

Hull, Lt. Gen Chester

The Valour and the Horror

Chester Hull says technicality costly

By Jack Evans

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A judge's ruling prohibiting a class action by Bomber Command veterans against the CBC production of *The Valour and the Horror*, may not be the last word on the prolonged dispute.

In an interview Thursday, Lt. Gen. Chester Hull (ret.) of the Rednersville area, a spokesman for the Bomber Harris Trust, (the group which launched the class action,) said an appeal is not definite at this point but it remains a real possibility.

Hull was commenting on an announcement this week out of Toronto that Justice Robert Montgomery ruled to stop a class action lawsuit filed by 25,000 Second World War airmen from proceeding to trial.

The action, in the amount of \$500 million, was seen both as a test case of Ontario's new class action right and of waves of protest and questioning of the CBC series. Thousands of wartime personnel and their immediate families protested the tone of the series in distorting or dwelling on errors or disastrous incidents.

Ian Outerbridge, the lawyer who represented the airmen, had claimed during the hearing a month ago, that the series and a resultant book contained 56 lies that denigrated the wartime efforts of his clients.

Hull said the judge's decision was not simply in favor of free speech, as suggested by defence lawyer Bert Bruser. Rather, says Hull, his information is that there was a legal technicality.

"In order to launch a class action," Hull explained, "there has to be one person named to represent the group." In the case of the action brought by the Bomb-

er Harris Trust, that was a retired lawyer, Don Elliott, of Brampton.

"Elliott became a prisoner of war in 1941, and because of that, the judge ruled he could not have been defamed from footage dated in 1942 and 1943," was the explanation that has been passed on to Hull from the Bomber Harris committee, of which he is a member.

Hull said he expects the committee will arrange a meeting within the next few days to review all the developments and plan possible further action. "Maybe we can name another person as the official group representative," was one possibility he suggested.

"There are also costs to consider. The judge has not awarded any costs yet, but they will be a factor in any further considerations," he said. (Funds for the action were raised by canvassing Bomber Command veterans.)

Meanwhile, he said, a new book written and published through the Trust, called *The Battle For Truth*, is expected off the presses in the next few days.

Hull agreed he is considerably disappointed at the outcome so far, and suggested the judge was taking a "narrow view" of the issue. "What difference does it make whether a person came in at the beginning of the bombing campaign or at the end?" he wondered.

Hull has been one of the key players in the controversy ever since the three-part series was televised early in 1992. As one of Canada's prominent military veterans, Hull has personal experience with Bomber Command, serving as a squadron commander with No. 6 Group and later in charge of two squadrons as a station commander.



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Lt. Gen. Chester Hull (ret.) says an appeal is possible.

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