

*"that human rights  
should be protected  
by the rule of law"*

(from the Preamble, Universal Declaration of Human Rights of the United Nations)

# **A B R I E F**

FROM THE

**ASSOCIATION FOR CIVIL LIBERTIES**

TO THE

**PREMIER OF ONTARIO**

The Honourable Leslie M. Frost,  
Premier of Ontario,  
Parliament Buildings,  
Toronto.

Dear Mr. Frost:

You will recall that in June of last year the Association for Civil Liberties submitted a brief to you. It outlined the need for more comprehensive legislation than is contained in the present Ontario Racial Discrimination Act, to deal with some of the worse forms of racial and religious discrimination experienced by large numbers of persons in this province. Specifically, our request was that your government bring in legislation effectively to combat discrimination in employment, housing, and public places, in the form of a Fair Employment Practices Act, and amendments to the Ontario Racial Discrimination Act.

On that occasion also, a large delegation of prominent Ontario citizens, representative of the many races and religions which are to be found in this province, was present to urge your sponsorship of such legislation. You asked us at that time to let you consider the matter.

It is over six months since we last met with you. Many things have taken place in the meantime, including the recent Dresden events of which you no doubt have heard, that make it more necessary than ever that legislation along the lines suggested in our previous brief be introduced by your government for adoption by the Ontario Legislature when it meets this spring.

We are not asking your government to accept principles which are new and foreign to it. They were accepted by your government when it sponsored the Ontario Racial Discrimination Act in 1944.

As far as it goes, this act has done a good job. By and large, it has served to rid the province of the offensive signs and advertising that one used to see before the law was passed. As such, it provides convincing proof that legislation can be a most effective means of dealing with racial and religious discrimination.

The heart of the trouble is that the Ontario Racial Discrimination Act does not go far enough. It provides no assistance whatever to the person who is discriminated against in employment, in housing, or in public places because of his race or religion.

What we propose is that it should be broadened to take in these large and basic areas of discrimination.

In effect, we say to you—you have already accepted the principles,



- that racial and religious discrimination are harmful to the public welfare;
- that legislation provides an effective means of counteracting them.

There can be no doubt of that. The leader of your party and spokesman for the government as Premier then, the Hon. George Drew, made it crystal clear when on March 7th, 1944, during the debate in the Ontario Legislature on the Ontario Racial Discrimination Act, he said:

"... if you discriminate against any person because of race or creed in respect to their ordinary rights as a citizen, you deny that equality which is part and parcel of the very freedom we are fighting to preserve... Equality is the very foundation of our social structure. I fully recognize prejudices are difficult to avoid. But it should be our purpose to attempt in every way we can to remove all causes of such prejudice and to make unity, equality and freedom real and living words."

Now we ask you to put these principles into practice where discrimination hurts the individual most in his daily life,—in employment through his earnings; in trying to rent a house, flat or apartment, or to buy a property; in attempting to get a meal in a restaurant, or enjoy a few hours of relaxation in a place that provides entertainment or recreation for the public.

It is no more than to be expected that legislation of this type will have the warm support of the great majority of the people of Ontario. The people of this province have always welcomed measures that aimed at improving the state of democracy at home; at giving every person an equal opportunity and equal rights, regardless of race, colour, or creed. Indeed, the fact that we have such a large and representative delegation here today is tangible evidence of the fact that you can count on the support of the people of Ontario.

A comprehensive law such as we suggest would prevent many wrongs and injuries to human dignity and welfare. It would place your government in the forefront of those in Canada seeking to eliminate the evils of discrimination. It would also place Ontario alongside the ten or more states in the United States which, during 1949 alone, passed legislation to prohibit discrimination of the kind we have mentioned, as well as the many states which have had such legislation on their statute books prior to 1949, and those now preparing to put some into operation.

Evidence of the need for such legislation in Ontario is contained in the attached appendix, together with evidence of the large measure of public support your government can expect to receive in proposing it.

It is generally agreed by most informed people on the subject, and this is borne out by experience, that the best method

of administering legislation of this kind is through the establishment of a provincial board against discrimination. We would therefore urge that such a board be set up, and like the New York State Commission Against Discrimination, its function should include:

1. Investigation of complaints of discrimination; where the complaint is well-founded, to attempt to conciliate. Failing this, to be in a position to take more effective methods to remove the discrimination. It is interesting to point out that the New York State Commission Against Discrimination has rarely found it necessary to go beyond the stage of conciliation. Even though it has handled many thousands of cases since it was established, the Commission has only found it necessary to prosecute in one case to date.

2. To conduct a continuous program of education of the public as to the purpose and nature of the law with a view to creating an area of co-operation and climate of public opinion favourable to the administration of the law, and a broad educational programme to promote understanding and harmony between all members of the community.

It has been contended that racial or religious discrimination cannot be legislated against; that it is a matter for education alone.

Experience in the United States and in other countries has shown that both legislation and education should be employed, simultaneously. The fact is, the existence of an anti-discrimination law provides the spur to education, and is in itself an educational measure. Where such laws are on statute books, educational programs are conducted in varying forms, to interpret their significance and function. In such communities, education is used as a tool to re-inforce the law.

An editorial in the New York Herald Tribune of March 28th, 1949, puts it this way:

"Legislation against discrimination in employment is practical and successful. This is common knowledge in New York; the evidence is everywhere plain. There were serious doubts when our State Commission Against Discrimination began operation in 1945, but the subsequent record is one of expanding progress. The achievements have been many and precise, and the New York system is so well established and recognized that it is now taken as a model in other forward-looking cities and states.

"What is our secret of success? First, there is determination firmly and simply expressed in law. Second, the commission gets results by 'conference, conciliation and persuasion.' Third, our law has teeth. Up to now, the cease-and-desist sanctions of court order have never been sought, which is a tribute to the commission's skillful and forehanded administration. The



necessity for crackdown is avoided by developing a community atmosphere that is progressively favourable. We progress by conscious education; the whole air is co-operation instead of conflict. And this is the triumph of intelligent legislation, the proof that a broad and imperative aim can be harmoniously translated into happy result."

We wish to emphasize the point that we need both legislation and education. We realize that education is essential, but to the person and groups who are suffering from the effects of discrimination and to the community whose general welfare and stability rests on the absence of discrimination, it is not enough to say, in time, no one knows when, this perhaps will all be cured by education. Education is not a satisfactory substitute for effective action. This is the job of legislation.

It is true that if everyone observed the Ten Commandments and the Sermon on the Mount, a great many of our present laws would be unnecessary. But experience has demonstrated the need to apply legal sanctions to protect society and the individual from conduct which violates their principles. That is why we have laws which make it an offence to kill, to steal, to bear false witness, to physically assault your neighbour. It is to prevent anti-social forms of conduct. That does not mean to say that with such laws we have been successful in eliminating these forms of conduct. It only means that having these laws provides society and the individual with far greater protection than being without them.

The same is true of anti-social conduct in the form of discrimination practices. Does it not seem strange that we provide protection for the individual and society from physical assault, and yet when the same person is assaulted in a somewhat different way, by the force of discrimination, with possibly much more injurious consequences to him and the members of his race or religion, psychologically, economically and spiritually, we provide no protection at all.

That discrimination has far-reaching effects both on the individual and society, was apparent before and during the war in Nazi-dominated countries. Proof of its harmful effect on this continent was recorded in the classic report of President Truman's Committee on Civil Rights, headed by Mr. Charles E. Wilson, President of the General Electric Company of America. The Committee found that discrimination has a most important bearing

1. On the health and personality of the individual.
2. On his standard of living, the welfare and education of his family.
3. On the existence of bad housing.
4. On juvenile delinquency and crime.

5. On productive efficiency and the development of creative talent.

Mr. Charles Luckman, President of Lever Bros., and a member of this Committee, described in these simple terms the undesirable effects of racial discrimination from the point of view of a business man. He said not only does the individual suffer, but it is bad for business.

To summarize as the very instructive and recent study of the Canadian Association for Adult Education on "Group Relations in Canada" puts it:

"It is not contended that laws by themselves will achieve the abolition of inter-group discrimination,—but in the words of Professor R. M. MacIver 'they do reduce it and can be increasingly potent as they become fully operative and promote new habits and expectations'. Laws, too, educate."

One more point we should like to emphasize, and that is we are not unmindful of the value of education in dealing with discrimination. We all agree that it has a most important part to play in combatting it. We must admit, however, that at the present time, there is little recognition, if any at all, by those responsible for education in this province, of the part education can play in this field in Ontario schools.

We should like to see your government launch a well-rounded program of education in our schools to teach children the importance of living in harmony and fellowship with others. Much study has been devoted to this side of the question and the above study on group relations in Canada is only one of many which recommends such a program and from which specific details may be obtained.

We respectfully suggest a case has been made out pointing to a very definite need for intelligent legislation in this province to deal with the problem of discrimination as it affects people in employment, in public places, in housing and ownership of property.

Of one thing there can be no doubt,—that this problem of discrimination will never be reduced or removed by laissez-faire means, but only if an affirmative programme of action under government leadership is put into operation.

You and your government have had this problem under consideration for some time now. Under our democratic system, it is, we submit, only fair and proper that the public should be informed of your position on such a matter as this.

We therefore would welcome some statement from you at this time clarifying your position on this question, and indicating what action your government intends to take to deal with it.

Very respectfully yours,  
ASSOCIATION FOR CIVIL LIBERTIES.



## APPENDIX A

### EVIDENCE OF THE NEED FOR LEGISLATION

Note:—For obvious practical reasons it is possible to mention only a few cases of discrimination.

#### 1. Discrimination in Employment

In a report unanimously adopted last September 15th by the 1949 convention of the Trades and Labour Congress of Canada, and prepared by its Committee on Racial Discrimination:

"It was found that discrimination in employment is prevalent in Toronto, particularly in insurance agencies, banks, trust companies and brokerage houses, and that few Roman Catholics, Jews or Negroes are employed by civic agencies. Many business schools and employment agencies had found difficulty in placing Roman Catholics in jobs in Toronto."

This report confirms a survey covering the same ground made by the Toronto Telegram which appeared in this newspaper on March 9th, 1949.

There is considerable evidence that these conditions are not peculiar to Toronto, but are to be found generally throughout the province.

The Toronto Globe and Mail in a recent survey entitled "Have We a Colour Line?" reports:

"Many coloured people have gone to the United States to face the social prejudice there sooner than the economic discrimination which they claim makes life impossible for them here."

"In the business and industrial world generally, Negroes feel it is all but hopeless to get anything but low-paid manual jobs."

Similar experiences have been reported by many other groups in Ontario. These are but a few examples:

1. The Jewish people—see the article "No Jews Need Apply" in MacLean's Magazine, November 1st, 1948.
2. The New Canadians—"Although most of these new Canadians are doing menial work at present, they have various educational backgrounds, and it is trying to an educated

person to be treated as if he were an illiterate." Quotation from a speech given by Miss Irma Kelmet, graduate of the University of Estonia, and teacher of modern languages, to the 30th annual meeting on April 20th, 1949, of the Ontario Federation of Home and School Associations.

3. The Chinese—see the article "The Chinese in Canada" in the Monetary Times, May, 1949.

4. The Japanese—see the proceedings and resolutions of the 1949 conference of the Japanese Canadian Citizens Association.

#### 2. Discrimination in Public Places.

On November 1st, 1949, in MacLean's Magazine, this is reported in an article entitled "Jim Crow Lives in Dresden":

"Negroes cannot eat at the town's three restaurants serving regular meals, cannot get a haircut in the four regular barber shops, cannot send their wives to the only beauty parlor."

The fact that by-laws have been passed or are under discussion in Toronto, Hamilton, Windsor and Oshawa to prohibit practices of this kind, shows that this problem is provincial in scope, and not merely of local interest or confined to any one group.

In a study done by the Canadian Jewish Congress in 1947, it was found that the words "restricted clientele" were widely used by summer hotels, and that in 80% of the cases, the motive was to keep out people because of their racial ancestry. These findings were later confirmed by MacLean's Magazine in a survey it conducted.

On November 9th, 1949, the Dominion-Provincial Tourist Conference passed a resolution "strongly opposing racial discrimination in Canadian hotels and resorts and the use of the words "selected" or "restricted clientele" on tourist folders, letterheads and advertising".

#### 3. Discrimination in Housing, and Ownership of Property

It has been a common experience for members of certain minorities to find, where housing was available for rental purposes, that the landlord would not rent to them because of their race or religion. Especially have members of the Negro, Slavic, Chinese, Japanese and Jewish groups found this to be the case. From time to time different cases have been reported in the press.

Recently in the case of Noble vs. Wolf, 1949, O.L.R. 503, the Court of Appeal of Ontario upheld the validity under the common law of covenants registered against property prohibiting



sale to members of certain races or religions. The effect of this decision is to place the stamp of legality on discrimination in the form of such covenants as these, which are registered against property located in Ontario:

1. "The ownership of no lot on plan 269 and no part of the low-water beach aforesaid shall be transferred by sale, inheritance, gift or otherwise, nor rented, licensed to or occupied by any person wholly or partly of Negro, Asiatic, coloured or Semitic blood, nor to any person less than four generations removed from that part of Europe lying south of latitude 55 degrees and east of longitude 15 degrees east. Relationship, however slight, to any class forbidden as aforesaid shall be deemed sufficient to prevent transfer to or occupancy by such person, it being the intention that the occupation of the lands in the subdivision and beach aforesaid shall be restricted to persons of northern and western European descent, other than Jews. Such restriction, however, shall not apply to bona fide domestic servants of actual occupants during the period of such occupancy."

2. "The land and premises herein described shall never be sold, assigned, transferred, leased, rented or in any manner whatsoever alienated to and shall never be occupied or used in any manner whatsoever by any person of the Jewish, Hebrew, Semitic, Negro or coloured race or blood, it being the intention and purpose of the Grantor, to restrict the ownership, use, occupation and enjoyment of the said recreational development, including the lands and premises herein described, to persons of the white or Caucasian race not excluded by this clause."

3. "No building shall be erected on these premises except by a person who is a white Gentile, nor by any limited company whose shareholders are not entirely white Gentile."

This decision is unquestionably contrary to the spirit if not the letter of the Ontario Racial Discrimination Act. It would seem to be a contradiction in terms to countenance publication of these covenants and make available the facilities of the Registry Offices for registration in the face of the avowed purpose of the Act, which is "to prevent the publication of discriminatory matter referring to race or creed."

## APPENDIX B

### EVIDENCE OF PUBLIC SUPPORT FOR SUCH LEGISLATION

#### I Gallup Poll

According to a Gallup Poll conducted in Ontario by the Canadian Institute of Public Opinion in June, 1947, this question was asked: "In some parts of the United States, it is against the law to refuse a man a job because of his race, colour or religion. Some people approve of this because it ensures equality for all; others disapprove, claiming it interferes with employers. Would you approve or disapprove of such a regulation in this province?"

The findings of the Poll were:

Approve law .....	64%
Disapprove law .....	23%
Undecided .....	13%

In another Gallup Poll held in Canada in 1949, people were asked: "If you were buying a home and the neighbors asked you to sign an agreement promising not to sell or rent it later to people of certain races or colour, would you be willing to sign such an agreement?"

The findings of the Poll were:

Not willing to sign .....	68%
Willing to sign .....	19%
Undecided .....	9%
Qualified answer .....	4%

#### II Political Parties

The Progressive-Conservative Party's Declaration of Policy states: "We pledge ourselves to restore the full supremacy of the law and the equality of every citizen under the law. We believe that the closer government is to the people, the better government always is."

In November 1944, Mr. John Bracken, then national leader of the Progressive-Conservative party, wrote in "Today Magazine": "... every safeguard must be taken to avoid and prevent intrusion of those evil and far-reaching forces of racial prejudice which have caused so much tragedy, suffering and sacrifice throughout the world. Government must



accept the duty and responsibility of providing equal opportunity to each and every citizen, regardless of race or creed."

The position of the Liberal Party of Canada was expressed by Premier Louis St. Laurent when he said on December 18, 1949: "Appeals to race or religious prejudices are most harmful to unity, which is indispensable to the welfare and progress of Canada."

The CCF introduced the "Ontario Bill of Rights Act of 1949" during the 1949 session of the Ontario Legislature. Its general purpose was to prohibit discrimination against and person by reason of race, nationality or religion, in such matters as employment, education, right of access to any place serving the public.

### III Religious Bodies in Canada

In June, 1944, the heads of the ANGLICAN, BAPTIST, PRESBYTERIAN and UNITED CHURCHES in Canada issued an open letter declaring: "Prejudices based on race or colour have no place within the Church of Christ. The evil forces of ignorance or ill-will must be promptly and effectively combatted."

The attitude of the ROMAN CATHOLIC CHURCH of Canada was expressed by James Cardinal McGuigan in these words: "We must endeavour to accord to all men of whatever colour or creed equality in the fundamental rights of the human person . . . equality in the respect due to man's dignity . . . equality before the law . . . equality of rights to employment."

The General Council of the UNITED CHURCH OF CANADA at its 13th Biennial session in September 1948 declared: "We urge upon the government and parliament of Canada that every possible protection be given by law to the rights and liberties of citizens and residents of Canada, and that the support of Canada be accorded the Declaration and Covenant of the United Nations on Human Rights and Freedoms."

The General Synod of the CHURCH OF ENGLAND in Canada passed the following resolution in September, 1949: "The Synod calls upon governments in our country to do everything possible to give form and substance to the spirit of the Declaration of Human Rights of the United Nations, and to incorporate its principles in the way of the land where still necessary and possible."

In 1947 the BAPTIST WORLD ALLIANCE adopted a manifesto against racial intolerance and violation of constitutional freedom.

The AFRICAN METHODIST EPISCOPAL CHURCH at its 6th Canadian Conference held at Hamilton last year

passed a resolution calling for legislation to prohibit racial discrimination in employment, in public places, and to make restrictive covenants illegal.

### IV Organized Labour in Canada.

The TRADES AND LABOUR CONGRESS OF CANADA, September 1949, passed a number of resolutions requesting legislation in this field. One of them reads: "Be it resolved that the Trades and Labour Congress call for the enactment of Fair Employment Practices legislation to provide the necessary authority and machinery to remove racial and religious discrimination in employment."

The CANADIAN CONGRESS OF LABOUR, October 1949, passed the following resolution, and a number dealing with other aspects of racial and religious discrimination: "Be it resolved that this convention urge both Federal and Provincial governments to pass legislation to require employers to hire individuals and deal with them as employees without discrimination as to race, colour, creed or birthplace."

### V Ethnic Organizations.

The views of the INTER-ETHNIC CITIZENS' COUNCIL, an organization representing 14 large Toronto minorities, are expressed in the words of the Association's Secretary, George L. Chow: "It is the aim and hope of this Council that laws against discriminatory practices in trade and social relations, should be enacted by the Province and the Federal government, since Canada is a signatory to the United Nations Declaration of Human Rights."

The CANADIAN JEWISH CONGRESS, representing the total Jewish community in this province and throughout Canada is on record in favour of this legislation, as is the JEWISH LABOUR COMMITTEE.

A resolution of the JAPANESE CANADIAN CITIZENS' ASSOCIATION, representing the Japanese-Canadians of this Province, of last June expresses the belief that public policy is opposed to discriminatory practices that foster racial and religious discord, and that legislation passed to eliminate such practices should be embodied in the law of this province.

The CANADIAN POLISH CONGRESS, representing all Canadians of Polish descent, has indicated its approval of such legislation.

### VI Other Organizations.

The ONTARIO FEDERATION OF AGRICULTURE has as its expressed policy that there shall be no discrimination against any person because of race, creed or birthplace.

The views of the UNITED NATIONS ASSOCIATION as expressed by the Executive Director of the Toronto Branch, Arthur Maybee, are: "I fully endorse the Universal Declara-



tion of Human Rights and view it as a standard by which the people of Canada may implement their allegiance to the United Nations Charter."

The CANADIAN LEGION ONTARIO COMMAND at its 15th Biennial convention passed a resolution calling for "legislation on all levels of government in Canada to outlaw discrimination by employers on grounds of race, colour or creed." The Canadian Legion has further expressed "unalterable opposition to discrimination of any kind against Canadians simply because of race, colour or creed, as foreign to the true spirit of Canadianism and an outrage against the democratic principles fought for in two wars."

The ONTARIO TEACHERS FEDERATION in January 1948 passed a resolution demanding that teachers be hired "without regard to their nationality, race, colour or creed."

The DOMINION-PROVINCIAL TOURIST ASSOCIATION convention in November, 1949, went on record as strongly opposing racial discrimination in Canadian hotels and resorts."

In February 1948, the YWCA in Canada sent a letter urging all its locals across Canada to increase their efforts to combat racial discrimination.

The FEDERATION OF UNIVERSITY WOMEN'S CLUBS passed a resolution in 1948 condemning the practice of racial and religious discrimination.

The ONTARIO JEWISH YOUTH COUNCIL, representing 5000 Jewish youth in Ontario, at its 3rd annual meeting adopted a resolution asking the Ontario Legislature to pass a Fair Employment Practices Act and other legislation to outlaw racial and religious discrimination.

The FELLOWSHIP OF RECONCILIATION has a membership of over 800 in Ontario and has subscribed to the legislation requested in this brief.

The CO-ORDINATING COMMITTEE OF CANADIAN YOUTH GROUPS, an organization representing all Canadian youth organizations which are organized on a national level, at a recent meeting held in November, urged that Fair Employment acts be passed by all the provinces and that legislation be enacted making racial and religious discrimination unlawful. It has submitted this motion to its constituent groups for their study and individual approval.

Respectfully submitted,

ASSOCIATION FOR CIVIL LIBERTIES.