

How “Numerus Clausus” Was Ended In The Manitoba Medical School

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Résumé

Dans cet article Percy Barsky met en évidence les raisons pour lesquelles les étudiants juifs étaient victime de discrimination lorsqu'ils faisaient demande d'admission à la faculté de médecine dans les années 40.

En 1943 un petit groupe d'étudiants qui étaient membres de la Société zioniste Avukah se sont regroupés et ont créé le Avukah Fact Finding Committee. Le but de ce comité était de prouver, chiffres à la main, que les étudiants juifs n'avaient aucun espoir de réussite dans le domaine de la médecine.

En février 1944 lorsque M. A. Gray aborda publiquement le sujet de la discrimination contre les étudiants juifs, le comité Avukah fut obligé de présenter les évidences des recherches entreprises et de demander à M. Hyman Sokolov de les représenter. L'expertise de cet avocat et les statistiques préparées par Shlomo Mitchell facilitèrent le succès de l'entreprise. Il fut ainsi que le Comité de Sélection de l'Assemblée déclara que, dans le futur, “la sélection sera faite sans considérer l'origine raciale ou religieuse de l'étudiant”.

Our parents and grandparents came to this country a generation or two ago in order to escape inequities, indignities and physical persecution in other lands. To a great degree, their objective was achieved. They fled from pogroms and persecution to a land where they were permitted a degree of liberty and freedom unheard of in the countries from whence they came. Very quickly there arose a new generation, who, if they chose to, could enter into professions and careers from which they were barred in the old world.

It soon became evident that in certain fields, even in America, there still existed limitations based upon racial or ethnic tenets. The specific experiences to which I refer arose from the situation which existed in the Medical School of the University of Manitoba from 1936 to 1944. I will describe the problem as it existed at that time, and methods which were used to overcome this barrier to fundamental human rights.

From 1936 onward, it had become increasingly difficult for students of Jewish origin to gain admission to the Faculty of Medicine. Whatever their academic standing, only a fixed number of Jews were permitted to enter medicine, a number which diminished each year. Before 1932 the annual average of all students admitted to the college was 64. Of these, 18 were of Jewish origin. With the appointment of a new administrative head to the Medical College, a restrictive admissions policy came into effect, which by 1936 had reduced to nine the number of Jewish students admitted.¹

A vicious system was adopted and practiced for 12 years, which applied not only to Jewish students but to fully 40 per cent of the population of Manitoba, and included students of Ukrainian, Mennonite, Dutch and Polish origin. It was also discriminatory against women applicants of any ethnic origin. That meant if you were a woman and a Mennonite, it was twice as difficult to become a doctor.

The basis for admission was not scholarship, or any other objective standard which would logically constitute proper qualification. The basis for entrance was that of race. This was made evident by the fact that the application forms specifically requested the racial origin, religion and occupation of the applicant's father, and the nationality of the applicant's father and mother. The applications were then sorted into four lists. One list was for Jewish applicants, another for women, and a third for Ukrainians, Poles and other Eastern Europeans, Mennonites and Italians. The fourth list was the preferred list for Anglo-Saxon, French-Canadian and Icelandic students.²

The procedure was as follows: the applicant list contained the entire number to be admitted (60 or 64 students). If 12 or 13 from the non-preferred lists were to be accepted, they would choose four Jews, three or four women, and four or five students of other ethnic origins, regardless of how many were on the list. On the 1943 applicant list, there were only 13 Jewish male students who were even considered for admission out of a very large number of students whose general averages were very high. In those days, percentages were used (e.g. 75%, 85% rather than grades A, B, C, or D). Jewish students with averages of 77 to 84 per cent were turned down. Four were accepted, the rest were rejected, and similar rejections were made from the women's list and from the other list of non-preferred groups. As a matter of fact, in some of the other lists, students of Eastern European origin with averages of 84 and 85 per cent were turned down because the quota of four Czechoslovakian or Italian or Mennonite appli-

cants had already been filled.

Such was the general manner in which medical school applicants were chosen. The objective was to fill the balance of places in the school from the preferred list. It did not matter to the admissions committee how far they had to go in order to complete the preferred quota with students who were not otherwise eligible. Some students were actually sent to a summer school which was created like a “kangaroo college” especially for them, so they could make up the subjects which they had failed in time to fill the preferred quota for their entrance year into medical college.³

In 1943, there were at least five students who were accepted, in spite of the fact that they did not pass some of their examinations, in order to complete the quota from the preferred list. These students were permitted to go to the special summer school to take up the subjects which they had failed. This special summer school began a month earlier than the regular summer school and ended in time for Medical College opening classes, September 13.⁴

Here are a few examples of how medical school applicants were dealt with: student “A”: who was on the non-preferred list, applied in 1943 but was refused although his average was 78%; student “B”, a classmate who was on the preferred list, failed in zoology, chemistry and botany — the most important subjects of the pre-med class. Student “B” wrote a special exam in summer school and was even allowed to enter medical college in the fall of 1943, still carrying a subject that he had not passed in pre-med school. There are documented cases of many students who were rejected even with M.Sc. degrees, and with averages of 80%.⁵

Although it was rumored that discrimination existed, there wasn’t any factual evidence to prove it, and there really was no way that anything could be done.

In 1943, a small group of students who were members of the Avukah Zionist Society formed the Avukah Fact Finding Committee, whose objective was to rectify the Medical College situation, although they themselves had no interest in getting into medicine. Indeed, the person who did 90% of the work in digging out facts and figures was a lecturer in the Mathematics Department. Shlomo Mitchell, now living in Israel, was the determined man who undertook this task. He could not tolerate the injustice which was being done to all the minority peoples of this province. Mitchell developed a card index, recording the names of 1500 students who had gone through medicine from 1926 until 1943. In addition, the names of all students who had applied to Medical College during those

years were included.⁶ Mitchell went through all the student telephone directories in the University Library, and compiled only the relevant information. These names were all sorted by ethnic origin, whether they had passed or failed. The index cards contained every bit of information that could be gathered from alumni journals, telephone directories and similar sources.

The committee worked from September 1943 until February 1944 compiling this information. Then they went about getting information concerning marks from students who had been rejected, and there were at least 50 who were willing to submit their names, marks, and related material. Also obtained were the marks of students who were admitted with failures. Some university teachers, it must be said, were opposed to this corrupt admission system. The late Professor H. P. Armes was against it, as was the Zoology teacher, Professor R. A. Wardle. They both made depositions to the Fact Finding Committee and were quite willing to appear in front of the Board of Governors of the University, their own employers, to say that these were the facts and that they were opposed to this admissions policy.

This, however, never became necessary, since, in February, 1944, just as the committee had completed its research, which was thought to be secret, knowledge of the investigation leaked out. The late M. A. Gray, MLA, rose in the Legislative Assembly to say that he had knowledge of the existence of discrimination against minority group applicants to Manitoba's medical college. The Minister of Education immediately denied this. The Legislature asked Mr. Gray to produce evidence to back up his statements within three days or to withdraw the charge.⁷

This posed a dilemma for the Avukah committee, who were almost ready to present their material. They were uncertain how to proceed, but decided to back up Mr. Gray's statements in the Legislature. They prepared a brief and sought legal advice. It was unanimously agreed to ask Mr. Hyman Sokolov, a well known lawyer who had no political ties and was strongly sympathetic to Avukah, to act on their behalf.⁸

This was actually a victory for the committee, because most of the established groups who might have helped had turned a deaf ear. Local B'nai B'rith took an attitude of benevolent neutrality.⁹ They were afraid that the case would backfire and that it would never be possible to prove the facts. Canadian Jewish Congress was reluctant to become involved until the very last moment, when they found there was nothing they could do to stop it.¹⁰ As a matter of fact, they felt this kind of exposé could never

succeed. All things considered, it might well have turned out a failure.

The Legislature referred the question to a Select Committee and Mr. Sokolov presented the brief on behalf of the Avukah Society. He made a strong appeal and said in part:

“The issues here concern the lives and careers of young people. Older people may become hardened in time but young people are particularly sensitive to injustice. This pernicious system of discrimination is apt to destroy their ideals and to embitter them for life. They are brought up to believe that this is a great country and that everyone is equal before the law and then they find that here are classes and distinctions and that there is one rule for some and another for others. The issue is even broader: it is of concern to everyone in this country. Injustice against minorities are not evils which can be limited or confined. They are apt to spread and we have seen in our own day* how the degradation and fall of one helpless minority leads to demoralization of others until the whole world is aflame. Injustice is contagious. Usually it is the Jews who are first attacked and then come the others and eventually no one is safe. Even here it has spread beyond the sphere of the Jews and now all minorities are being attacked and it is time for us to become aware of the veil and to make an end to it.”¹¹

Sokolov contended: 1) that the Manitoba Medical College (and this was the main point), as a public institution which depended on public taxes, had no right to practice discrimination against any race or group; 2) that such discrimination was being practiced and the method adopted was to segregate the applicants into different lists based on racial origins; 3) that the discrimination was not only against Jewish applicants but also against other ethnic groups.¹²

Sokolov made his presentation to a special meeting of the Select Committee of the Legislature on March 16, 1944. The Committee was non-partisan, with equal representation from each of the political parties in the House. Mr. Justice Dysart, Chairman of the University Board of Governors, was present at this meeting, as well as Dr. Sidney Smith, president of the University, and Dr. A. T. Mathers, Dean of the Faculty of Medicine.¹³

The first reaction by the chairman of the Board of Governors was to the effect that such a situation could not exist, but, if it did, it must be

*Sokolov was speaking in 1944, during the Holocaust.

eradicated. Mr. Sokolov felt this was a minor victory, because what remained to be done was to prove the discrimination.

The Select Committee referred the matter to the Board of Governors with instructions to report back.¹⁴ The Board met every third week for about six months, with Mr. Sokolov in attendance. They were informed of all the facts, and recognized that the charge of discrimination was true. By September of 1944, they were prepared to propose a change in the Manitoba University Act which would add a clause saying that in future the selection of students would be made without regard to racial origin or religion of the applicant.¹⁵ This was the Avukah Committee's objective.

This may have been the first time in North America that a university act was altered in this way. It had a profound effect on the University and resulted in changes in the administration of the Medical College.

The findings of the Select Committee of the Legislature were very significant. The Committee reported that "having heard the evidence presented, it accepts the contention that the present facilities at the University impose a restriction on the number of applicants accepted annually for the first year in the Faculty of Medicine at the University of Manitoba."

"The Committee considers that the method of selection of applicants for admission, instituted in 1932, had, in fact, related acceptance to ethnic origin, that the 'quota system' had led to the difficulties complained of, and the whole system was in need of revision. It approves the action taken by the Board of Governors in giving to all interested parties the opportunity to present their views, in order that the matter might be discussed upon its merits and an honest and satisfactory solution of the problem might be reached.

"The Committee, whilst recognizing the autonomy of the University and the authority of the Board of Governors to exercise on behalf of the University any or all of the powers, authorities and privileges conferred on the University as a body corporate and politic, nevertheless affirms the right of the Legislation to appoint Royal Commissions or Select Committees to enquire into and report upon matters pertaining to the University, and to act upon such reports as it may deem fit and proper."¹⁶

In addition, the Committee noted with approval the insertion in the regulations as to the basis of selection clause recommended to the Board by the committee.

“The selection shall be made without regard to the racial origin or religion of the applicant.”

This case demonstrated that it was possible to modify existing legislation to eliminate a discriminatory practice without resort to violent methods. It was a good model, not only for minorities but for any group who wished to bring about needed changes in a democratic manner.

FOOTNOTES

1. H. Sokolov, *Avukah Fact Finding Committee Brief to the Manitoba Legislative Select Committee on Education*, March 15, 1944 p.2, par. 4, and Table 1.
2. *Ibid.*, p.4, par. 2.
3. *Ibid.*, p.5.
4. *Ibid.*
5. *Ibid.*, p.6.
6. B. Levadie, *Chairman's Report to the Avukah Fact Finding Committee, Winnipeg*, June 1944 pp.1. 2. The card index file, which was kept in Mr. Sokolov's office, was destroyed in the early 1950's when the Time Building burned down.
7. *Ibid.*, p.2.
8. *Ibid.*, p.7.
9. *Ibid.*, p.4.
10. *Ibid.*, pp.4-6, 9.
11. Sokolov, *op.cit.*, pp.8, 9.
12. *Ibid.*, p.9.
13. Manitoba Legislature Select Committee on Education, *Special Report on Clause "D"*, March, 1944, p.1.
14. *Ibid.*, p.2.
15. *Ibid.*, pp. 3, 4.
16. *Ibid.*, p. 6.