and industrial order stood. For them, there was no "harmony of interest." Robson's inquiry, its focus on the morality of the strike, the basis of working-class

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<sup>46</sup> AM, Royal Commission, *supra* note 36 at 14-15.

<sup>47</sup> Disrespect for Court, *supra* note 40 at 2.

<sup>48</sup> Charles Taylor, "Modern Social Imaginaries" (2002) 14:1 Public Culture 91 at 105.

<sup>49</sup> *Ibid* at 104.

grievance, was a terrain of negotiation on the terms of Winnipeg's post-war social imaginary.

The debate over the very nature of Winnipeg's 1919 crisis stood at the center of the inquiry. Was it a struggle for collective bargaining and economic justice, or the product of a Bolshevik inspired revolutionary plot? Early in the inquiry, Robson disclosed that he was deeply skeptical of the validity of the Citizens' Committee's one-dimensional account of the crisis. On 25 July 1919, Robson observed that it was impossible for him "to believe the whole vast numbers of the strikers were seditious..."<sup>50</sup> Robson was eager to consider alternative interpretations of the strike. If not the destruction of the existing social order, then what moved thousands of working people, unionized and not, to endure six weeks of self-imposed hardship? He questioned whether "a general strike of the nature of that just experienced can ever be justified?" It was, Robson said, the responsibility of those who denied that sedition was at the heart of the strike "to adduce evidence of what in their view was the true cause... to establish causes of the strike free from criminal taint..." He wanted evidence that "clearly justified it...", evidence that "there was no idea at the back of it to impose a soviet form of government on the city." Robson completed his remarks with a call to labour to provide the inquiry with testimony that would establish that "there was such a condition of life that labour was compelled to forcefully express itself and did so free from sedition..."<sup>51</sup>

On 30 July 1919 James Winning's testimony spoke directly to Robson's invitation. A native of Cambuslang, Scotland, in 1919, the thirty-eight year old bricklayer was a member of Winnipeg's City Council, a member of the Manitoba Minimum Wage Board, president of the Trades and Labour Council, and had been a member of the central Strike Committee. But he was no radical. Winning had fought Winnipeg's labour radicals R.B. Russell and R. J. Johns to retain leadership of the city's Trades Council.<sup>52</sup> His broad knowledge and experience of conditions facing Winnipeg workers allowed him to speak authoritatively about the conditions that triggered widespread support for the strike throughout working class regions of the city. His testimony – quoted at length in Robson's final report – powerfully shaped Robson's account of the strike and his recommendations.

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<sup>50</sup> "Judge Robson Considers Labour Leaders and Employees Should Get Together", *Manitoba Free Press* (25 July 1919) at 18.

<sup>51</sup> *Ibid.*

<sup>52</sup> See Masters, *supra* note 10 at 17–21 (on Winning and Winnipeg labour radicalism).

At T. J. Murray's request, Winning was permitted to make a statement without interruption or cross examination. Never before in his life, stated Winning, had he found it so easy to take a strike vote. Every man seemed to have his own particular grievance. The high cost of living, wartime profiteering, the refusal by employers to recognize collective bargaining, poor working conditions, and the threat of unemployment, were in Winning's assessment, the sources of working class anger and desperation that led workers to lose faith in governments, embrace labour unions, and support the call for a general strike.

Next to the high cost of living, unemployment, Winning explained, was "the greatest nightmare, of the working class." He referred the commission to the provincial Minimum Wage Board's determination that a single woman had to receive a minimum of \$12.00 per week to acquire "the bare necessities of life."<sup>53</sup> He recalled Albert Broughton's testimony to the inquiry on 29 July: Broughton, a CPR locomotive fireman and President of Lodge 127, Brotherhood of Locomotive Firemen & Engineers, had testified that he received \$22 per week for working seven days a week and 12 hours a day and had to support a wife and five children. Broughton "could not live on what he was making and others were much worse off."<sup>54</sup>

Winning had investigated wage levels across the city and found that men with families to support were being paid \$12, \$15, and \$18 per week. Workers, explained Winning, were more concerned with the purchasing power of their wages than the amount received. It was "common knowledge that 25 or 30 cents would purchase as much a few years ago as \$1.00 would now." This combined with "the tremendous profits being made by industrial concerns had made Labour people very dissatisfied." They believed "that the greater portion of these profits should go into wages." Workers were very disappointed that governments had done nothing to alleviate these conditions. They had "lost faith entirely in the government."

The refusal of collective bargaining was also a source of great dissatisfaction: "collective bargaining has been talked about in Parliament and advertised in the press, [but] it is not going to do any good unless it is discussed in the factory and the mill." Workers were organizing and demanding collective bargaining. "Countless numbers of workers," he said, "had come to him clamoring for

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<sup>53</sup> "Labour Presents its Side to Commission", *Manitoba Free Press* (31 July 1919) at 9 [Labour Presents].

<sup>54</sup> For Broughton's testimony see *Manitoba Free Press* (30 July 1919) at 4.

organization so that they could get better wages.” The Trades Council could not keep up with the demand for organization.”<sup>55</sup>

Ernie Robinson, another moderate labourite, and Secretary of the Trades Council, provided testimony concerning wage growth and the cost of living. Robinson had examined wages in Winnipeg as the cost of living increased. The wages of railway shop men, the best organized and paid section of labour, had increased between 50 and 60 percent since 1913, while the federal government's Labour Gazette reported that the cost of living had gone up 150 percent in the same period. A railway company could apply for and receive an increase in freight rates, explained Robinson, but it took a “bitter fight” for labour to get any increase in wages. Robinson drew attention to the wartime sacrifices of working people at a time when “those industries most closely associated with the war had made excessive profits.” Such conditions, explained Robinson “operated on the minds of the labouring classes ....” With “no hope of labour ever gaining representation in the legislature,” stated Robinson, “we have only our industrial means of protesting.”<sup>56</sup>

Winning's account of the origin and distribution of permission cards issued by the Strike Committee invited contention. Winning told the commission that he and R.B. Russell had interviewed the mayor, who had recommended the appointment of a sub-committee made up of Council and Strike Committee members. That committee suggested the use of the permission cards and some employers voluntarily took cards for their businesses.<sup>57</sup> Wilson challenged Winning's account with the implication that Winning was lying: “Sparling,” said Wilson, “had given evidence on oath touching this conference at the trial of the leaders. He thought a copy of this evidence would refresh the mind of the witness.” He also challenged Winning's statement that W. R. Milton “had got cards personally from the Labour Temple.” Wilson had just received a note that “stated that Mr. Milton refused to allow these cards to appear on his wagons.” Winning stood by his account of the cards.<sup>58</sup>

Near the conclusion of the inquiry, the question of reinstatement of striking workers again took center stage and prompted Commissioner Robson to offer pointed advice to witnesses before the inquiry. When J.W. Watson of

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<sup>55</sup> Labour Presents, *supra* note 53 at 9.

<sup>56</sup> *Ibid.*

<sup>57</sup> “No Ulterior Motive in Strike – Robinson”, *Manitoba Free Press* (2 August 1919) at 27.

<sup>58</sup> *Ibid.*

the Canadian Brotherhood of Railroad Employees asked for assistance in having men rehired, Robson observed that before he could be of assistance, the erstwhile strikers should prepare a statement admitting that the general strike was a mistake and disassociating themselves from those who had led the strike. A statement of this kind, said Robson, would “form the basis for a settlement.” It should state that the men had been “misled by their leaders,” and that “such a strike would not occur again.” In Robson's opinion, such a declaration “would not be humiliating. Everyone knew that it was human for men to follow false leaders. Just because you were led by some rascals whom you did not understand is no reason why you cannot get back” observed Robson.<sup>59</sup>

Robson's intervention was met with denunciations at a Victoria Park labour rally celebrating the release on bail of the strike leaders arrested 16 June. Roger Bray, a leading figure among the returned soldiers, put a motion before the rally condemning Robson's description of the strike leaders as “rascals.” It called upon the government “to withdraw the commission as it could serve no good.”<sup>60</sup> The Central Labour Council of the politically radical and left-leaning One Big Union also condemned Robson's intervention and called for his “resignation from the bench, and as chairman of this commission.”<sup>61</sup> As his final report suggests, Robson was no fan of the O.B.U. and its advocates were not handled gently by his inquiry. When T. Flye, a blacksmith in CPR shops, appeared to speak on behalf of men who had not been reinstated, C.P. Wilson revived his favorite theme:

Had Flye been in favor of “shutting off the water?”

Flye: “Am I on trial for anything, or am I just here for discrimination [discrimination being a 1919 catch all for any abuse of labour] purposes?”

Robson intruded that “the cross examination [was] quite legitimate.”

Flye then erupted with a litany of working-class grievances:

[he had] seen [his] children starving; seen them without boots on their feet. I have worked until late at night and then was ashamed to go home because the sight of them made me feel that way. I am 44 years of age and am played out and all my life I have worked hard and tried to live honestly. My children have starved the last four years. Would I go on strike? I would do it again today and every day in the week.

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<sup>59</sup> “Many Get Jobs Back by Admitting Error”, *Manitoba Free Press* (9 September 1919) at 10 [Jobs Back].

<sup>60</sup> “Bray's Resolutions Endorsed by Crowd”, *Manitoba Free Press* (15 September 1919) at 5.

<sup>61</sup> “Text of One Big Union Resolution Passed Regarding Judge Robson”, *Manitoba Free Press* (18 September 1919) at 3.

Wilson was not moved: his questions were designed “to find out why employers did not desire to employ the witness and that he had now found out.”<sup>62</sup>

The Citizens' Committee of One Thousand was invited to appear before the Commission but declined to have counsel at the inquiry. A.J. Andrews told Arthur Meighen to ignore Robson's investigation. And no one appeared before the inquiry on behalf of the Committee. The Citizens did submit a written statement full of self-approval, titled Statement of the Committee of One Thousand Showing Co-operation Given By The Committee in the settlement of The Winnipeg Sympathetic Strike, and a copy of an advertisement placed in Winnipeg newspapers at the conclusion of the strike.<sup>63</sup>

Robson did his own investigation of the Citizens' Committee. Responses to a survey sent to businesses in Winnipeg disclosed that the Committee canvassed Winnipeg businesses for financial support, for the use of business vehicles, and for men. Wood Valance Ltd Wholesale Hardware contributed five men for military and Special Police duty, two three-ton trucks, and three touring cars for one month.<sup>64</sup> Other businesses had sent employees to the militia or for other purposes outlined by the Citizens and had paid the salaries of the men serving. This survey suggested that in many cases it wasn't a case of rushing to the Citizens' flag, but a case of “join the militia or lose your job.” What, for example, did the men employed by the Ruthenian Farmers Elevator Company think when they were dispatched by their employer to the Osborne Barracks to join the militia, and then read in the Winnipeg Citizen how aliens from Eastern Europe were to blame for an attempted revolution in Canada?<sup>65</sup>

## THE CITIZENS' ROYAL COMMISSION

Though Robson had chosen to pursue his inquiry into the strike using an inquisitorial format, cross-examining witnesses and exploring questions that often put witnesses on the defensive, his inquiry did provide a forum for a searching exploration of conditions that propelled workers to support the general strike. The virtues of Robson's inquiry were illuminated by comparison

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<sup>62</sup> Jobs Back, *supra* note 59 at 10.

<sup>63</sup> “Put Him On The Job!” and the statement titled “Statement of the Committee of One Thousand, Showing Co-operation Given By The Committee in the settlement of The Winnipeg Sympathetic Strike, May-June 1919” (AM, Royal Commission), Winnipeg, Archives of Manitoba, (Box 1, File 39).

<sup>64</sup> AM, Royal Commission, *supra* note 36 in Box 1, File 12.

<sup>65</sup> AM, Royal Commission, *supra* note 36 in Box 1, File 7.

with the proposed Royal Commission of inquiry that from late June to mid-July 1919 the Citizens' Committee of One Thousand demanded, but was denied. Where Robson sought an understanding of working class grievances, the Citizens sought a commission that would validate their narrative of the strike as a nation-wide Bolshevik insurgency.

Corporate Winnipeg was opposed to the creation of Robson's commission of inquiry. On 24 June 1919, the Citizens had wired Prime Minister Borden, Acting Attorney General Meighen, and Labour Minister Gideon Robertson urging that "no Commission should be promised or announced as a condition of calling off the strike." And Robson, a former Court of King's Bench justice and a Liberal, was considered too liberal, and his charge - to investigate causes of the Winnipeg General Strike - too narrow: how could a provincial commission investigate a conspiracy that was at least nation-wide if not international in scope? Instead, the Citizens' Committee called for the creation of a "Dominion Commission" with the widest possible powers.<sup>66</sup>

On the same day, Winnipeg lawyer Edward Anderson wrote Meighen that the Citizens' legal committee would like the federal government to appoint a "Commission under the *Inquiries Act* to investigate all matters connected with the plot to overthrow constituted authority in Canada...." Anderson had some suggestions for revisions to the *Inquiries Act* that would grant a Commissioner the power to issue search warrants.<sup>67</sup> Meighen faced an organized campaign. On 25 June, A.J. Andrews wired Meighen to complain that, with the Strike basically over, the Robson Commission was "a very great mistake," and would only convince O.B.U. supporters "to hold their organization together and call another strike later on." Andrews also relayed the message that the Citizens wanted a commission with Dominion wide powers "including power to issue search warrants punish refusal to testify etc."<sup>68</sup>

Meighen's response, a telegram to Andrews, was tepid: "Before we consider matter, must wait Robertson's return. Cannot interfere with Provincial

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<sup>66</sup> Borden Papers, reel C4341 Citizens' Committee of One Thousand to Prime Minister, Minister of Justice, Minister of Labour (telegram, 24 June 1919), Ottawa, LAC (62089-62092).

<sup>67</sup> Letter from Edward Anderson to Arthur Meighen (24 June 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>68</sup> Wire from Andrews to Meighen (25 June 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

governments [sic] course.”<sup>69</sup> Nevertheless, he began to prepare to amend the *Inquiries Act* as suggested. A memorandum prepared for the Minister of Justice dated 30 June 1919 set out a revision to the Act that would add a new section, section 14. The revision would have allowed Commissioners to issue search warrants authorizing persons by “day or night” to undertake searches and seizures of “articles or things” referenced in the warrant.<sup>70</sup>

A.J. Andrews and the Citizens’ Committee had engineered the arrests of the strike leaders on 16 June, but in early July neither the province of Manitoba nor the federal government was prepared to sponsor the prosecution of these men.<sup>71</sup> While the Citizens pondered a private prosecution of the strike leaders allowed for under the *Criminal Code*, they redoubled their demands for a national inquiry. Ed Anderson, General Counsel to the Winnipeg Electric Railway Company,<sup>72</sup> renewed his demand for a national inquiry, and other Citizens – Andrews, W.H. McWilliams, A.K. Godfrey – joined in, aided by MP George Allan.<sup>73</sup> Anderson, citing other Citizen lawyers Isaac Pitblado, J. B. Coyne, and Travers Sweatman, asked for an investigation of the O.B.U., “the Socialistic Party of Canada” [sic], the “Bolshevistic” movement, and especially their “ulterior and revolutionary motives” [sic] in connection with the Strike.

The Citizens wanted a Royal Commission whose conclusion – that the Citizens had been correct to fear Bolshevik revolution – would already be anticipated in its terms of reference. Anderson even suggested who should head the Commission so that the Citizens could rig the outcome: “I think that the Commissioner should be either Judge Duff or Judge Cameron. The latter has some very pronounced views in the right direction.” Like Robson, J.D. Cameron was a Liberal, but with attitudes more in line with the Citizens’ Committee. He had denied the initial bail application of the strike leaders.<sup>74</sup>

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<sup>69</sup> Telegram from Meighen to Andrews (25 June 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>70</sup> Memorandum for The Minister of Justice, Ottawa (30 June 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>71</sup> For an account of the challenges confronting the Citizens see Reinhold Kramer & Tom Mitchell, *When the State Trembled – How The Citizens’ Committee Broke the Winnipeg General Strike* (Toronto: University of Toronto Press, 2010) at 207-14.

<sup>72</sup> B M Greene, ed, *Who’s Who in Canada, 1928-29*, (International Press, 1929) at 1550.

<sup>73</sup> Letter from G W Allan, House of Commons, Ottawa, Canada to Hon Arthur Meighen (5 July 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket # 2).

<sup>74</sup> Letter from Edward Anderson to Meighen (7 July 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

In mid-July, as the preliminary hearing into the charges against the strike leaders got underway, MP George Allan and Citizens' Committee members A.K. Godfrey, John Botterell, and Andrews continued to lobby Meighen for a Royal Commission. Botterell, a Conservative grain broker,<sup>75</sup> suggested that the commission would be "counter-propaganda," and he repeated the Citizens' suggestion of Judge Cameron as chair.<sup>76</sup> Allan, to increase the pressure, and to avoid wearing the horns for a negative response, asked Meighen to advise the chair of the Citizens' Executive A.K. Godfrey personally of the government's decision.<sup>77</sup> Andrews called for a commission "to investigate the question of whether there exists in Canada certain revolutionary societies and movements, [and] to what extent Bolshevism exists in Canada [...]."

Like Ed Anderson, Andrews already anticipated the commission's conclusion in its terms of reference. According to Andrews, under the right commission chair, all the evidence gathered in Winnipeg and elsewhere at the conclusion of the strike could be knit together into a story of revolution. It could show "that the One Big Union is nothing more than the I.W.W. of the States."<sup>78</sup> How would a Royal Commission furnish criminal evidence? It seemed that Andrews planned that both police informants and the accused would be compelled to testify and be cross-examined without the legal representation that would be required in a criminal trial. Once the material was on the public record, it could be used to portray the general strike as a criminal conspiracy.

This was not at all far-fetched. Andrews himself had defended former Conservative Premier of Manitoba Sir Rodmond Roblin on charges of kickbacks in the construction of the new parliament buildings, charges that had arisen out of a Royal Commission instigated by the Liberals.<sup>79</sup> Almost thirty years later, Citizen E.K. Williams would use the same technique in the Gouzenko Affair, convincing Mackenzie King to use a Royal Commission in

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<sup>75</sup> Parker, *Who's Who and Why* (Vancouver: International Press, 1914) at 74.

<sup>76</sup> Letter from J E Botterell to Hon Arthur Meighen, Acting Minister of Justice (10 July 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>77</sup> G W Allan to Arthur Meighen (9 July 1919), Ottawa, LAC (RG 13, Access 87-88, 103: Box 36, file 9-A-1688).

<sup>78</sup> Andrews to Meighen (8 July 1919), Ottawa, LAC (RG 13, Access 87-88 / 103: Box 36, file 9-A-1688, pocket #2).

<sup>79</sup> *Royal Commission Appointed to Inquire into Certain Matters Relating to the New Parliament Buildings* (Winnipeg: King's Printer, 1915).

order to circumvent the due process of law.<sup>80</sup> Witnesses were taken into custody, held without charges, and taken before the commission without legal advice or representation. Andrews and the Citizen lawyers understood very well what sort of instrument a Royal Commission could be. The commission envisioned by the Citizens' Committee would be a "star chamber" proceeding unlike any Royal Commission inquiry in Canadian history.<sup>81</sup>

When Meighen suggested that such a commission would duplicate the work of Robson's Commission, the Citizens, via their chairman, investment manager A.L. Crossin,<sup>82</sup> cried that no mere judicial trial or provincial commission could disclose the true extent and purposes of Bolshevism in Canada.<sup>83</sup> Briefly, Meighen dangled a compromise offer in front of the Citizens – if the Province didn't object, Robson could be invested with broader powers to look at the situation nationally<sup>84</sup> – but even that offer was soon withdrawn. Cabinet was "averse to anything generally regarded as multiplication or overlapping commissions."<sup>85</sup> In the end, the federal government wasn't going to infringe upon the Province's appointment of Robson, and simply wished that the Strike that had gone away would stay away.

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<sup>80</sup> Williams noted that "The Commission has full control over its own procedure and the way in which it will handle all matters coming before it. It may, and in this case should, sit in camera. It need not be bound by the ordinary rules of evidence if it considers it desirable to disregard them. It need not permit counsel to appear for those to be interrogated by or before it." E K Williams, "The Corby Case" (Top Secret memorandum to William Lyon Mackenzie King, 7 December 1945) *Canada's Human Rights History*, online (pdf): <historyofrights.ca> [perma.cc/Z8C9-M3XX]; see also Order in Council PC 411 (5 February 1946), *Royal Commission to Investigate the Facts Relating to and the Circumstances Surrounding the Communication, by Public Officials and other Persons in Positions of Trust of Secret and Confidential Information to Agents of a Foreign Power*.

<sup>81</sup> See Kramer & Mitchell, *supra* note 71 at 558, n 19 (similarly describing the Citizen-led criminal proceedings against the strike leaders as unprecedented).

<sup>82</sup> *The Winnipeg Tribune* (22 October 1956) at 26 (for more on A L Crossin).

<sup>83</sup> Letter from A L Crossin to Meighen (16 July 1919), LAC (RG 13, Access 87-88/103: Box 36, file 9-A-1688, pocket #2).

<sup>84</sup> Telegraph from Meighen to Andrews (17 July 1919), Ottawa, LAC (RG 13, Access 87-88, 103: Box 36, file 9-A-1688, pocket #2).

<sup>85</sup> Arthur Meighen to Andrews (18 July 1919), Ottawa, LAC (RG 13, Access 87-88, 103: Box 36, file 9-A-1688, pocket #2).

## THE REPORT

In language noticeably clear, direct, and concise – the hallmarks of effective legal writing – Robson described the origins of the strike in both immediate and contextual terms. He explained that for some time prior to the strike “there had been pending two disputes of importance between employees in the building trades and the builders and the metal workers in contract shops and owners.” These two disputes – one over wages, one over forms of collective bargaining – were necessary, but not sufficient causes of the strike. The refusal of the demand for collective bargaining was viewed by labour “as a blow struck at Labour organizations.” For labour the strike “was an attempt by direct action to secure the demand of labour.” While these disputes triggered the general strike, providing the specific cause, the immediate disputes did not, in Robson’s view, “wholly explain the cessation of work and disregard of obligation and consequences by the throngs of workers of all classes, organized and unorganized.”<sup>86</sup>

“The mood in which workers of all classes were at that particular time,” Robson contended, provided the necessary condition for the strike. With the war over, Winnipeg’s working classes turned to “the real or supposed wrongs at home [...]”<sup>87</sup> Robson’s commentary on the sources of working class grievance in Winnipeg at war’s end might have been applied across Canada and combined with the observations of O.D. Skelton, W.L. Grant, and Robert Falconer to contribute to a pan-Canadian portrait of working class distemper. O.D. Skelton thought the war had “produced a reckless and desperate temper.”<sup>88</sup> The war had discredited Canada’s existing social order, observed W.L. Grant; a reformed post-war society had to be rooted in “something deeper and more spiritual than a market place citizenship.”<sup>89</sup> Robert Falconer feared that Canadian society was in a “diseased condition.”<sup>90</sup> Robson’s commentary was more nuanced but just as telling: “minds had been intent on the war and the efforts therefore and that engrossing fact having ceased, the relaxation caused concentration on the real or supposed wrongs at home.”<sup>91</sup>

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<sup>86</sup> AM, Royal Commission, *supra* note 36 at 4.

<sup>87</sup> *Ibid* at 5.

<sup>88</sup> O D Skelton, "Current Events" (1919) 27 Queen's Q at 127.

<sup>89</sup> W L Grant, "The Education of the Working Man" (1919) 27 Queen's Q at 159-60.

<sup>90</sup> *Report of the Proceedings of the National Conference on Character Education in Relation to Canadian Citizenship* (Winnipeg, 1919) at 25-26.

<sup>91</sup> AM, Royal Commission, *supra* note 36 at 5.

Robson had no doubt that Winning's testimony provided "a true and unexaggerated delineation of the mind of Labour in Winnipeg immediately prior to the Strike." Winning identified many reasons for labour's discontent. These extended from fear of unemployment, the cost of living, to wartime profiteering.<sup>92</sup> Dissatisfaction was palpable. When it came, the strike included both "those highly paid and those whose earning power was low,"<sup>93</sup> and it lasted well beyond expectations.<sup>94</sup> The strike was "in the minds of many, a protest against conditions and a demand for general relief."<sup>95</sup>

Robson considered the guilt or innocence of the arrested strike leaders irrelevant to his inquiry. His attitude grew out of his rejection of the Citizens' Committee's claim that the strike originated with these men and their associates elsewhere. Robson discovered the origin of the strike in "the motives and intent of the general body of labour." He rejected the idea that "the vast number of intelligent residents who went on strike were seditious or that they were either dull enough or weak enough to allow themselves to be led by seditious [sic]." The strike leaders, Robson conceded, "may have dangerously inflamed certain minds, but the cause of the Strike, or of the exercise of mass action, was the specific grievance above referred to and the dissatisfied and unsettled condition of labour at and long before the beginning of the Strike."<sup>96</sup>

While he dismissed the idea of the strike as fruit of a seditious conspiracy, the strike leaders who had been arrested on 16 June did not escape his scorn. "Socialistic leaders" Robson called them – though he named no one, it is clear that he was referring to William Ivens, R. B. Russell, Roger Bray, and John Queen, among others. In Robson's assessment they were "not in the true sense labour leaders." In Robson's assessment "the motive of the radicals was not that of obtaining the right to a mode of collective bargaining for a group of workers, but that the purpose was to elevate Labour into a state of dictatorship." He had no sympathy for their cause.<sup>97</sup> "It was," he observed "unfortunate that ...

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<sup>92</sup> *Ibid* at 6–9.

<sup>93</sup> *Ibid* at 5.

<sup>94</sup> *Ibid* at 4.

<sup>95</sup> *Ibid* at 10.

<sup>96</sup> *Ibid* at 13.

<sup>97</sup> While Robson's scorn extended to labour activists beyond simply members of the Socialist Party of Canada like R.B. Russell, Gerald Friesen's assessment of the role of SPC militants in 1919 provides a valuable contextualization and corrective (other works could also be

genuine labour was given the appearance of being linked up with the movements of these men.” And for this, the strike leaders were at fault, for they had “attempted to convert the Strike into a practical socialistic movement and to thrust themselves into its leadership.”<sup>98</sup>

Robson ridiculed their pretensions: it was “impossible to believe that the great mass of workers, intelligent and loyal to British institutions, and who accepted the existing order of things, no matter how discontented they were, acquiesced in all that was said and done.”<sup>99</sup> He was less generous to non-English-speaking strikers: “labour radicals,” he concluded, “were particularly successful with the foreign element and, since the revolutions in Europe gave point to socialistic propaganda, Europeans of the Russian and Austrian type in this country were most willing disciples of these leaders.”<sup>100</sup>

What Bertrand Russell termed the “superior virtue of the oppressed” did not blind Robson to the realities of the strike.<sup>101</sup> Strikers, he reported, considered the strike a protest and deemed anyone not on strike “to be blameworthy or to be at least subjects of that protest.”<sup>102</sup> He concluded that some strikers “struck or remained out because of intimidation which was not by merely strong persuasion or exhortation, but was of a threatening character.” The need for signs proclaiming “permitted by the Strike Committee” was evidence of this condition.<sup>103</sup> Testimony before his inquiry had made clear that “it was of no consequence to them [strikers, and strike leaders radical or otherwise] that there might be great suffering from want of medical aid or want of food or milk deliveries or in many other ways.” He recalled testimony before the inquiry by labour spokesmen who asserted that such suffering was justified if it brought “the community to a realization of labour’s predicament, and that the damage that would result from the general strike was slight compared with the ordinary suffering of labour.”<sup>104</sup> Robson did not ignore the suffering of

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cited) for Robson’s over-simple condemnation of 1919 labour radicalism. See Gerald Friesen, “Yours in Revolt’: The Socialist Party of Canada and the Western Canadian Labour Movement” (1976) 1 *Labour/Le Travail* at 149–52.

<sup>98</sup> AM, Royal Commission, *supra* note 36 at 10.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid* at 9.

<sup>101</sup> Bertrand Russell, *Unpopular Essays* (London: George, Allan and Unwin, 1950) at 69–75.

<sup>102</sup> AM, Royal Commission, *supra* note 36 at 5.

<sup>103</sup> *Ibid* at 11.

<sup>104</sup> *Ibid* at 17. Robson absolved the leaders of the strike from any responsibility for Bloody Saturday. The leaders’ policy was “peaceful idleness.”

strikers: “approximately 20,000 workers in the City of Winnipeg lost their entire revenue for a period of six weeks.”<sup>105</sup>

On the subject of human suffering, Robson gestured between the lines to the sentiments recorded by W.A. Mackintosh following a trip to strike bound Winnipeg in mid-June 1919. Mackintosh, then a youthful political economist teaching at Brandon College, had little sympathy for those Winnipeggers inconvenienced or worse by the strike. In his opinion, “a sympathetic strike is possible only where there is a patent and fundamental evil; an evil so patent and so fundamental that the community becomes a co-partner in maintaining it.” Suffering was the necessary product of a sympathetic strike: it “does not *incidentally* hurt the general public, it is aimed directly at a public which has been ignorant of, or has shirked its responsibilities.”<sup>106</sup>

Robson’s moral compass did prompt him to direct attention to the daily challenges of working-class life, to the terror of unemployment, and to the misery of poverty. In doing so, Robson seems to suggest that the central meaning of the strike might be expressed in moral rather than economic or political terms. In 1919, an immoral liberal order was challenged. Robson’s social commentary presented a scathing rebuke to Winnipeg’s status quo. “The grievance of class distinction” was, Robson observed, “deeply rooted” in Winnipeg’s social order. Working class Winnipeg resented the fact that “self-indulgent” members of the “manufacturers and the merchandising class” prospered during the war, while labour suffered. While prosperous Winnipeg “never seems to be in want, neither in the matter of food, clothing, suitable residence, education, medical and other professional attention, or even recreation, ... labour [was] not only never assured but [was] very often deprived of the essentials of these things.”<sup>107</sup> In Robson’s view, Winnipeg in 1919 provided an unfortunate example of the ills wrought by economic and social inequality. “There has been and there is now,” he observed, “an increasing display of carefree, idle luxury and extravagance on the one hand, while on the other is intensified deprivation. The generally cold indifference of the one section to the condition of the other and the display of luxury aggravate this

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<sup>105</sup> *Ibid* at 19.

<sup>106</sup> Hugh Grant, “Revolution in Winnipeg” (2007) 60 *Labour/Le Travail* 171 at 178. On Mackintosh’s celebrated career as a political economist, see Hugh Grant, *W.A. Mackintosh: the life of a Canadian economist* (Montreal & Kingston: McGill-Queens University Press, 2015) [emphasis added].

<sup>107</sup> AM, Royal Commission, *supra* note 36 at 27.

feeling of social disparity into one of active antagonism by the one class against the other.”<sup>108</sup>

Robson issued a call for action. Employers needed to “provide enough to assure labour a contented existence,” and opportunities for “human improvement.” If they failed to act, “the Government might find it necessary to step in and let the state do these things at the expense of capital.”<sup>109</sup> Robson had other suggestions for improving the lives of Winnipeg's workers. Because education was “practically closed to children of those engaged in manual labour,” the provincial government should provide “subsistence and means for promising youth of the wage-earning class to enable them to continue on into the Universities.”<sup>110</sup> Robson also contended that because manual labourers were not always able to “secure for their wives and families medical assistance and the necessary provision of medicines,” the state should undertake to provide “medical services and medicinal necessities” required by working class Winnipeg. Robson asserted that: “There should be no difficulty in deriving the means for carrying out of the specific objects above mentioned.” He suggested “a scheme of taxation of those who can afford it and application of wealth to the reasonable needs of the others in the community whose lot in life has not been favored.”<sup>111</sup> Taken together, Robson’s prescriptive and advanced reform agenda amounted to what, decades later, Harry Arthurs, relying on T.H. Marshall, would term an “industrial citizenship” for Winnipeg’s working classes.<sup>112</sup>

## REPORT UNBOUND

Robson submitted his report to the provincial government on 6 November 1919, but it was not released to the public until 29 March 1920, coincident with the conclusion of the trials of the strike leaders. Premier Norris explained that the report had not been released earlier because of concern that it might have prejudged the outcome of the trials. It is not unusual for a government

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<sup>108</sup> *Ibid* at 27.

<sup>109</sup> *Ibid*.

<sup>110</sup> *Ibid* at 28.

<sup>111</sup> *Ibid* at 29.

<sup>112</sup> Harry Arthurs, "Developing Industrial Citizenship: A Challenge for Canada's Second Century" (1967) 45 *Can Bar Rev* at 786-30; Judy Fudge, "After Industrial Citizenship: Market Citizenship or Citizenship at work?" (2005) 60:4 *Relations Industrielles/Industrial Relations* at 631-56.

to outline its reaction to a Royal Commission report for public consideration and debate. Some went so far as to issue a discussion paper. The Norris government did neither. “I have not read the report, nor am I aware of its contents,” Premier Norris stated upon its release. Asked if the government contemplated adopting any of Robson’s recommendations, Norris would not say when or what action would be taken.<sup>113</sup>

And the reform agenda outlined in Robson’s report played no part in the Liberal campaign during the 1920 provincial election. When Attorney General T. H. Johnson addressed the Norris government’s record on labour legislation, he said that “it won’t satisfy the Reds,” but that did not concern the government. He did identify several legislative initiatives affecting labour including the *Bureau of Labour Act*, the *Fair Wage Act*, and the *Minimum Wage and Workman’s Compensation Acts* as illustrations of the government’s interest in the condition of labour.<sup>114</sup> In 1957, a leading member of the Manitoba bench was asked why the Robson Report was mostly ignored by Robson’s contemporaries. His answer: “Well, you know, Robson was always a socialist.”<sup>115</sup>

#### A DIALOGUE WITH HISTORY<sup>116</sup>

The report of a Royal Commission that was ignored upon its release or failed to serve as an instrument for policy formulation might eventually find life as an archival record. Would the Robson Royal Commission archive become a subject of historians’ discussions, a source of historical “facts,” and interpretations of the general strike?<sup>117</sup> For decades after the strike, Robson’s

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<sup>113</sup> See *The Winnipeg Evening Tribune* (30 March 1920) at 1. The *Liberal Manitoba Free Press* also ignored the release of the report: no editorial comment or summary of the report appeared in the pages of the *Free Press*. *The Winnipeg Evening Tribune* published a detailed and thorough account of the main points and recommendations made in Robson’s report. See *The Winnipeg Evening Tribune* (30 March 1920) at 3. Outside Winnipeg, the *Brandon Daily Sun* carried a brief report noting that Robson reported that the great mass of the workers who struck were “intelligent and loyal to British institutions, [and] did not acquiesce in all that was said and done” during the strike; *Brandon Daily Sun* (30 March 1920) at 9.

<sup>114</sup> “Big Attendance Marks Opening of Govt. Drive”, *The Winnipeg Evening Tribune* (17 June 1920) at 2.

<sup>115</sup> Kenneth McNaught, *A Prophet in Politics – a Biography of J.S. Woodsworth* (Toronto: University of Toronto Press, 1959) at 130.

<sup>116</sup> Ashforth, *supra* note 11 at 8.

<sup>117</sup> *Ibid.*

commission report – a non-polemical account of the crisis – had little influence in shaping published accounts of the strike. Polemic, not measured analysis, dominated the imaginative reconstructions of the crisis until the late 1940s.

Accounts inspired by the Citizens' Committee's narrative of the strike as a revolution, bolstered by criminal court guilty verdicts in trials of the strike leaders, appeared in the *Canadian Annual Review of Public Affairs* in 1920 and the *Cambridge History of the British Empire* in 1930.<sup>118</sup> In the *Annual Review*, J. Castell Hopkins told his readers that Winnipeg 1919 "was not an ordinary Labour fight for better wages or improved conditions; it was a deliberate effort by an extremist element in labour ranks to acquire control of Labour organizations and capture the government of Winnipeg by means of a general strike...."<sup>119</sup> In the *Cambridge History*, W. Stewart Wallace observed that "...there is no doubt that a widespread plot existed among the more extreme Labour leaders to upset the established order of things all over Canada."<sup>120</sup> Contra the Citizens, in 1920, the Defense Committee, formed to raise funds for the defense of the strike leaders, published an account of the strike. Thelma Thomas described it as "a superb polemic" in which "the optimism, the excitement, and the frustration of the strikers is alive on every page...."<sup>121</sup> Later accounts of the strike, sympathetic to labour, present 1919 as a struggle for collective bargaining and economic justice.<sup>122</sup> All – those on the left and the right – perpetuated without critical examination narrative constructions that had originated with the crisis.

The question posed in the polemics of crisis – was 1919 a strike or a failed revolution – remained unresolved and unattended to until D.C. Masters' account of the strike was published in 1949. It was no coincidence that Masters, the first historian of the general strike to make ample use of Robson's report,

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<sup>118</sup> J Castell Hopkins, *Canadian Annual Review of Public Affairs* (Toronto: Canadian Annual Review, 1920) at 460-77; W Stewart Wallace, *Cambridge History of the British Empire*, vol 6 (Cambridge: University Press, 1930) at 768-70.

<sup>119</sup> Hopkins, *ibid* at 460.

<sup>120</sup> Wallace, *supra* note 118 at 770.

<sup>121</sup> Thelma Oliver, Book Review of *Winnipeg 1919: The Striker's Own History of the Winnipeg General Strike* by Norman Penner & *The Winnipeg General Strike* by D C Masters (1974) 7:4 *Can J of Political Science* at 735.

<sup>122</sup> W S Ryder, *Canada's Industrial Crisis of 1919* (M.A. Thesis, University of British Columbia, 1920); H A Logan, *The History of Trade Union Organization in Canada* (Chicago: University of Chicago Press, 1928) at 390-96.

made this question the central focus of his book.<sup>123</sup> Robson's balanced, engaged account of 1919 became the central fulcrum of Masters' new and durable interpretation of the crisis.<sup>124</sup> In his report, Robson was critical of both the Citizens' Committee's account of the strike as a Bolshevik inspired plot, and the polemics featured in the pages of the *Western Labour News*, and the *Strike Bulletin*.<sup>125</sup> There may have been revolutionary plotters and pretenders (Robson was agnostic on the guilt of the strike leaders facing trial for sedition), but he rejected the Citizens' claim that Winnipeg's working classes had downed tools with sedition in mind. Masters echoed Robson: "It is therefore the opinion of the author that there was no seditious conspiracy and that the strike was what it purported to be, an effort to secure the principle of collective bargaining."<sup>126</sup>

While interpretive emphasis varied in subsequent accounts of the strike, the central interpretive account of the strike – the meaning of 1919 – set out in Masters', has been embraced by most historians of the crisis. In his canonical account of Manitoba's history published in 1957, W.L. Morton concluded that "to his honour, Robson submitted a moderate and sympathetic report which laid proper stress on the legitimate grievances from which the Strike originated."<sup>127</sup> In their 1974 account of the strike, Kenneth McNaught and David J. Bercuson asserted that Robson "struck at the roots of the claims of the Citizens' Committee of 1,000 with a clear statement that the Strike had definitely not been brought about by a band of revolutionary plotters." Robson, they observe, presented "some remarkably astute observations and conclusions concerning the causes of the strike."<sup>128</sup> Recent accounts of the origins of the Citizens' strike narrative in the polemical rhetoric of the turn of the century American anti-labour Citizens' Alliance movement (the inspiration for the

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<sup>123</sup> In 1945 Robson's role as commissioner of inquiry into the Winnipeg General Strike had sunk from historical consciousness to the point that no mention was made of it in his obituary announcements. See e.g. *Winnipeg Free Press* (9 July 1945) at 1-2; *Manitoba Free Press* (25 June 1945) at 5.

<sup>124</sup> Masters, *supra* note 10 at 43, 107, 128-29, 132, 136-37.

<sup>125</sup> AM, Royal Commission, *supra* note 36 at 11-13.

<sup>126</sup> Masters, *supra* note 10 at 134.

<sup>127</sup> W L Morton, *Manitoba - a history* (Toronto: University of Toronto Press, 1957) at 371.

<sup>128</sup> Kenneth McNaught & David Bercuson, *The Winnipeg Strike* (Don Mills: Longman Canada, 1974) at 101.

Citizens' Committee of One Thousand) underscored the wisdom of Robson's perspective on the origin and meaning of 1919.<sup>129</sup>

Ignored for decades, the Robson Royal Commission report is now recognized as the most compelling and influential primary account of the origins and meaning of the Winnipeg General Strike. Nearly a century after its writing, Desmond Morton praised Robson's report: it "anticipated history by giving little weight to the theories of revolution and subversion which had fueled the Citizens' Committee."<sup>130</sup> In 2007, J. M. Bumsted concluded that the "verdict of history has been favorable to the strikers. That approval began, perhaps, with the findings of a Royal Commission headed by H.A. Robson that acknowledged that the strike was held for traditional labour issues and not intended to foment revolution."<sup>131</sup> It may be that Robson has additional lessons to teach us about Canada's 1919 liberal order.

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<sup>129</sup> See Kramer & Mitchell, *supra* note 71 at 170-75; Tom Mitchell, "Citizens' Committee and Alliances," in Melvyn Dubofsky, ed, *The Oxford Encyclopedia of American Business, Labor, and Economic History*, vol 1 (New York: Oxford University Press, 2013) at 118-19.

<sup>130</sup> Desmond Morton, *Working People – An Illustrated History of the Canadian Labour Movement*, 4th ed (Montreal and Kingston: McGill-Queen's University Press, 1998) at 124.

<sup>131</sup> J M Bumsted, "Winnipeg General Strike" in *Encyclopedia of Manitoba* (Winnipeg: Great Plains Publications, 2007) at 758.