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NAME OF INTERVIEWEE: Honourable Frank Iacobucci

NAME OF INTERVIEWER: Travis Tomchuk

NAME OF VIDEOGRAPHER: Louanne Aspillaga

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Please note that all interviews have been transcribed verbatim. The language in this transcript is as it was provided by the transcriptionist noted above. The project staff has not edited this transcript for errors.

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ABSTRACT

Justice Frank Iacobucci describes his childhood in the east end of Vancouver during the Second World War. He notes that the east end was a poorer area, and emphasizes the multicultural makeup of his school and his neighbourhood. He also describes how his neighbours helped each other during the Depression. Frank's parents, Rosina and Gabriel Iacobucci, left the Catholic Church before he was born, and so Frank was not raised Catholic. His parents joined an Italian evangelical congregation, and then began attending a Baptist church, before eventually

returning to the Catholic Church. At the start of the war, Gabriel was let go from his job at the airport because of his Italian background. Further, both Rosina and Gabriel were designated enemy aliens and required to report to the Royal Canadian Mounted Police (RCMP) monthly — even though Gabriel was a Canadian citizen. When his father stopped reporting, Frank recalls that there were no consequences. Frank did not speak Italian as a child, because of the stigma of it being the “enemy language.” Frank also talks about the experiences of his neighbours, one of whom was interned at Kananaskis and Petawawa. Frank criticizes the internment as a stain on the memory of Canada; he also makes parallels between the contemporary War on Terror, as well as comments on the riots of the G20 in 2010.

INTERVIEW

FI: Justice Frank Iacobucci, interviewee

TT: Travis Tomchuk, interviewer

LA: Louanne Aspillaga, videographer

[Title screen]

[Fades in at 00:00:10]

TT: This is Travis Tomchuk interviewing Mr. Justice Iacobucci. It is November 29th, 2011. My first question to you is, um, can you give us your full name and your date of birth?

FI: Um, my full name is Frank Iacobucci. I was born on June 29th, 1937 in Vancouver.

TT: And what can you tell me about your family, your immediate family, parents, siblings, grandparents?

FI: Well, my parents were immigrants to Canada. Both, uh, going to Vancouver. My father first, uh, uh, arriving in 19—uh, '22, uh, from a region of Italy called Abruzzo. Uh, he was 19 when he arrived. Uh, he went to Vancouver, uh, because he had an older sister who had been there, I think, since 1909 or thereabouts. My mother arrived in Vancouver in 1925 from another part of Italy, Calabria, another region. And she was brought to Italy—uh, to, uh, uh, uh, Canada by two uncles who lived in Vancouver and, uh, and, and she went at age 16. Um, I think part of a, a potentially arranged marriage which never took place. And, uh, she met my father and they were married in Vancouver. And I was the third of four children. Uh, my older brother, uh, and my older sister and myself and a younger brother.

TT: And what are your parents' names?

FI: My mother's name, uh, uh, was, uh, Rosina, uh, Pirello (?) [Gestures] Iacobucci. And my father's name was Gabriel Iacobucci.

TT: And, uh, you mentioned that your father had come to Vancouver because he already had a sister living there. Um, but was there, um, like, a reason why the family had started to leave the Abruzzo ---

FI: Oh, absolutely. Um, [Clears throat] um, Italy, uh, in between the wars, between the First and Second World War was particularly, um, economically stressed. Um, uh, things were a lot better in North America. In fact, my father arrived in '22. He has stated that things were good, uh, in the sense of jobs were plentiful. He worked in mining camps, he worked in the coal mines in particular. He worked in lumber camps. Um, and, uh—so there was plentiful work. Uh, and my mother's situation, uh, both came from large families. Uh, my father was the youngest of, uh, seven children, I believe. Uh, he was the only son. My mother was one of seven children, but

she had only one brother. The rest were, were women. And, uh, in those days, there was dowry. You—when you—your daughter married, you had to provide a dowry. And they were too poor to provide that, so things were very tough in, uh—certainly in Italy, and in other parts of the—Europe, because of the a—aftermath of the war and, and just general economic conditions. So, they both, as millions of others did, chose to emigrate.

TT: And did, uh, you know, either your maternal or paternal grandparents ever come to Canada?

FI: No. I never met them. I, uh—it was a great lack in my life that I never had the chance to meet them. Many years later, when I'm studying in England, doing graduate work in England, my parents came to visit me. Uh, they had never been back to Italy, but because of my studying in, um, in England, they came and then we went together, first to my mother's hometown, secondly to my father's hometown. That was their first, first and only trip they made back to Italy. And it was some 40 years or so after they had, uh, gone to, uh, Canada, and had not been back. And in the interim, um, both sets of parents had died. So, I—none of my siblings, um, none of us children ever met our grandparents. Which, which was a sadness in our lives.

TT: And your mother, did, uh, did she work outside the home?

FI: No, she didn't, uh, in, in, in any permanent way. She had four children, she lost two chi—uh, babies. Uh, uh, she was a homemaker extraordinaire. Um, she was incredibly frugal, uh, but we always had—you know, we were not well-off, but we always had food thanks to, to my father's hard work ethic, which was, uh, a badge of most immigrants to this country, uh, they're hard workers. And my father was at the very top of that. My mother was frugal, kept, uh, canning vegetables, preserving fruit, uh, all, all of those things to save money. Uh, we had goats, rabbits, chickens in our backyard. It's kind of interesting to see Toronto's now le—easing up with, with,

perhaps to allow chickens to be had in one's yard. We always had, um, meat to eat, uh, rabbit, chicken, um, eggs, and, and of course, vegetables, which my father grew in the backyard. Uh, so, that was the kind of e—environment, uh, that I grew up in, with a tremendous emphasis on education, um, for their children. And I was able to take advantage of that.

TT: And whereabouts in Vancouver did your family live?

FI: We lived in the east end of the city, which, uh, is now become gentrified to s—considerable extent. If you go back to Vancouver, we lived in Hastings East (?), we lived in Comm—on Commercial Drive (?), if you're familiar with the city. But it was—Main Street is the sort of division between the east end of the city and the west end. The east end is probably regarded as the wrong side of the tracks. I correct that. I don't think it's the wrong side, I think it's the poor side. But I don't think it's the wrong side. I benefitted greatly from that environment. So, the east end, I went to schools in the east end, went to the only real academic school in the east end of Vancouver, Petania High School (?). And then from there, I went to UBC where I spent seven years.

TT: And was the, um, the neighbourhood you lived in predominately Italian-Canadian?

FI: No, that's a good question. It was not predominantly. It was a mixed bag. There were just, uh—it was really, um, um, um, a multicultural setting, without really it calling itself that. There wasn't a word that was used in those days, but we had, um—my high school, for example, had, I'd say, 45 percent Asian, Japanese and Chinese. Um, but a, a, a, a good number of Ital—Italo-Canadians, a good number of Asian-Canadians. Um, the east end was also an area where, um, um, Sikh and, and, and East Indian people, uh, uh, lived in. Not right where I lived, but close to where my sister lived, for example. Uh, in the, uh—another part of the east end of Vancouver. So, it was quite a, a mix of people. But we lived right, you know—one, one neighbours were the

Frasers (?), who were of Scottish background, another neighbours in one of the houses were English across the street, and then a couple of houses up, my, my, my—one of my—I guess my brother's, my older brother's best friend was, was of, of an English background. I mean, he, he was born in Canada, but English family. So, it was a mix.

TT: And so how did everyone get along with all these various ethnic backgrounds?

FI: Well, I mean, the thing—up—I can summon up by what my mother said, uh, uh, to me on several occasions. She said the happiest time in her life was the Depression. And I think she was romanticizing a bit, but she wasn't in a, um, in a philosophical way, because everyone helped one another. Um, everybody was in tough circumstances, and so we would—for example, I remember taking over eggs to Mrs. Arnold (?), uh, just up the street. And she'd give a quarter pound of butter to me in return, sometimes give me a nickel, or you know—and, and there was that exchange. There, there wasn't this emphasis on me, me, me and—just us. It was an emphasis on, sort of, trading and exchanging and helping one another. Uh, and it was quite an—it was, it was, it was quite a community aspect to it. Um, my mother learned a lot about flower gardening from Mrs. Brown who lived across the street, had a beautiful rose garden, which has another story, uh, attached to it. Uh, which is typical of the times, but—in some ways, but it, um—because our nanny goat got loose and went over and devastated the rose garden. And the police were called, and, and it's a, it's a, it's a family heirloom, this episode. But people did get along. People did help each other. That's why my mother said it was the happiest time, as opposed to the post-war recovery, which was—people made money, and they were—my parents were able to save, even though they had the—lot of children, save their money, bought one house and then bought another house and bought another house. And my father was able to retire at age 59 with no pension. But through these frugal efforts of my mother and their savings, which he was not—he was just overwhelmed by it, her saving ability, and the way in which, you know, they wouldn't take buses, they would walk to places, they

would buy things on sale and all that kind of stuff, just as a lot of people did, but they were—she—my mother was particularly good at it. And, and, uh, so it was a—it was an upbringing that gave all of us children some lessons about the value of money, the—that—you know, the work ethic. And, um, getting it—an education or training.

TT: And with regards to, uh, your neighbourhood growing up, were there, you know, certain institutions, like, was there, uh, a church that the family went to?

FI: Yes, that's a, that's a—again, another—the church—my mother and father, being Italian-Canadians, were Catholic. My older brother and older sister, were, were brought up baptized and brought up, up to a certain age as Catholic. My younger brother and I were not brought up as Catholics, because in that period when, uh, I was born and he was born, '37 and '42, they had left the church, they had left the Catholic Church and joined an evangelical group that was organized by an Englishman from England, not just from—background, but born in England who spoke wonderful Italian with an English accent, and had organized a bunch of Italian-Canadian families to join this evangelical group, like, speaking to my parents, they left the Catholic Church for a number of reasons. The Latin, couldn't understand, you know. They saw it, being in Canada, they could see, well, people could understand what was going on in their church service. Secondly, there was no music. Uh, in—whereas they saw—we, we used to see the Salvation Army group meeting and, uh, they used to play some music at a, at a school ground or on the—on Commercial Drive. And then the third reason was that there was a—in their view, a domineering role played by the priests over the family. And they weren't comfortable with that, so they left the Catholic faith. Evang—the evan—evangelical group, didn't find that—that wore off, because it was going from one extreme, perhaps, to another. And then they settled on Baptist. When I was at church-going age, we went to some services, but we weren't, uh, adherents to that denomination. Uh, but I—so, my church-going was limited, uh, to Protestant chur—uh, church, not, not the Catholic Church. But oddly enough, after many years, my mother

and dad went back to the Catholic faith, because the Catholic Church had changed. There was music, there was Italian spoken, there was—and there was a less of a [unclear; 0:14:14.1] role of, of the priest. So, they in fact became leaders in their congregation. My father was president of the senior citizens' male group, and then my mother was sort of head of the women's senior citizen's group of St. Francis Church in the east end of, of Vancouver.

TT: And the church that they would have left, the Roman Catholic Church that they would have left, um, what was that church called?

FI: Well, they, they, they probably would have gone when they were first married to Sacred Heart Church in the, in the—further in the—towards downtown Vancouver, still in the east end, but in—towards the downtown part, as opposed to the Commercial Drive part. Where they ended up was further away from that downtown church, and near Vic—Victoria Drive.

[0:15:00.0]

FI: Uh, which is further, uh, west, uh, from Commercial Drive. And that was St. Francis Church, which was a big church. In fact, for their 50th wedding anniversary, they celebrated the exchange of the rings in—and, and the priest, in his homily, made reference to their—you know, he didn't make a big deal of their having left the faith, but he made reference to it by saying, "Those who leave and return to the faith are special in the eyes of Jesus Christ." So, so, it, uh—it was interesting to have that, uh, handled in that way, that episode handled in that way.

TT: And, to stay with the neighbourhood, were there other—uh, were there any, um, businesses, small businesses of note? Where would you get your groceries?

FI: Oh, yes. Well, uh, they—the tradition was from my, my mother's shopping, for example, was almost daily shopping. You know, they, they didn't have big refrigeration in those days. And so you shopped, she shopped, and this is what they would do in Italy. They'd go to market and so on and so forth. But there were—they tried to be as self-sufficient as they could. And you know, uh, buying, uh, you know—planting vegetables, tomatoes, uh, fruit. And they g—and then you would buy it from the Okanagan. Um, later on when there was cars in the family, they'd go up and buy a whole bunch of peppers and tomatoes and do their own, uh, tomato sauce that was used for spaghetti in the pasta dishes and, and other kinds of Italian recipes. Um, uh, and then they would buy—they would go to an an Italian, um, um, s—um, sort of, uh, uh, Italian produce—uh, Italian product store on Main Street, again, to buy their pasta, to buy their olive oil, to buy their, um, sometimes, uh, their prosciutto. But they would some—often make their own kind of prosciutto, their own smoked meats and sausages. You know, it was just—everything was, you know, made by themselves. They were—like, they were on a farm, but only in the city. And then she would go to Safeway, which was close by, uh, to buy, uh, the normal, you know, cereals and stuff like that, things that were needed for daily use that were—tinned goods that were not, you know—were not replicated by her preserving. She did a lot of preserving, as did a lot of people.

TT: Do you remember the name of the Italian food store?

FI: Yeah, P. Tosi (?), T-O-S-I. P. Tosi. Everybody in the Italian community—not everybody, but a lot went to Tosi's. They were the family, and built a very good business, probably did very well. And there's a whole bunch of them now, of course, 'cause Italian food became extremely popular just as Asian food became popular. And what my father would, though—however, sometimes he would go to, to Chinatown, walking down to Main Street where there was the, the first—Vancouver's first Chinatown. Vancouver's got lots of Chinatowns, just as Toronto has now. And he would buy, uh, uh—if he didn't have a chicken ready—later on, they didn't have

chickens, then he would buy the chickens, uh, from—or turkey, uh, from, uh, Chinatown for Thanksgiving or Christmas.

TT: And besides your folks being involved in, in different churches, um, were they involved in any, um—

FI: Organiz—

TT: Sorry.

FI: Go ahead.

TT: Any cultural organizations?

FI: Yes, yes. And my, my father was a member of the Sons of Italy. Uh, which was an active group at the time of the, um, the internment. Uh, and a national group. Uh, and, um, that was sort of in its formative, if you like, stages. Um, and, and, and, he was also a very ardent trade unionist. Um, a member of the Steelworkers of America, which I joined when I was in high school, going to university, 'cause I got a job at the steel foundry where he worked, purely because of my father. My father had a tremendous reputation. And the superintendent interviewing me, I was 16, just turning 17, so I was quite young to get a found—that job. He said—and he told me, flat out, he said, “You’re getting this job because of your father.” And he said, “If you are a fraction of what your father is as a worker, I’ll be happy.” I don’t know what—I had no idea what that meant, but I soon found out quickly what it meant. He was a ver—I worked under him for two summers, and, and, uh, he was a taskmaster.

TT: And, uh, do you know why he joined the order of Sons of Italy?

FI: Well, it, it, it, it was, uh, you know, it was a socialization thing. They would play cards and things like that. It was, it was group identification, I, I, I, I suppose. Uh, some of those people you met were friends for life, and, and, and the community was small, very, very small. Not like the massive thousands that are in this city now, after the post-Second War, uh, immigration in the late '40s and '50s and '60s. So, it was, it was just socialization, and getting to, um—my father had no education. He was not, uh, educated. He, he wasn't able to get another education, like, another long story, but because his father needed him to work on the farm in Italy, which they didn't own, they were tenant farmers, as most of the immigrants were. And he had to work, because his sisters weren't able to do the work. So, he didn't have an education, but through one way or another, he learned to write his name, he learned to, to have elementary reading. Uh, and he was very intelligent. So, uh, he, he managed to get that. And he was, and he was pleased with that, uh, uh, accomplishment.

TT: Did he hold any, um, any kind of rank or position in the [unclear; 0:21:33.2 Order Sons]?

FI: I don't think he was an officer, but he could have been. He may have been. He certainly was the president of the—again, the—later on when he retired, he, in the church, he was a figure in, in terms of being president of the, uh, organization of the senior citizens' group. And it was a—you know, quite a few—they'd have their own dinners. They'd have trips to, to go to—Washington State is not far away, and it was quite common for groups to go to the States for the weekend for an outing. And he would organize those, and so on.

TT: And where would, uh, the order of Sons of Italy meet in Vancouver?

FI: I don't that. I don't know whether—I don't think they had a building or, or an office. But I think they had probably met in people's homes or something like that. And then, you know,

would organize so—social events like a dinner or a reception or something like that. And then later on, the Italian Cultural Centre was built in, in the east end of Vancouver. And it, it still exist—exists today.

TT: And what year would the ICC have been built?

FI: I think it was built—oh, quite a lot, uh, later. Way after I—I left in 1962, and I don't think it got built until—uh, in the 70s.

TT: Um, so, um, the Second World War, then, what can you tell me about, uh, about you know, being Italian-Canadian during the 40s, after Italy had declared war?

FI: Ye—well, I can tell you some things. Um, remember when—um—I'm, I'm born—I was born in '37, so Italy declares war in '42. Uh, I'm [Clears throat] five years old, so I don't have perfect recollection of that mem—but I have some things that stick out. One, uh—we were not encouraged to speak Italian. And, uh, to the extent I have some Italian, it—its weakness is reflected by our parents encouraging us to s—to learn English. For two reasons, one, it wasn't popular to speak Italian, 'cause you were the enemy, that was the enemy language. Secondly, uh, it was a matter of integration. My mother wouldn't use these words, but that was, that was behind it. It was progress. You would get ahead in the world, to put it in her terms. And by getting an education, by learning the language. And so, the—that was part of our Italian-ness. And when the war was declared, as I have—you know, I—one could feel that it was not an, you know, it was not a popular thing. And there was, there was some stigma attached to being Italian. Um, and, uh, it was—you could feel that. I, I—and my mother and dad had to report to the RCMP every month. My father, I found out by reading a manuscript that's been recently written and is soon to be published in, in the spring, um, he stopped going after a few times. He just stopped going. He, he—I think he had citizenship. My mother didn't. She remained a

resident—um, I mean a resident alien. I mean, she had—and she had to go, and I—to the RCMP, and she went. And I remember going with her, because I remember going up these steps. It might have been 1943 or '44, so I'm six or seven. Then I can start, you know, memory, uh, uh, it takes shape, and you can recall events when you're a seven year old, or six years old. So, I can remember doing that. Um, and so there was this, uh, you know, this, this, this feeling. Um, my—but more dramatic than the feeling, was that my father had a very good job at the airport in those days, um, laboring. But because he was a great worker and, uh—it was, it was a steady job. And it, and it was—it paid reasonably well. But when the war broke out, he was brought in to the office by the foreman, and, um...um, was told he was to—he was to be let go because of his Italian background. And, um, the foreman who told him this—I think this—my, my father was never bitter about that. And neither was my mother. And I, and I think there's a theme in this. Many of the Italo-Canadians of that time who suffered even—much more than that, I, I never saw much evidence of a chip on their shoulders. Now, maybe I was too young to realize it, but having read accounts of different people's stories, um, um, they, they met that, that, if you like, um, ostracism or, um, stigmatism, um, quite maturely. Um, they di—they never really held it against what the country ultimately gave them, which I think is quite remarkable. And I—my sense is there's a lot of that with the Japanese-Canadians, who after all, was 21,000 interned, uh, losing their property, losing their—it was just quite terrible. Um, uh, similar kinds of examples, many, many kinds of examples of that can also be shown. Uh, so—but, but the thing that the foreman did to my father when he told him about his having to leave, the foreman had tears running down his cheeks. My father never forgot that, because he realized this was not about his work, not about his performance, not about what kind of person he was. It was just that he happened to be of Italian background, and, uh, uh, it, it was a way of, if you like, accepting, made it easier for my father to accept that decision. But my father was one never to be out of work. I mean, he'd have two or three jobs sometimes. He would work on part-time, digging the drainage around a home for the weeping tile and stuff like that. He just

constantly was a [unclear; 028:44.2] provider—uh, an, an—for the family. No one could improve on his commitment for his family.

TT: So, him being let go from the airport job obviously had some impact on the family, financially. But your father was still—

FI: Well, he was able to recoup. And, and, you know, and, and my mother did other things, too. She would do some housework, uh, for people, and you know, took me and you know—I remember one time being taken while she was doing some house, housekeeping chores. Well, she has a big family herself, and all of that. I mean, they just, they just made their way. And, uh, I don't know how they did it. I just don't know how they did it. But they did it. And they were, as I said, able to retire and invest some of their savings into homes and took advantage or the real estate boom, and parlayed it into a, a comfortable living.

TT: And, and just to back up a bit, about your parents having to report monthly—

FI: Right.

TT: —to the RCMP, did your father just stop—

[0:30:00.0]

FI: Well, he felt that they weren't really paying much attention to him. So, uh, why, why—what—he never got embroiled. There was a tremendous division in the Italian-Canadian community. This gets into another stage of something that I should talk about, because I do know something about it. Not—I'm not an expert in it, but my older brothers' father-in-law, he owned a bakery. And he joined a *fascisti* club. When Mussolini came to power, he was regarded

as quite a welcome, uh, leader. Uh, a friend who grew up in New Jersey, and said his school, it was an Ital—in Jersey City, New Jersey. His school had two photos at the front of the classroom [unclear; 30:47.0], one of Franklin Roosevelt, and the other of Benito Mussolini. When war broke out, that Mussolini photo was taken away. But that was indicative, the photo was indicative of the kind of welcoming that he, he makes [unclear; 0:31:01.0] made some very tragic mistakes, namely Ethiopia, the invasion, and then of course, unificat—uniting with Hilter. But, uh—so there was this welcoming, and there was a very active consul in Vancouver— I have no familiarity directly with this, but I learned since, who stoked up support for Mussolini, and, and, and the, uh, party, and a lot of Italo-Canadians, uh, joined that movement. Some of them, when war was on the horizon, started to form an anti-Fascist group of Italo-Canadians, but my father-in-law—my brother’s father-in-law, I should say, my brother’s father-in-law, he had supplied some of—paninis to the fascis—fascist club, and one of the members said, “Santo (?)”—his name, “Santo, you should join the club. You’re making money off the club members, you should be a member.” So, he joined. But that’s—according to his wife, was—who’s still alive today, she’s 102, and she has recall of dates and events, she’s amazing. If your project included across Canada, she’d be one to speak to.

TT: She has been interviewed by [unclear; 0:32:20.6]

FI: Okay, well, that’s right. And, his—that interview appears in the [unclear; 0:32:25.5] manuscript. So, and, and I went to her hundredth birthday party, my wife and I attended. She’s amazing, but—so, she—so he gets arrested, her husband, for joining the fascist club, he’s sent first to Kanawa—Kanawa—Kana—Kanawa—what’s the—

TT: Kananaskis.

FI: Kananaskis, yeah. The, uh—in Alberta for some, some months, and then gets shipped to Petawawa over two, two years, two and a half years. They lose their bakery, they, uh—she gets a nervous breakdown. My sister-in-law, who's then six years old, at the time her father is taken away, um, and is in tears seeing his—her father up in this building, uh—and not to see them. They were sent out, she and her brother were sent out to family friends to be looked after, because mother was incapable, uh, of looking after. No, that—no, that was really tragic, in the sense that they lost everything. When he comes back, he's—was a very talented man. I, I worked with him as a—as a—he used to cater, he was a cook, he learned to cook in the, uh—in the Petawawa camp, and just a very good cook and baker, obviously. His biscotti is the—still the best I've ever tasted in my life, they just are to die for, a flavor you can just smell them. You can dip them in your coffee, your café latte, your cappuccino, and you—it was a meal. Anyway, just fabulous. So, he, he, he never recovered from—I mean, he catered and did all sorts of things, but it was never—if he had stayed in the business of the baker, I think would have flourished and done extremely well, absent some other intervention or something, but he's just—he was very, very good. Um, and then there were others who—whom I knew of, and then I knew the children of those who were interned, because I'm of that generation. And they, uh, they were resilient, they came back, one of them owned a big taxi company, bought a ho—you know, the family bought a hotel and, and did very, very well. [unclear; 0:34:48.5 ship chandeliers] business—because Vancouver being a port for fisherman, would supply the fishing boats with all their supplies, food and, and, and necessities for the fishing activities. And they were very, very successful.

TT: Um, and the baker you're referring to was Santo Pascolini (?)

FI: Yeah, Santo Pascolini.

TT: And what are some of the other families that you're referring to?

FI: Well, there's—there was Giar—the Giarardis (?), uh, that owned the [unclear; 0:35:17.1]. There was the Valentis (?) who owned, um, the, um, taxi cab, Emperor's Cabs (?). And, uh—and the Hotel Patricia, I think they had an interest in that. I for—I may be wrong, but I know that they had some other interests. And then there were some other, uh, families, uh, I think the Berardino (?) family, I— is mentioned in the book. Um, these are names that I knew, and knew children of these, um—of these fam—of these people. Branka, Branka, Angela Branka (?), who was a key figure. Uh, and then the Culoss (?) family themselves, Culoss and, and Branka were in the anti-fascist group, and Branka being a prominent criminal lawyer, later to become a judge, on the, uh, BC Court of Appeal, an outstanding criminal lawyer. Um, and knew, knew his wife—uh, knew his daughter, rather, uh, who—she became a judge, a provincial court judge, [unclear; 0:36:18.7] Holmes. And they were—Holmes' (?) daught—Branka's daughter, Holmes, married name, and my, uh, uh, sister-in-law and brother were very close friends. So, that's the sort of, hierarchy of people who were involved in this that I—were—either knew or were friends of, myself. And then Ray Culoss (?), himself. Ray Culoss was one year ahead of me at Britannia (?) High School. And I'm behind him. Uh, he was the president of the school, that I was—one year, and then the next year, I'm president of the school. So, we knew each other, and his wife and I were classmates. So, that's the sort of, networking of friends. My parents never talked about this very much. Um, as I said, they put it behind them, but they were more accepting of—you know, it's, it's interesting to say this, I think they were more accepting of being different, um, from English-speaking, uh, people. It was an English-speaking world that we grew up in. It wasn't French-speaking, it was, it was English-speaking. And they just accepted that.

TT: And, um, what are your own personal thoughts about the internment of Italian-Canadians—

FI: Well, my personal thought—

TT: —during that period.

FI: Well, first of all, I mean I'm—let me make it clear, my—we're all—we're all judged—we make judgments based on our experience and our values, which are intertwined, experience and values. I can't look at this, uh, episode without looking at the legal machine, and the law. I'm a person of the law, I'm, I'm, I'm—my, you know—it's been 50 years in and around the law in different capacities, teaching, practicing law, judging. Um, serving the law in—the Deputy Minister of Justice in, in the federal government. And this is just one—we just—this was, to look at today's standards, judging by—it's, it's, it's, it's a travesty. There was no due process, there was no—there was no basis for this that was other than, uh, stereotyping and, and insensitivity to human rights and values. Um, both of them, the Japanese side, and on the Italo-Canadian side. It, it, it was something that was—one of the reasons for the Charter of Rights and Freedoms. And so, on the legal side, it—they were, they were treated worse than second-class, they were treated as no class. Uh, not deserving of any kind of proper due process. And it's a stigma, I mean, it's a stain, rather. It's a stain on the memory of our country. Um, I don't want to say that, um, it, it can happen again, 'cause I hope it can't happen again, and I would think that there would be checks and balances to prevent it from happening again. But you can't deny it's happening, and you cannot defend it by any sense of legality. It was legal in the sense that you could pass an order in counsel, but when you look at the due process side of it, it was non-existent. And then when you look at the moral side of it, well, it was completely indefensible. Taking people away from their families for two, three, four years. Um, uh, just without any, uh—now, there was not—they weren't punished in those camps, but, uh, the loss of liberty. You know, as I used to say to my s...law clerks when I was a judge, wh—you lose one day of liberty in your life, it's a day that you never regain. You can never regain a day lost of lib—of freedom. You might be given some payment for it, but that doesn't restore that day. And these people lost their liberty. They also lost their livelihoods, and they certainly lost the—a sense of humanity that was core. So, those are some of my feelings about it, that, that, uh—

and I think we have to know the history of what happened, we have to record it. That's why I commend you and your colleagues for doing it.

TT: Thanks.

FI: It's not to, not to glorify, uh, not to cover, uh, and, uh, not to exaggerate, uh, but to reveal what is truth, because without truth, there can be no, if you like, progress in a society. And without truth, there can be no justice.

TT: We're done? It's eleven o'clock, apparently.

FI: Yeah. [Glancing at watch] It, it's eleven o'clock? No?

LA: There's two minutes [unclear; 0:41:43.5]

TT: Two minutes?

FI: Okay.

TT: One more question?

FI: Sure.

TT: I don't know if you can answer in that time. Do you see any parallels with what happened during the Second World War with regards to internment and, you know, things like the War on Terror, for instance?

FI: Absolutely. Uh, uh, I've done a lot of work on terrorism. I chaired a commission of inquiry on alleged, uh—three alleged terrorists. I also did work with the Afghan detainees question. Um, m—not on—in a dif—different [unclear; 0:42:15.6], but the, but the point I'm making here is that in our, in our struggle against terrorism—and I've gone on the record and written on the subject and given speeches and, uh, —in our struggle against, uh, terrorism, uh, we should not have a response or cure that's worse than the disease. In other words, we, we must find ways—we are a democracy. We cherish human rights and freedoms. And in our response to terrorism, we cannot undermine those values, those freedoms, those rights. We have to—unlike the terrorist, the means of our response has to be in accordance with the values and the freedoms and the law and the rule of law. The terrorist doesn't care about any of those things. The terrorist is just a—has a goal, and the means have no restrictions on them. The democracy, in struggling against terrorism, has a goal, the safety and security of its people. But has a means that is limited and constrained by the rule of law, which incorporates those rights and freedoms. So—and when you're seeing the terrorism, we mustn't do things that were analogous to the internment. The struggle against terrorism is not a license to punish the innocent. And more importantly, in some ways, it's also not a license to taint, stigmatize, marginalize a minority, which in this case, are Muslim-Canadians. We mustn't do that. We have to have ways in which we, we confront the challenge that are respectful of human rights and freedoms.

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[Fades in at 0:44:26.4]

TT: —human rights, the charter rights, um, you know, other relationships with, with what happened in—during the Second World War with, you know, the mass detention of, of protestors during the G20 in 2010 in Toronto.

FI: Well, I mean, uh, I, I wouldn't want to carry the analogy too far, personally. There's a—but don't get me wrong, because I think in the, in the, in the sense of wartime, you have, um, you know, a, a, a status of war and enemy and belligerency. Um, there are laws of war that apply in that circumstance. It isn't just domestic laws. There are international rules of engagement. And all—what's involved and protections and conventions and so on. There's a lot of background. And similarly, in terms of terrorism, there are conventions that are being developed, the provisions of the Anti-Terrorism Act, and so on. When you're getting in—you're getting into demonstrations, the, the point that I'm making is that it's very—the issue you raised is fundamental. It's freedom of expression. The right to disa—to disagree, the right to express yourself, the freedom of association, these are absolutely, uh, essential freedoms in a democracy.

TT: Mm-hm.

FI: You just, you can't exist without freedom of expression and call yourself a democracy. So, it's central. Uh, but there's a—what, what's the extent of that freedom? It's always trying to balance the, the kind of interests. What are the kind of interests in preserving, for example, uh, peace and property interests, people that shouldn't be, uh, arbitrarily destroyed, uh, uh, or causing harm or the possibility or probability of harm. The—these are tough, uh, questions that you have to balance. Um, but you—the, the point is, dissent and disagreement are essential to the, uh, if you like, organic growth, not just of the law, but o—of a democracy. But the expression of that, and the means chosen for that dissent, I—you—cannot be in violation of the law of the land. And you're constantly looking for that balance. And you certainly don't want, in responding to a breach of the law of the land, there are other principles that have to be brought in. In other words, what's the proportionate response?

TT: Mm-hm.

FI: If someone is, is, is, is violating, sort of, a property right by trespassing, you don't have them electrocuted, just to take a ridiculous example. It's got to be proportionate. You don't bully them with sticks and, and, and beat them unnecessarily. If there's reason for physical force, you better be—it's—there's justification that has to be, uh, demonstrated. There are all of these balancing figures, uh, if you like, aspects to these kinds of s—uh, public issues. Uh, and that's what you hope to see in terms of the authorities and how they behave, and, and also how the demonstrators, how they behave. That they're not going to vandalize just for the sake of, sake of vandalizing. That's just not—like, I don't think that's acceptable conduct. I do think the fundamental right to disagree and to express that disagreement collectively, individually, or some combination is something that has to be recognized in a truly democratic society. So, it's the principles that I think that are clear, in my mind. It's the application of those principles to a given situation that make it difficult.

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[End of interview]