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ALBERTA, HUMAN RIGHTS AND THE MOVE FOR CHANGE IN CZECHOSLOVAKIA: CHARTER 77 AND GORDON S.D. WRIGHT

▼
by
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The 1960s were a period of revolution. From the United States and Canada to France and West Germany, students around the world took to the streets to protest any number of issues from the Vietnam War to growing inequalities in capitalism. The countries sitting behind the Iron Curtain were not immune to these movements. Throughout the period following the Second World War, uprisings occurred in East Germany in 1953, Hungary in 1956, and Czechoslovakia in 1968. What became the Charter 77 movement had its beginnings in 1968 during the “Prague Spring” in Czechoslovakia. Observers from several western nations, including Alberta lawyer, Gordon S.D. Wright, travelled to the communist state to apply pressure on the Czech government for leniency in what was clearly a political “show trial”.

Dissent in Eastern Europe was significantly different from Western demonstrations and marches. Uprisings in the Soviet Bloc never occasioned an overthrow of the communist system, and almost always resulted in unwanted arrests and detentions.¹ However, unlike some other nations in Eastern Europe, Czech citizens were not interested in destroying socialism, they wanted to reform the system. The movement proposed some liberalization, including less press censorship and more freedom of expression; basic rights denied to them since the end of the Second World War. As one might imagine, this popular sentiment was not welcome in Moscow or by other leaders in Eastern

Europe. They feared that if one country abandoned communism, other nations would follow. In order to prevent this from happening, the rulers in Moscow ordered a military intervention in Czechoslovakia with support from five Warsaw Pact nations.

In the aftermath, many of the Czech leadership were arrested and removed to Moscow where they faced immense pressure to denounce the Prague Spring reform movement. It was during this time that Prague and Moscow came to an agreement. Moscow, and the other countries, would withdraw their troops if the Czech government reversed the liberalization developments. Moreover, they agreed to conform to what became known as the “Brezhnev Doctrine,” whereby defence of socialism against all “counter-revolutionary forces” became an obligation for nations in the Soviet sphere of influence.² Yet, the call for liberal change in Czechoslovakia was never totally extinguished, and an underground movement continued to work towards reform.

In 1975, the Czechoslovakian government signed the Helsinki Pacts, which called for more political freedom and basic human rights. On March 23, 1976, these became part of Czechoslovakia’s domestic law. However, citizens, including playwright and future President Vaclav Havel, began questioning the government’s commitment to the Helsinki Pacts. Along with a number of other prominent Czechs, Havel joined the Committee in Defence of the Unjustly Prosecuted (VONS), and wrote and signed a manifesto—Charter 77. It initially received 243 signatures and by June 1977 nearly 700 people had signed.³ Because of their activities, ten members of VONS were

arrested on May 29, 1979, and put on trial for setting up an anti-government organization, publishing communiqués at home and abroad, and collaborating with foreigners.

In the aftermath of World War II, the international community wanted to ensure that human rights were guaranteed. Following the establishment of the United Nations in June 1945, the Universal Declaration of Human Rights (UDHR) was adopted in December 1945. Canada was the only country, other than the Soviet Union, to abstain from supporting the UDHR.⁴ Given Canada's past human rights record—the War Measures Act and the unlawful detention of Japanese-Canadians during the Second World War—the government did not want to open itself up to criticism. Further, as the Cold War got underway, the Canadian government arrested and detained Soviet embassy employees without due process, including access to counsel.⁵ With the threat of the Cold War turning hot with nuclear weapons, the Canadian government used fear to justify human rights abuses. It also seems that citizens in the West were willing to tolerate violations of human rights so long as they were kept safe and were not victims themselves.

The Cold War dominated geopolitics between 1948 and the 1970s, not leaving much room for human rights concerns. As Kathleen E. Mahoney writes, the only time human rights became a political issue was “as a tool for finding fault with and imputing immorality to the other.”⁶ Canada was no exception. Research has shown that Canada's human rights record in the 1950s and 1960s was nothing short of appalling. The introduction of the Bill of Rights by Prime Minister John Diefenbaker in 1960 was largely ineffectual. Canadian authorities failed to seriously adhere to international treaties and obligations that dealt with human rights. As Dominique Clément observes, “opportunities for human rights promotion were often stifled in the context of the Cold War.”⁷

This began to change in the 1970s. It is fair to say that once Cold War rhetoric began to thaw, the international community, including Canada, placed more emphasis on basic human rights. In Canada, this trickled down to the provinces. In fact, introducing human

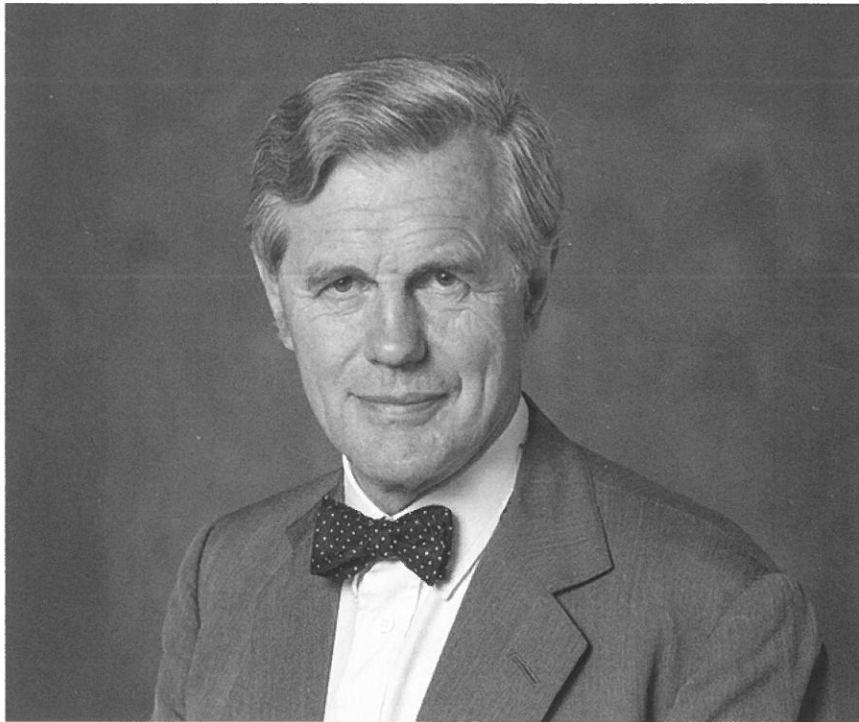
rights legislation at the provincial level began in the mid-1960s. Arguably, this transformation was a function of continued Cold War politics. Nation states set out to interfere in the internal affairs of other nations when there was an apparent violation of basic human rights. This interference was usually visited upon countries with adverse ideological positions.⁸

“Albertans started to confront their intolerant past while simultaneously promoting human rights campaigns abroad.”

The election of the Progressives Conservatives, led by Peter Lougheed, saw shifts in political, social, and legal policy. The new Alberta government was immediately active passing legislation, including the Alberta Bill of Rights. Other statutes moved the province towards a more equal society. However, it was the repealing of laws, such as the Sexual Sterilization Act, that made some of the more overt discriminatory provincial policies a thing of the past. Albertans started to confront their intolerant past while simultaneously promoting human rights campaigns abroad.

By the late 1960s, the world no longer saw human rights considerations as an impediment to Cold War politics. Not only was Canada adopting human rights legislation, the West also began supporting Soviet dissident groups advocating for greater inclusion of human rights principles in Eastern Europe. In the mid-1970s, the growing Charter 77 movement, and the arrest of ten members, attracted the interest of Alberta civil rights lawyer, Gordon S.D. Wright.

Wright was born in Kingston, Jamaica, on June 28, 1927. After moving to England, he was educated at Oxford University and received his legal education at the Inns of Court in London. In 1953, he moved to Edmonton and was called to the Alberta Bar in 1955. Between 1955 and 1959, he spent time in private practice and the Alberta Attorney General's office. He opened his own firm, Wright Chivers and Company, where he restricted his work to civil rights cases.⁹



Gordon Wright's portrait as an NDP Member of the Legislative Assembly, 1988. Provincial Archives of Alberta GR1995.0048/7193

In addition to his legal practice, Wright was involved in politics with the Alberta NDP. Following an unsuccessful bid for the leadership against Grant Notley in 1968, he served as president of the party until 1972. Between unsuccessful bids during general elections in Edmonton Belmont in 1971, and twice in Edmonton Strathcona in 1975 and 1979, he served as treasurer of the NDP and national vice president.¹⁰ Following the trial, he returned to politics and defeated Progressive Conservative Julian Koziak in 1986, and was reelected in 1989. Wright passed away from pancreatic cancer on October 18, 1990 while serving in office.

In August 1979, the Edmonton Committee for the Defence of Soviet and East European Political Prisoners approached Wright and requested that he travel to Prague to observe the Chartists' Trial and perhaps assist in their defence. Although, human rights became a political priority in Alberta in the 1970s, the Alberta government did not officially sanction the trip. Wright hoped to make representations to the court on behalf of the accused after the French lawyers the Chartist requested were denied entry visas into Czechoslovakia.¹¹ Fifteen Western lawyers applied for Visas. In addition to Wright, only one from Belgium and one from Amnesty International were allowed into the country.

It was reported the Belgium lawyer was harassed by Czech secret police, accused of selling foreign currency to undercover agents, and ejected from the country on her first day.¹²

At the same time Wright was in Czechoslovakia, the Czech Ambassador travelled to Edmonton to engage in trade talks with the Alberta government. In a letter to P.A.E. Johnston, the Canadian ambassador to Czechoslovakia, he wrote that he believed he was granted a Visa and not harassed by Czech authorities in order to avoid possible political humiliation during the negotiations.¹³ The desire to avoid political awkwardness during trade talks, indeed, went both ways. When NDP leader Grant Notley asked Horst Schmid, Alberta's international trade minister, if the Alberta government would express concern for the convicted dissidents to the Czech Ambassador, Schmid responded that international policy was set by the federal government.¹⁴

Though initially permitted to attend the trial, and potentially consult with the defendants, Wright quickly realized that he was no longer in Canada. He arrived at the courthouse in Prague on the first day of the trial and was barred from accessing the small courtroom, which was reserved for only relatives of the accused.¹⁵ Still, Wright was able to get thorough reports of the proceedings from the those who were in the courtroom. He told the *Globe and Mail* that relatives "prepared a do-it-yourself transcript of the trial from their notes."¹⁶

It was these family notes coupled with speaking to Charter 77 supporters that Wright became better acquainted with Czech criminal law and procedure. The accused were charged under Section 98 of Czech law for "subversive activity." However, when Czechoslovakia signed the Helsinki Pacts, it guaranteed protection for freedom of expression and association, which should have limited "subversive activity to terrorism or conspiracy to commit acts of terrorism."¹⁷ The original indictment was flawed as no underlying act occurred that justified the charge under the Section.

Those French lawyers denied entry to Czechoslovakia were replaced with government-appointed lawyers who were

“[a]t best...terrible. At worst, monstrous.”¹⁸
Wright told an audience in Toronto:

the worst of them was [Vaclav] Benda’s lawyer [who] opened his presentation by congratulating the prosecution on the indictment, and saying that he was a good socialist and it wasn’t his idea to enter a plea of not guilty but regretfully his client insisted on it. He then sat down and read a car magazine for much of the rest of the trial.¹⁹

Not one lawyer was able nor willing to argue the case, and none of them attempted to submit evidence that would exonerate their clients.

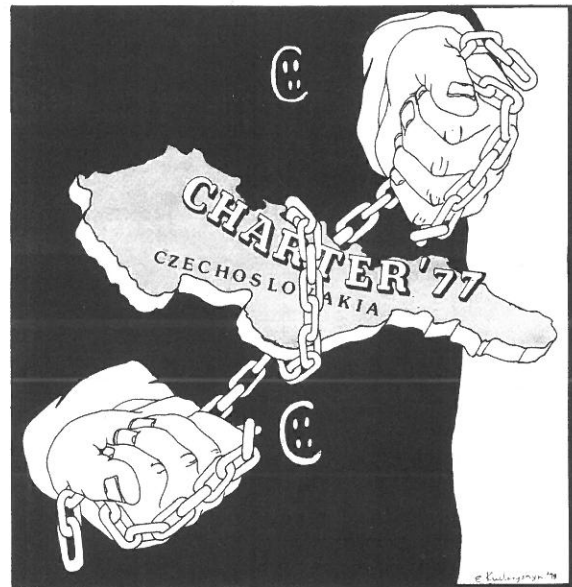
Unlike the adversarial system in Canada where the judge or jury determine guilt or innocence after listening to the prosecution and defence, in the Czech system, the judge determines all facets of the proceedings. In what is known as the inquisitorial system, the judge is actively involved in the cases in front of them by questioning and examining prosecution and defence witnesses. During the Chartists’ trial, Judge Antonin Kasper took it upon himself to examine the accused and witnesses. Not acting as a judge but, rather, a lawyer. The judge was to determine if witnesses were to testify, both for the prosecution and the defence. Kasper, in this case, resolved to call no witnesses. Therefore, the defence could not cross-examine government witnesses, nor could they call their own to mount a defence. Further, Kasper prohibited Petr Uhl, a prominent Czech journalist, activist, and politician and Otta Bednarova, political activist, journalist, and author from testifying in their own defence. When he allowed the other defendants to speak, he consistently interjected.²⁰ It was clear, if evidence or testimony was not politically expedient, it was simply rejected.

All the defendants were convicted on all charges and received prison sentences ranging from two to five years. Wright was surprised to find that the families of the accused were relieved. The sentences could have been up to ten years. Speculation suggested, and Charter 77 members agreed, that the presence of observers and diplomatic representatives from eight nations put pressure on the Czech government to confer

lighter sentences.²¹ For Wright, it was all too apparent that this trial was political. The Chartists were proud socialists who were not interested in overthrowing the Communist government. Rather they wanted the regime to adhere to the rule of law as laid out in the Constitution.

Legal Archives Society of Alberta,
Gordon Wright fonds, File 1, part 2,
1979

SUPPORT CHARTER 77



FORUM

on the human rights movement in Czechoslovakia
Speaker

GORDON WRIGHT

civil rights lawyer

attended Prague trials of Charter 77, October 1979

MONDAY, NOVEMBER 26

5:00 P.M.

**HART HOUSE, MUSIC ROOM
UNIVERSITY OF TORONTO**

Organized by the Ukrainian Canadian Students' Union (SUSK) and the
University of Toronto Ukrainian Students' Club

The Globe and Mail

TORONTO, THURSDAY, OCTOBER 18, 1979

Edmonton lawyer plans attempt to act for Czechoslovak dissidents

The 1970s were a turning point in the history of global human rights advocacy. These changing international developments partially prompted changes in Alberta. The Lougheed government moved very quickly to pass legislation that reflected the political, social, and legal transformations of modernity in Alberta. These included enacting basic human rights legislation and repealing laws that exacerbated intolerance and discrimination. Alberta was moving towards a more equal and just society. As human rights became more of an asset in Cold War geopolitics, the West began supporting dissident groups such as Charter 77 in Czechoslovakia. Gordon S.D. Wright concluded that despite the Chartists receiving prison sentences, the international pressure on Czechoslovakia to observe human rights was a significant victory. With the growing social movements in the 1970s, the language of human rights became the new Cold War rhetoric.

Law firm letterhead, Legal Archives Society of Alberta, Gordon Wright fonds, File 1, part 2, 1979

WRIGHT CHIVERS & COMPANY

BARRISTERS AND SOLICITORS

GORDON S D WRIGHT
(ALSO OF THE ENGLISH BAR)

A BARRIE C CHIVERS
(ALSO OF THE NWT BAR)

JOHN C WORTON

ROBERT M FULTON

MICHAEL L POLLOCK

SHEILA J GRECKOL

MURRAY P STONE

W LAIRD HUNTER

7 December 1979

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Notes

- 1 Ian Kershaw, *Roller-Coaster: Europe, 1950–2017* (New York: Penguin Press, 2018), pg. 239.
- 2 *Ibid.*, pg. 245.
- 3 Richard Pesik, "Charter 77: Its Struggle, Promises, and Accomplishments." (master's thesis, University of Manitoba, 1998), pg. 12–13, <https://mspace.lib.umanitoba.ca/bitstream/handle/1993/1507/MQ32947.pdf?sequence=1&isAllowed=y>.
- 4 William A. Schabas, "Canada and the Adoption of the *Universal Declaration of Human Rights*," *McGill Law Journal* 43 (1998): pg. 406.
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- 7 Dominique Clément, "Alberta's Rights Revolution," *British Journal of Canadian Studies* 26, no. 1 (2013): pg. 60.
- 8 Clément, "Human Rights in Canadian Domestic and Foreign Politics," pg. 754.
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- 10 *Ibid.*
- 11 Bohdan Somchynsky, "Prague vs. the Chartists," *Ukrainian Student*, November 1979, LASA Accession 2000-036, file 1.
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- 13 Letter from Gordon Wright to P.A.E. Johnston, Canadian Ambassador to Czechoslovakia, January 17, 1980, LASA Accession 2000-036, file 1.
- 14 *Edmonton Journal*, October 24, 1979, LASA Accession 2000-036, file 1.
- 15 David Logan, "Conviction of Czech dissidents 'parody of justice,' lawyer says," *Globe and Mail*, 27 November 1979, LASA Accession 2000-036, file 1.
- 16 *Ibid.*
- 17 Transcript of a speech given by Gordon Wright, "The Trial of the Chartists, Prague, October 1979," in Toronto, November 26, 1979, LASA Accession 2000-036, file 2.
- 18 Logan, "Conviction of Czech dissidents," LASA Accession 2000-036.
- 19 Wright, "The Trial of the Chartists, Prague, October 1979," LASA Accession 2000-036.
- 20 *Ibid.*
- 21 Logan, "Conviction of Czech dissidents," LASA Accession 2000-036.