Human Rights Laws In Ontario The Role Of The Jewish Community*

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Résumé

Le Code des Droits de la Personne d'Ontario de 1962 représente la fière culmination d'une série d'initiatives équitables des pratiques du gouvernement.

Dans cet article, l'auteur, Herbert A. Sohn, nous donne un aperçu de ce que fut le Code de 1962 et de plus il rend hommage aux militants de l'heure envers qui nous avons une dette car ils furent les inspirateurs du Code de 1980. Les tendances furent diverses: travaillistes, religieuses, ethniques, politiques etc. . . . Parmi les premiers militants, il y eut le Congrès Juif Canadien et le B'nai B'rith qui s'organisèrent par le truchement d'un Comité Conjoint des Relations Communautaires (C.C.R.C.). Ce document porte sur les efforts réalisés au cours des trois décennies débutant avec celle de 1930.

Il y eut une importante discrimination en matière d'emploi et il y eut des barrières importantes contre toute forme de vie décente. Il y eut, de plus en plus, des mouvements de la part de public de l'époque, tendant à se concentrer en ghetto.

La discrimination se trouvait dans les journaux et dans les publicités.

Le Canada devait, afin de relever le défi de l'industrialisation, recourir à la main d'oeuvre, l'immigration constituant un réservoir important.

Au cours des années quarante les dirigeants syndicaux commencèrent à adopter une attitude plus militante que jamais auparavant contre la dis-

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crimination fondée sur la religion, la race ou les ancêtres. Le Congrès Juif Canadien a oeuvré de 39 à 40, de façon à enrayer le malaise de la discrimination en matière d'emploi.

Les efforts des dirigeants Juifs et travaillistes ont été fondamentaux à propos des pratiques discriminatoires.

Ainsi dans ce document volumineux, nous nous apercevons de l'ampleur de la discrimination, du rôle joué par les agences juives et par les coalitions qui se sont formées et ont permis qu'aujourd'hui, nous puissions rendre hommage aux militants, ceux sans qui nous n'aurions pas pu aboutir à des ententes et des accords avec le gouvernement surtout en matière d'immigration et des droits de la personne.

Ontario in 1980 boasts a comprehensive human rights code, on a par with most human rights laws in North America. Certainly at its proclamation in 1962 the Ontario Human Rights Code represented the proud culmination of a series of government fair practice initiatives.

The 1962 Code contained prohibitions against discrimination because of race, nationality, creed or ancestry in most areas of employment, public accommodation and housing. In addition, the publication and posting of discriminatory notices were prohibited. The Ontario Human Rights Commission, established by the Code, was empowered to investigate complaints of discrimination, conciliate disputes, and conduct a public education campaign to promote the acceptance of fair practices.

This 1962 enactment, while an indisputable credit to the government of the day, resulted from the efforts of a few activists who over a period of decades organized public demand for government action. Some of the activists gave up along the way in this prolonged struggle, convinced that their protracted efforts were fruitless. Fortunately, however, some persisted long enough to see significant results.

The enactment of law was only one stage in the struggle to protect society from discrimination. The activists learned that they had to maintain a close watch on the implementation of the hard-won laws. Government and its employees had to be pressed to enforce the human rights laws. The activists even found it necessary to teach government operatives how to investigate complaints, how to conciliate particularly difficult cases and how to develop and promote a program of public education. In addition, as peoples' rights to protection from discrimination became an accepted concept, additional inequities were revealed, requiring further ef-

forts to deal with the newly identified injustices. We owe a great debt of gratitude to those who persisted, guided by a dedication to human rights and aided by a sense of the possible. This paper attempts to identify those to whom this debt is owed and to trace some of their inspired efforts.

While a relatively few activists took the lead over the decades, it is essential to recognize that the successes in Ontario would have been impossible without the broad coalition they forged, which included labour, religious, ethnic, political and other community workers.

Much of the credit for the pioneering work belongs to the activists from the organized Jewish community of Canada. They, with the support of the leadership of the Jewish community, spearheaded the struggle and formed the coalition that eventually met success. The Canadian Jewish Congress and B'nai B'rith, through their Joint Community Relations Committee and its predecessors under other but similar titles, as well as the Jewish Labour Committee of Canada initiated and were early leaders in the struggle for human rights in this country. This paper concentrates on efforts during the three decades beginning with the 1930s, in the modern struggle for fair practices laws in Canada.

Prejudice and discrimination were long practiced in Canada, but beginning in the 1930s, events were to bring out the inequities in bold relief and create the conditions under which the Canadian public was to develop an antipathy for discrimination.

In 1930 Ontarians were predominantly Protestants of British origin and that predominance continued for some time. These Ontarians inherited and perpetuated a value-laden perspective of themselves in juxtaposition to others. That perspective was reflected in the writings of Canadian thinkers.

J. S. Woodsworth, for example, stereotyped ethnic and racial groups. He particularly denigrated Slovaks, Italians, Syrians, Armenians, and Orientals.

Robert England shared Woodsworth's views about the stranger. In 1929 England wrote that "vices and instincts" of Slavs, Italians, and Frenchmen cannot be eradicated by a "melting pot."

Stephen Leacock urged that Canada not facilitate the immigration of the "European foreigner." He also felt that the entry to Canada by "Orientals" should be barred completely.

Despite the widely held deprecating views of the "foreigner," following the first World War, Canada — and particularly Ontario — began to receive large numbers of European immigrants. These newcomers, as well

as minorities already resident in Canada, encountered barriers to a good life. Widespread job discrimination limited the avenues by which they could earn a livelihood and contribute to Canadian development. Discrimination by landlords reduced housing options considerably and furthermore served to reinforce ghettoization of ethnic groups. Public recreation, eating and personal grooming establishments excluded some minority groups, as did resort facilities and hotels.

Much of the discrimination was direct and open, but in many cases was covert. Often the victims did not know why they were excluded and, in many cases, did not realize that they were being victimized. Landlords and employers often falsely advised applicants that the apartment or job had been taken. Employment agencies, including government employment services, screened out "undesirable" applicants. Employees, qualified for promotion but passed over, were never to know that they were not given serious consideration solely because of their race or ancestry. Aside from these hidden practices, discrimination was literally advertised by many employers and proprietors in newspaper advertisements and signs that openly declared that only whites and Christians were acceptable, that Jews and Catholics need not apply, or that Irish and English were unwelcome.

Properties in large sections of Canadian cities and summer resort areas carried deed covenants prohibiting resale to, or any use of the property by Jews, Blacks, or many other minority groups. Universities imposed quotas based on race, religion, and ethnicity. Presitigious law firms simply did not accept articling law students from certain groups; many hospitals would not accept Jews on staff nor provide them with hospital privileges, and the board rooms of major industrial and business firms were also closed to many.

It is generally believed that poor economic conditions provide fertile soil for the propagation of discriminatory practices. Canada in the 1930s seemed to provide support to that thesis, for during that decade severe economic depression and malevolent discrimination existed concomitantly in this country. Growing concentrations of new immigrants in urban centres accentuated the discriminatory practices. The newcomers resented the treatment which they encountered and they sought some measure of protection in religious and ethnic organizations which afforded some assistance and socialization. Reluctantly they accepted their status as second-class citizens. But in the 1930s and 1940s factors were to militate against continued submission to discriminatory treatment. Leaders of

minority groups began to question this situation, and when their questions were not satisfactorily answered, began to act. They challenged the blatant contradiction which they found in the daily affairs of a society which claimed to be democratic, and they armed themselves with moral and tactical weapons for their struggle. Their hands were strengthened by the increasing demands of Canada's burgeoning industry.

Canada, if it was to meet the challenge of industrialization, required greatly increased manpower; the only apparent source for labour, as well as for a broader based home market, was immigration. Moreover, the rapidly developing Canadian economy required that employment and housing be universally available without irrelevant restrictions. The primary, if not the sole, consideration had to be the demands of the markets. Similarly, those who were to provide the manpower would have to be allowed to use their income without artificial limitations; for example, workers would have to be able to obtain housing near places of employment and enjoy recreational activities and other public accommodations without unfair limitations.

Apart from economic considerations, political factors were to shake government complacency. Political and labour leaders saw that with growing industrialization Canada witnessed the increasing power of unions, in part fed by the influx of new immigrants. These newcomers would have to be reckoned with as important, not only in union politics but also for local, provincial, and national elections.

The evidence is that in the forties labour leaders in Canada began to take an increasingly more militant stance against discrimination based upon race, religion or ancestry. Political leaders in the forties began to address the issues of concern to labour and new immigrants.

Another important factor for the Canadian human rights movement in the 1930s and 1940s was the confrontation with Facism. Sentiment against Hitler served to galvanize public opinion against his racist philosophy. However, it was not always easy to convince opponents of Hitler that they should also oppose racism.

Two United States presidents during those decades responded to pressures from their own constituencies. Franklin D. Roosevelt and Harry S. Truman signed executive orders banning discriminatory practices in the war industry, government services, and armed forces. Several states in the forties enacted fair practices legislation. Affinity for the United States, felt by many Canadians, was intensified by the greater interdependence generated through the common effort in the war against the Axis. This af-

finity was exploited by the fair practice activists in Canada, who made certain that the Canadian public, as well as this country's labour and political leaders, were made aware of the fair practices developments in the United States.

In 1948 Canada joined the signators to the United Nations Declaration of Human Rights, and that formal endorsement gave human rights proponents in Canada some leverage with which to press for government efforts to combat prejudice and discrimination. Clearly, national and world events in the thirties and forties provided a supportive climate for the struggle against discrimination. But let's return to the beginnings in October.

The earliest efforts to combat discrimination in Ontario were initiated in the 1930s by members of the provincial legislature who were representatives of ridings with large and growing labour and minority group constituencies. One of the earliest and most persistent opponents of discrimination in Ontario was E. Frederick Singer, a Jew and a member of the Ontario Legislature from St. Andrew riding. Singer was a conservative backbencher even though his constituency contained a sizable component of new immigrant workers, including many Jews.

Mr. Singer, in 1932, after an almost single-handed struggle, succeeded in having Ontario's Insurance Act amended, prohibiting the common practices of insurance firms of charging Jews, Blacks, and other minorities higher premiums, providing inferior coverage, or in some cases refusing to sell them insurance at all.

Argue Martin of the Hamilton West riding followed the success of Mr. Singer by introducing a bill to prohibit the posting of discriminatory signs. Mr. Martin's constituency also included many new immigrant workers. While Martin failed in his efforts to outlaw discriminatory signs in 1932, that same year Toronto City Council responded to the urgings of Jewish community leaders by requiring no-discrimination clauses in all leases for the rental of city-owned land. The Council also outlawed the posting of discriminatory signs on city property. That municipal action was in response to blatant discrimination practiced by Toronto Island residents; for years these residents of houses on property rented from the city refused to rent summer accommodations to Jews. Furthermore, these tenants of the city flagrantly advertised their prejudices by posting for-rent signs bearing such phrases as "No Jews."

Through the next three decades other members of the Ontario Legislature, sometimes government backbenchers but more frequently

members of opposition parties, were to introduce private members' bills aimed at the curtailment of discrimination. Most of those members were from ridings with large numbers of new immigrant labourers and small shopkeepers. Unfortunately, while the introduction of private members' bills kept the issue before the public, little concrete results were realized. In retrospect, however, it appears that these efforts were of some value in that they helped to create a climate, through public debate, that gave birth to the successes of the late 1940s and the 1950s.

During the thirties the Canadian Jewish Congress waged an incessant behind-the-scene campaign against discriminatory signs, employment discrimination, and restrictive land covenants. The Congress sought to persuade proprietors of parks and beaches to remove their offensive signs. This campaign of "friendly persuasion", however, proved ineffectual.

Municipal and provincial politicians were also approached by the Jewish Congress, and while these politicians expressed sympathy with the objectives of Congress, they were not able to convince owners of private land and businesses to remove the discriminatory signs.

Initial efforts to outlaw restrictive covenants were also frustrating. In 1938, a detailed submission to the Attorney General of Ontario documented the extensive and pervasive nature of discrimination in the sale and use of land in Ontario. In the City of Hamilton, for example, Jews and other minority groups were excluded from the purchase of, or residence in property on at least twenty miles of choice residential streets.

The Attorney General expressed his sympathy to the representatives of the Jewish community but refused to take steps to outlaw the restrictive covenants. It would be another twelve years before some tangible results would be realized from the indefatigable efforts of the Jewish community.

Employment discrimination was another target of the Jewish community. Early in 1939 the Canadian Jewish Congress formed the Committee on Economic Problems to deal with employment discrimination. The Jewish community had become alarmed over widespread employment discrimination faced by young Jews. Many were being denied a chance to earn a living. At the same time there was an equally grave concern over the trauma of rejection simply because of a person's ancestry.

The Congress organized and trained representatives, who, individually and in teams of two, approached selected discriminating employers. These emissaries tried to persuade employers about the values of equality of opportunity, the practicability of a merit employment policy, and the harmful effect of discriminatory practices upon the economy, as well as the un-

fairness of stereotyped classification. Many employers were approached in this campaign, but discrimination continued unabated throughout the period of World War II. This fact is particularly ironic, given the extensive efforts of the Canadian Government to maximize war-time production. In spite of Canada's manpower mobilization program to produce war material, many war plants, aided and abetted by officials of the National Selective Service, apparently were prepared to do without needed personnel rather than hire from most minority groups. Despite objections from Congress, Selective Service officials continued to honour discriminatory job orders and allow employment advertisements with such anachronistic stipulations as "applicants must be Anglo-Saxon" and "Gentiles Preferred."

Chagrined over their failure to sway government officials, in October, 1942, delegates to the Eighth Annual Canadian Jewish Congress Plenary voted to register immediate formal protests ". . . . in sharp and unequivocal terms . . ." with the federal Minister of Labour and the director of the Selective Service Bureau. A formal deputation met with representatives of the federal Cabinet which reacted positively to the submission.

Selective Service Bureau staff was admonished publicly to desist from inquiring about the religious or racial origins of job seekers. Employers were warned that placement services would be withdrawn from anyone discriminating against job applicants or employees. That order was widely publicized through a Canadian press release of November 14, 1942. However, it only gave the appearance of ending an ugly situation. Employment discrimination in fact continued unabated. The Joint Public Relations Committee of the Canadian Jewish Congress and B'nai B'rith (J.P.R.C.) encountered blatant discrimination over many more years and found it necessary to present many further formal protests to government.

The first government bill in Canada to outlaw at least some element of discrimination was introduced in 1943 by Ontario Premier George Drew. Political motivation for that action was unmistakable. Ontario's Progressive Conservative Party, by the narrowest of victories, had just won an election, ending six years of Liberal incumbency. The Canadian Commonwealth Federation Party had emerged from that 1943 election as a powerful official opposition, placing Premier Drew in a politically tenuous position. In fact, the two left-wing parties, chosen by labour and new immigrant constituencies, had shown surprising strength. It appeared that any hope for future political growth of the Conservatives would require the winning over of some significant portion of the new immigrant and

labour vote.

George Drew, faced with this new situation, developed a list of progressive social and economic promises and, in that context, introduced the Racial Discrimination Bill. In the debate on that Bill, Premier Drew repeated the arguments that had been used often by the human rights advocates:

> . . . if you discriminate against any person because of race or creed in respect of their [sic] ordinary rights as a citizen, you deny that equality which is part and parcel of the very freedom we are fighting to preserve . . . When we say that Canada is a land of freedom and of equality, we either mean what we say or we do not. . . . Equality is the very foundation of our social structure . . .

That Government Bill was passed without dissent on March 14, 1944. Almost elevent years after the rejection of the Argue Martin Bill which sought the same goals, Ontario outlawed its discriminatory signs.

Why did the Ontario Government in 1944 enact a law which had been rejected by both Liberal and Conservative Governments during the preceding decade? We may never have a complete answer to that question; however, some of the events preceding the introduction of the Racial Discrimination Bill may help us to summarize at least a partial answer.

We know that the Jewish community for a number of years had waged a campaign of "friendly persuasion" to draw to the attention of political leaders the gross unfairness of discriminatory practices. In addition, the issue of discrimination and the need for protective legislation had been raised regularly during election campaigns. In particular, John J. Glass and Joseph B. Salsberg, in their 1937 and 1943 campaigns for a legislative seat from the Toronto riding of St. Andrew, both stressed these matters.

In 1943 John Glass had introduced a Discrimination Prevention Bill in the Ontario Legislature. That Bill received the strong support of the *Toronto Daily Star*, which labelled the Bill "Legislation to Combat 'Hitler's Work,' and Promote Canadian Unity."

Opposition to discrimination and exhortations for government action had been coming from widening sectors of the community. In March of 1943, for example, the Joint Jewish Committee and organized labour supported the demonstrations of Black youth who were protesting discriminatory policies, such as that of a Toronto dance hall which excluded Blacks.

The efforts of Jewish and labour leaders were instrumental in making the public aware of the presence in Canada of blatantly unfair discriminatory practices. Significant elements of the Ontario voting public, particularly in urban communities, were clearly supportive of government

action to outlaw such practices and politicians could ill afford to ignore that fact.

As a final note to highlight the significance of political considerations in explaining why the Ontario Government enacted the Racial Discrimination Act of 1943, it seems most pertinent to point out that after winning a decisive majority in the Legislature during the general election of 1944, no further human rights activity was forthcoming from the then safely ensconsed Drew Government — this in spite of earlier assurances from Premier Drew that the Racial Discrimination Act was only the first of many initiatives by his Government to combat discrimination. This first step turned out to be the only effort of the Drew Government to combat discrimination.

Following the enactment of the Racial Discrimination Act of 1943, the Joint Committee of the Jewish Community aggressively sought allies, and gradually other organizations joined in the anti-discrimination efforts. The Canadian Council of Christians and Jews, established in 1943, with assistance from the Jewish Congress, provided some educational programs for the promotion of brotherhood. Less than a year later, the Workers Educational Association joined in a number of undertakings, including a major court battle against restrictive covenants in land deeds.

In 1944, with encouragement and support from the Joint Public Relations Committee as well as the Jewish Labour Committee of Canada, the Standing National Committee Against Racial Intolerance was formed by the Trades and Labour Congress of Canada. (T.L.C.).

The end of the Second World War, which should have logically reinforced a commitment to understanding and unity among peoples, paradoxically seemed to give birth to pronounced fears and retrenchment. There was a spectre of massive unemployment in the minds of Canadians. The Canadian economy had been geared to a war effort. Now with peace, high unemployment was expected. In addition, the postwar period brought fears of potential enemies in a third world war. Those fears and suspicions were extended to all "foreigners" and an apparent wave of xenophobia seemed to grip the Canadian public.

Many Canadians withdrew into isolationism and exclusion. Canada, the reactionaries believed, should not open its doors to the refugees of the holocaust, nor, in fact, should any foreigners be admitted. Many Canadians believed that it was the right of employers, landlords, proprietors, and indeed entire neighborhoods to be selective on the basis of race, religion and ethnicity. The right to exclude those who are different was considered by a substantial minority to be inviolate.

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Opinion surveys revealed that a substantial minority of Canadians regarded discriminatory practices and policies as acceptable. Antagonism against Japanese, Germans, and Italians immediately following World War II might have been understandable, even if unjustified. However, in addition to these target groups, opinion polls revealed that many Canadians also held strong negative feelings about Jews, Blacks, Russians, Chinese, Middle-Europeans, Ukranians, and Poles. In such a social climate it should come as no surprise to find that incidents of discrimination were reported with increasing frequency. At the same time, however, many Canadians rejected discrimination and efforts were organized in some communities to combat unfair practices.

The early practices of quiet diplomacy, while of questionable value, continued to be used by activists following World War II. However, a new element — open public debate — was added to the arsenal.

The media became a major component of this new strategy. Incidents of unfair treatment were highly publicized. In addition, newspapers and radio provided public platforms for the protagonists. Some newspapers and magazines joined in condemnation of discrimination and at times supported the call for legislation as a means of combating unfair practices.

In spite of the Racial Discrimination Act and the public denunciation of discrimination by newspapers, some of those same newspapers continued to carry unlawful discriminatory advertisements.

Rabbi Abraham Feinberg, then Chairman of the Joint Public Relations Committee, sought in vain to have Premier George Drew make good his earlier promises. Premier Drew was not forthcoming even with regard to the introduction of human relations material into the curricula of Ontario's public schools.

In 1946 periodicals in Toronto and St. Catharines condemned employers who dismissed Jewish war veterans from their jobs merely for being Jewish.

Many other cases of discrimination were reported, including those of Black nurses-in-training, who were refused admittance to training programs in Owen Sound and Toronto hospitals. Teachers in Toronto's Central High School of Commerce reported that they were unable to place Black or Jewish students in summer employment.

Prominent church and community leaders publicly charged that widespread employment discrimination was being practiced against Jews, Blacks, Catholics, Chinese, and Japanese. The Toronto Transportation

Commission and the Toronto Police Department were among the more prominent employers identified as violating human rights. The Canadian Legion, at the height of its prestige following World War II, publicly condemned Ontario employers who refused jobs to Jewish war veterans. Prompted by the General Wingate Branch, a Jewish unit of the Legion, the Ontario Command during the 1940s, called on all Canadian governments to outlaw discrimination.

MacLean's Magazine carried a major article by Pierre Berton reporting the results of a test in which only seventeen of forty-seven firms which advertised for secretaries, were prepared to even interview an applicant named Greenberg, while forty-one of the same employers were prepared to interview an applicant named Grimes.

Press reports maintained that 35 percent of Quebec and Ontario resorts openly excluded Jews; in some reports the figure was as high as 80 percent. The military war against fascism subdued Hitler's armies, but his racist views apparently remained intact. However, the struggle continued in Canada and the fair practices forces realized some victories.

A major court victory for the Jewish community and its allies was recorded in Ontario in the mid-1940s. In that case, Mr. Justice Keiller Mackay ruled null and void a real estate covenant which sought to exclude Jews and other "persons of objectionable nationality." That decision by Mackay was widely applauded. The *Globe and Mail*, for example, referred to Mackay's ruling as a "blow to prejudice" and "in the noblest level of jurisprudence."

Because of the emphasis of the covenant on Jews, Justice Mackay had permitted the Joint Committee to represent the Jewish community during the proceedings. J. M. Bennett, Chairman of the Joint Public Relations legal subcommittee, represented the Joint Committee. He was assisted by Professor Jacob Finkelman, then of the University of Toronto Law School; Professors Bora Laskin and Charles L. Dubin, members of the law faculty of Osgoode Hall (Professor Laskin later became Chief Justice of Canada and Mr. Dubin became a justice of the Supreme Court of Ontario).

A subsequent Ontario Supreme Court decision to uphold a restrictive covenant was reversed on an appeal to the Supreme Court of Canada by the Canadian Jewish Congress.

Allied efforts by minority groups were most prevalent in Toronto, Hamilton, Windsor and Oshawa. These allies eventually succeeded in obtaining anti-discrimination municipal by-laws in those four cities.

A popular Toronto skating rink, which excluded Blacks and Jews, in the mid-forties became one of the rallying points for the emerging coalition. A number of organizations joined in a 1947 protest against the Icelandia skating rink on north Yonge Street. That campaign included picketing and other peaceful demonstrations as well as a letter-writing campaign and deputations to the Toronto City Council. Within weeks Toronto City Council approved a by-law making a non-discrimination policy mandatory for all amusement establishments. A month later coalition deputations persuaded the Hamilton City Council to enact a similar by-law.

A series of race relations institutes was organized in the forties by a church-supported organization called Fellowship of Reconciliation. Joint sponsors of the race relations institute included the Jewish Public Relations Commitee, the Labour Committee for Human Rights, the Japanese-Canadian Committee for Democracy and the Black Community's Home Service Association.

In reaction to reported incidents of discrimination against Blacks and Jews, the Toronto Labour Council in 1947 called for provincial action, and in the fall of 1948 both Toronto Labour Councils called for legislation to end racially restrictive real estate covenants.

While the efforts of the Jewish Committee to build a strong coalition of support for fair practices laws had some successes, they frequently met with frustration. As late as 1948, in a report to the Canadian Jewish Congress, Rabbi Abraham Feinberg expressed disappointment over the indifference of church leaders. He was concerned that church leaders did not see the problem of discrimination as particularly pertinent to their congregation, nor did they see fair practices legislation as appropriate means of dealing with the matter.

The Joint Jewish Committee and its allies determined to renew their efforts and through the fifties the activists increasingly stressed the development of public pressure upon the government. The earlier educational and organizational efforts served to lay the groundwork for this new approach. These efforts succeeded in organizing local and provincewide campaigns to bring their message to the Premier and his Government. The organizers learned from experience and with each new effort managed to increase public support and reinforce the impact upon government. The deputations to Cabinet were usually developed through well organized efforts to educate and recruit both the leadership and rank and file of various groups — notably labour, ethnic, racial, religious, and ser-

vice organizations. In addition, newspapers, local governments, and members of the Legislature were confronted as never before. Throughout the fifties, major community deputations were organized to appear before Ontario Cabinets demanding fair practices legislation. The first such deputation, which met with Premier Leslie Frost and members of his Cabinet on June 7, 1949 had been organized by the newly formed Association for Civil Liberties. During the months preceding that meeting with Premier Frost, the press in all parts of Ontario was alive with public outcries against acts of discrimination. The activists had carefully documented the nature of discrimination in Ontario and arranged that journalists would be able to see the evidence. One series of reports on the front pages described the continued degradation experienced by Blacks in Dresden, Ontario, particularly at the hands of restaurant proprietors, barbers, and beauty parlour operators. Other reports in those few weeks dealt with a public meeting in Toronto attended by some three- to four-hundred people, sponsored by the National Council of Jewish Women, with the support of the J.P.R.C. Some days later, the Canadian Legion, encouraged through its Jewish members and by the Canadian Jewish Congress, affirmed its opposition to discriminatory covenants by publicly cancelling a raffle when it was revealed that the prize (a vacation property in the Sarnia area) had a deed which contained a racially restrictive covenant.

The documented brief presented by the thirty-five leaders of church, labour and other community groups asked for laws to prohibit discrimination in employment and public facilities. They also asked that restrictive covenants be outlawed.

Some six months later, led by Dr. R.S.K. Seeley, provost of Trinity College, the A.C.L. and its allies again met with Premier Frost and his Cabinet. In preparation for that second meeting, the Canadian Jewish Congress, B'nai B'rith and the Labour Committee organized activities in communities across Ontario. Study/action kits were distributed to local B'nai B'rith and synagogue groups in thirty Ontario communities, and the Labour Committee actively canvassed local labour councils and unions, urging support of the forthcoming meeting with Premier Frost. An estimated 300 people met with Frost on January 24, 1950. Over 70 organizations had formally endorsed the brief.

On February 16, 1950 the Speech from the Throne contained an announcement of the plan of the Ontario Government to introduce legislation to prohibit discrimination in collective labour agreements and to dis-

allow restrictive racial covenants in deeds to property.

The human rights proponents, while happy with their apparent success, were not sanguine about the details of the narrow restrictive covenant bill that was introduced by the government. Messers. Edwin Goodman and Ben Kayfetz, at a private meeting with Attorney General Dana Porter, urged that the new law delete racially restrictive covenants from all existing deeds as each new transfer of ownership was negotiated. Further, the J.P.R.C. urged that the law disallow restrictions based upon nationality, birthplace, and national origin. The Government Bill would provide protection only on the basis of race and creed.

Subsequent to that meeting, Attorney General Porter announced in the Legislature that the government bill would provide the wide protection sought by the J.P.R.C. While Mr. Porter did not accede to the request that all existing deeds be subject to the new law, he did follow through with a compromise which had been suggested by Messers. Goodman and Kayfetz, by having the law take effect on the day it obtained royal assent.

While pleased with these results, the activists were not ready to rest. They had only begun to realize success after years of effort and they were intent on pushing ahead. A third major deputation campaign was being organized in late 1950 and early 1951. Provost R.S.K. Seeley lost little time in writing to hundreds of people across the province urging support for the ACL legislative proposals. While acknowledging the positive actions of the Ontario Government, the A.C.L. head urged pressure for a fair employment practices law, a law to prohibit discrimination in public places, and a program of education in the schools to encourage harmonious intergroup relations.

The J.P.R.C. also distributed, to an extensive mailing list, a compilation of newspaper and magazine editorials supporting fair practices law. The J.P.R.C. and the A.C.L. urged the public to write or wire their support to the Premier and members of the Legislature. Delegations to local MPPs were also urged.

The Community Conference for Public Relations, involving most of the organized Jewish groups in Toronto, launched a letter-writing campaign to the Premier and members of the Legislature. The Ontario Jewish Youth Council joined other youth to form the Coordinating Committee for Canadian Youth Groups, which met with Premier Frost and members of the opposition parties.

In the campaign of 1950, for the first time, leaders of the Catholic Church and the Liberal Party publicly endorsed fair practices laws.

Jewish community groups in many Ontario cities met with consultants of the J.P.R.C. to plan strategy for organizing broad community delegations to meet with local members of the Legislative Assembly. Those communities included Sarnia, Kingston, St. Catharines, Ottawa, Ft. Williams, and Oshawa.

The J.P.R.C. met with the provincial Attorney General, Dana Porter, to discuss FEP legislation.

On still another front, the J.P.R.C. arranged for U.S. Senator Wayne Morse of Oregon to be a guest speaker on January 11, 1951 before the prestigious Empire Club of Canada. Senator Morse, a respected leader of the progressive wing of the Republican Party, was a sponsor of anti-discrimination legislation in the United States.

Arrangements were made for the Senator to address several Ontario groups and excerpts from his speeches as well as a live interview were broadcast by several Canadian radio stations. Parenthetically, it is significant to note that Premier Leslie Frost later advised the Ontario Legislature that he was most impressed by the words of Senator Morse.

On February 1, 1951 the Speech from the Throne carried an announcement of the Government's intention to introduce a fair employment practices act. That declarative statement particularly heartened the human rights activists. Their persistent and well organized efforts seemed at last to be bearing fruit.

On June 4, 1951 the FEPA of Ontario became law.

The coalition led by the Jewish Committee, Labour and the Association for Civil Liberties continued to press government for the balance of its fair practices objectives. This persistent campaign to make the public and political leaders aware of the nature of discrimination was regularly punctuated with mass deputations to the Ontario Cabinet in 1954, 1956, 1958, and 1961.

In 1954 the Fair Accommodations Practices Act (FAPA) was adopted. That Act prohibited the refusal of services or facilities to the public because of race, creed, nationality, ancestry or place of origin. Over the years the fair practices laws of Ontario were not enforced and the activists uncovered numerous instances of what can most charitably be described as uninspired administration of these laws. Consequently, monitoring of the enforcement of fair practices laws became the next major challenge of the activists.

The Jewish Labour Committee of Canada had succeeded in convincing the predecessors of the Ontario Federation of Labour to establish the

Labour Committee for Human Rights. In 1954 Sid Blum was the Executive Secretary of the Labour Committee. Approximately two months following proclamation of the FAPA, Blum personally witnessed discrimination against Blacks by proprietors in Dresden. This flouting of the law persisted even though formal complaints against Dresden proprietors had been laid by the Labour Committee. Sid Blum made certain that the press was informed about those violations of law as well as the Government's apparant lack of interest in enforcing its laws.

Several newspapers and journalists were highly critical of the Government for its inaction and most of them demanded that the Government correct the situation.

Continued government inaction drew sharp criticism from several sources. In general, the media, labour and the Jewish Committee demanded firm law enforcement. They also demanded evidence of a long-promised government educational program.

Half-hearted government initiatives along with an extremely narrow interpretation by a court of appeal threatened the very life of the new fair practices law. The resulting public outcry brought the intercession of Premier Leslie Frost, who eventually established the Ontario Anti-Discrimination Commission in May of 1958. The new Commission was to advise the Minister of Labour in the administration and improvement of fair practices laws and to conduct an educational program.

In spite of these apparent victories, narrow interpretation of the Fair Accommodations Practices Act continued. For example, two Black complainants, who alleged that they were discriminated against in a Chatham hotel restaurant, were turned away by the Minister of Labour on the advice of the Department of the Attorney General.

The waiters at the Chatham hotel admitted that they had intentionally ignored the two men who took seats at a table in the restaurant. They were acting on the orders of the hotel owner. The government maintained that since the owner himself had not denied service to the two men, there was no violation of the law.

The government again was widely attacked for its reluctance to enforce its own laws and some improvements in government action was noted.

The next major target of the activists was housing discrimination. They proceeded systematically to recruit and build support for the fight against discrimination in housing. The Department of Labour initially took the position that housing discrimination was not prohibited by the FAPA. The Minister, however, finally capitulated under the persistent demands

of the Labour Committee that the question be tested before a judge.

Judge D. C. Thomas, on hearing evidence in a case brought before him, found that while the Black complainant had been denied the rental of and apartment in a Toronto apartment building because of his colour, apartment houses were not places "to which the public is customarily admitted." Since the FAPA prevented discrimination only in public places, the denial of an apartment was not in contravention of the Act.

A. Alan Borovoy, then a labour lawyer and active member of the Labour Committee, became its Executive Secretary in 1959, replacing Sid Blum who became Borovoy's advisor. One of his first projects was to survey the extent of housing discrimination in Ontario and to encourage public acceptance of minority group members. Accordingly, Borovoy followed up a complaint from a Hamilton woman of Asian ancestry. A landlord who had refused to rent her an apartment explained that he was merely meeting the wishes of his tenants. Borovoy called upon four of the landlord's five tenants; all four signed a petition advising their landlord that they had "no objection to having coloured, Asian or Indian people as neighbours and fellow tenants in this apartment building." Borovoy's exercise was widely reported by the news media, which also publicized his call for the enactment of legislation to prohibit discrimination in apartment buildings.

Subsequent tests in other communities brought similar results. People in such diverse places as St. Catharines, Windsor, Newmarket and Toronto signed petitions stating, in contradiction of their landlord's belief, they were prepared to accept neighbours and fellow tenants without regard to such factors as race, religion or ancestry.

Another approach used in the fair housing effort was the mobilization of local campaigns aimed at municipal councils. Particularly well organized and successful efforts of this sort were directed in St. Catherines, Windsor, Hamilton and Toronto.

This extensive campaign for fair housing legislation was capped in January, 1961, with a major deputation to the Ontario Cabinet. An estimated 100 individuals, representing 47 province-wide and local organizations from Toronto, Hamilton, St. Catharines, Brantford, and Windsor, and including official representatives of the Municipal Councils of Metropolitan Toronto, Windsor, and Hamilton, came before Premier Leslie Frost and his Cabinet members. Approximately one month following that meeting, Frost introduced Ontario's first fair housing bill.