

ON COMMUNITY RELATIONS IN ONTARIO IN THE 1940s

Shortly after this writer was engaged with Canadian Jewish Congress Central Region (as the Ontario division was then known) in April 1947, he was told by his committee chairman, the late Rabbi Abraham Feinberg, that the committee's first priority was to obtain the passage of a fair employment practices law, a piece of legislation that would outlaw racial and religious discrimination in employment, and all my efforts should be bent towards that goal.

Those old enough to recall that era will remember that Jews were barred, both formally and informally, from renting or buying houses in certain parts of Toronto and Ontario, that very few Jews were employed in the banks or in insurance (other than as salesmen) and that the large downtown department stores rarely took on Jewish staff. Jewish high school teachers were as rare as hen's teeth: They would be considered for Barrie, Sault Ste. Marie or Thunder Bay but teaching in the metropolis was, if not barred, effectively restricted. One could go down the line specifying many other professions, trades and occupations and the story would be the same: Discrimination was the norm.

As for Blacks — Negroes as they were known then — the situation was an unhappy one. Young men with education and training were condemned to portering jobs on the railway. Rarely, if ever, did one see any black, brown or Oriental faces behind a wicket or counter in any office, or shop, be it governmental or privately owned. Some firms carried their bias further and never

hired Catholics. In short, discrimination was alive and well and an accepted phenomenon in Ontario.

Human rights laws are now the conventional wisdom of society. Not so in 1947 and 1948. The very concept of a law requiring employers not to exercise racial or religious bias was novel, even “radical.” Some employers considered freedom of choice as their rightful prerogative, almost as a civil liberty. Others preferred to shift the responsibility and to blame their staff. It was not they themselves who had any objection: It was their employees who would not, could not, work harmoniously alongside a Black or a Jew. Above all, they said, what they wanted was avoidance of strain at the workplace. Others sought safety in spurious physiological argument — that Black women’s arms are not long enough to handle wires and lines at the telephone switchboard.

A start had been made in 1944 when the Drew government introduced the Racial Discrimination Act which functioned in a very limited area. It forbade the posting of signs in a public place indicating the intention to discriminate. It said nothing about the act of discrimination. Despite its narrow focus it had the salutary effect of removing a blight from the Ontarian landscape — the placards reading “Gentiles Only” or “Restricted Clientele.” But employment remained as the basic area that required correction.

The Joint Public Relations Committee (JPRC) was a body with members appointed from Canadian Jewish Congress and from B’nai Brith in equal numbers. Within the year a number of steps were taken. Contact was established with the Canadian Association for Adult Education (CAAE) which was interested in cooperating by conducting educational work which would spread and popularize the concept of anti-discrimination. “Citizen Forum” was a popular national radio program which the CAAE carried out with the co-sponsorship of CBC. Isabel Wilson and Nancy Fraser (later Nancy Kraemer) were extremely helpful, as were the late Ned Corbett and Robey Kidd.

I was in touch with ethnic organizations and veterans groups, churches and YMCA’s to promote the idea of an Fair Employment Practices Act (FEPA). From the beginning, the Jewish Labour

Committee Against Racial Intolerance was an integral part of the effort with its staffers Leslie Wismer, Vivien Mahood, Gordon Milling and Donna Hill. In the later 1950s and the 1960s the Labour Committee under Sid Blum and Alan Borovoy were to take on the lead in the remaining work.

I recall addressing a regular meeting of the Brotherhood of Sleeping Car Porters in Toronto, a session which was opened with the singing of their anthem “Randolph Is Our Leader, We’ll Not Let Him Down” to the tune of a Southern spiritual. On another occasion, a public meeting co-sponsored by the National Council of Jewish Women was addressed by the noted American Black activist Bayard Rustin who within the year was to make his famous Bus Ride to challenge segregation in the South. At that meeting a member of the Toronto City Council—a member of the Board of Control, no less—expressed his reservation about such a law because in his mind it might result in giving too much leeway and power to the Catholics. This, by the way, was not Leslie Saunders whose Orange views were no secret, but another member. I recall Rabbi Feinberg being shocked that a politician could feel so free in openly expressing his bias.

Premier George Drew was clearly not interested in expanding the Racial Discrimination Act of 1944. He was quite hostile to a Fellowship of Reconciliation group that approached him on the subject, calling them “crypto-Communists.” But in 1949 Drew soon left for Ottawa to pursue his political career on the federal level. He was followed by Tom Kennedy of Brantford, a genial, elderly gentleman who was to be a “caretaker” premier covering the transition until a permanent leader was chosen. But we did not know that and prepared a substantial delegation of civic, labour and church groups to press our claim.

That his regime was of short duration was not a total loss as the experience made it all the easier to put together an even more impressive coalition the following season to see the new Premier, Mr. Leslie Frost. The delegation was headed by the Canadian Association for Civil Liberties whose president was Provost Seely of Trinity College and whose active volunteer executive secretary was lawyer Irving Himel. The deputation, as I recall, numbered up

to forty persons, representing more than twenty organizations and had to be moved to a larger room in the Legislative Building.

Mr. Frost, I must confess, gave the impression of a good-natured old man Ontario, delighted to meet with fellow Ontarians and taking the trouble of shaking each member of the delegation by the hand and asking for his or her name. He listened politely to our petition and in the end the Legislative Assembly that year did recognize one of our demands and enacted legislation outlawing all future racial restrictive covenants on land and property. But an anti-bias law in employment still eluded us.

The late Norman Cowan, a member of the JPRC, came up with the idea of inviting a prominent USA speaker — an industrialist or politician—who could bring the message of anti-discrimination laws to an influential Canadian audience. The names of Charles Luckman, the head of Lever Brothers, and Senator Wayne Morris were among those suggested. I do not recall what happened in respect to Mr. Luckman — perhaps he was not available for the dates we had. A third name, Hubert Humphrey, a rising politician from Minnesota, was also not available.

But Wayne Morse was. What were his assets? First, he was a United States Senator. Second, his state— Oregon — was one of the few that had enacted fair employment laws. The others were Connecticut, New Jersey, Massachusetts and New York. Third, he was a certified White Anglo-Saxon Protestant. Finally, and best of all: He was a Republican!

The audience he was to address was the prestigious and conservative Empire Club, a luncheon assembly of well-placed businessmen and professionals whose current president was Sydney Hermant of the Imperial Optical Company, a pillar of Canadian business and society. A date was open in January 1951, and the Senator was available for that date. The speaker's fee was \$750, not a small amount of money in those days and one that would strain our limited budget, yet not an exorbitant one, considering the amounts charged by other professional speakers. His travel, while in the USA, was free, and we would drive him in from Buffalo, New York.

Norman Cowan and I went to Buffalo to meet him and

escorted him back to the Royal York Hotel, which was also where the Empire Club held its luncheons. It was an instructive chat we had with him, both then and on a subsequent drive in Toronto and Guelph. He was, I had learned, a former head of a law school and liberal Republican. He had nothing but disdain for his party leader Bob Taft and expressed his views quite freely privately and publicly. He explained that Taft was in control of the patronage and pork barrel and distributed the contents of the latter quite freely among those Senators who followed his lead politically. All others, like Morse, were cut out. And since a Senator's salary was not enough to sustain oneself in Washington, he and other "outsiders" accepted lecture engagements. We also discussed Eleanor Roosevelt, the Negro Question, and State Medicine—to which, though a liberal—he was firmly opposed.

His speech, "Democracy and the Legislative Process," was well received but uneventful.¹ He was also invited to address a combined meeting of Kiwanis and Rotarians in Guelph and was driven there and back by Frank Garber, a Ben Brith, now deceased. On the Friday afternoon before he left he was invited by the Canadian Broadcasting Corporation to be its "Sunday Night Speaker" i.e. to give a five minute talk on radio after the ten o'clock national newscast. We made our way to the CBC studios on Jarvis street and he taped the talk for later broadcast. In deference to the basic purpose of his visit he eliminated the extraneous thematic of his previous talk and concentrated in the limited time on the issue of fair employment practices laws.

As Norman Cowan and I saw him off at Buffalo later that afternoon I mused: Was this a "shot in the dark," or was it one of those "long shots" that might pay off in the end? The latter, admittedly, did not seem a likely prospect but I could dream, couldn't I?

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We had previously fixed an appointment for the following Wednesday, January 17, with Premier Frost. This was not linked to Wayne Morse's address but had been set long before. Though we were in the coalition led by the Association for Civil Liberties, this was to be a Jewish deputation led by Irving Oelbaum, Ontario

president of Canadian Jewish Congress. We wanted to “test the waters” to determine if there was any chance of any movement at all towards our goal in the coming session of legislature.

On Monday morning January 15th I received a message shortly after my arrival that there was a call from the Premier’s office. When I returned the call the message was that the Premier wanted the Wednesday appointment set back to *today*, in the afternoon at three, to be specific.

We hastened to comply though we had no idea what was on Mr. Frost’s mind. Who came? J.I. Oelbaum; Jacob Finkelman who was then a professor in the University of Toronto Law School and national chairman of the Joint Public Relations Committee; Fred Catzman, who had succeeded Rabbi Feinberg as Ontario chairman of the JPRC; and myself, all of us quite curious to know why the Premier was so anxious to see us two days earlier than was arranged.

The first part of our session, taking up perhaps half an hour, was an account of the Premier’s relations with Jews. Always the “small town lawyer,” Mr. Frost regaled us with anecdotes about his Jewish clients in Lindsay, Ontario and how he was sometimes dubbed the “Jewish” lawyer.

We didn’t seem to be getting anywhere.

But then he moved from the banalities of small-talk directly into the question at hand. He said he had been giving the matter much thought of late considering both the pro’s and the con’s.

Then he dropped the bombshell:

The previous night he had listened to a speaker on the radio—a speaker he greatly admired, a U.S. Senator who displayed real guts by speaking out against his party leader on matters of conscience—whose name was Wayne Morse. And this senator—a Republican, mind you—talked about this very legislation, expressing his support for it. It had been tried in his own state of Oregon and was working well.

We all—this writer in particular—tried to conceal our flat astonishment that our approach, our “long shot,” had succeeded far beyond anything we had a right to expect. We listened further as the Premier went on.

Canada was on the threshold of inviting and getting considerable post-war immigration from many different parts of the world. Canada (and Ontario) needed this influx of population, and he as Premier did not want any one coming to live in this province to feel in any way that he was a second class citizen. He had, therefore, determined to bring in such a law in the coming session of the legislature. He knew there was opposition and dissent on the subject from various quarters — the *Globe and Mail*, for one. He knew there were some who thought that a direct two-way line existed between him and George McCullagh, the publisher of the *Globe and Mail*. He was proceeding regardless of McCullagh's view as he considered this an especially significant piece of legislation.

We talked further along these lines, with Mr. Frost doing most of the talking. We stayed well over two hours. From time to time an attendant would come in and place a note on his desk reminding him of an appointment or someone waiting to see him but he waved it off. It was well past the closing hour of five p.m. when we left. In the meantime we were enjoined by Mr. Frost not to reveal his intention before he announced it officially—and it *was* announced in the speech from the throne the following month, February 1951.

As we walked out in the early January darkness we saw who it was who had been cooling his heels in the corridor. It was Sidney Smith, president of the University of Toronto (later to be John Diefenbaker's External Affairs Minister). It was particularly embarrassing for Jacob Finkelman, for Smith, as U. of T. head, was Finkelman's ultimate "boss."

Later we learned that the question of a fair employment laws had been germinating in Leslie Frost's mind for some time, since our previous approaches to him, at least. He revealed in the house the following March that in the summer of 1950 in a meeting with Governor Thomas Dewey of new York State he had discussed the workings of that state's fair employment law, on the books since 1945. In view of his earlier discussions with Tom Dewey it was not likely that Leslie Frost had a sudden conversion on hearing the "Message of Morse." He clearly had been giving the matter

serious thought and the Wayne Morse talk may have been the culminating factor in a progressive series of factors. But for us — *dayyenu* — it was enough.

Very soon afterwards, as John Bagnall tells us in an unpublished Ph.D. thesis (Queen's University, Political Science), Mr. Frost "asked Jacob Finkelman to submit a proposal for a fair employment law modeled on the Ontario Labour Relations Act of 1950. Finkelman complied with this request, turning over his submission to Frost and the Attorney General, Dana Porter." Finkelman, later to be vice-chairman of the province's Labour Relations Board and to hold high office with the Federal Government, was known as the father of Labour Legislation in Ontario.

Three years later in the midst of controversy arising in Dresden, Ontario, the Fair Accommodation Practices Act was passed to outlaw racial and religious bias in public places such as theatres, concert halls, barber shops, skating rinks, etc. In the same year, 1954, Ottawa introduced a federal Fair Employment law banning discrimination in those industries such as Crown corporations, the canals, railways, radio stations, etc., which function under federal jurisdiction. In the early 1960s the Ontario law was expanded to include housing i.e. multiple housing of more than four units (eventually this was reduced to one unit). Over the years every province in Canada without exception including provinces such as Newfoundland and Prince Edward Island, whose populations are ethnically homogeneous, has passed a human rights act or an anti-discrimination law.

In 1962 the Anti-Discrimination Commission was changed to the Ontario Human Rights Commission and given its own and separate place in the sun. Its work load had outgrown Leslie Frost's early idea of avoiding expenditures. And we know that the categories have grown to include gender, age, sexual orientation, physical disability and in one jurisdiction, political conviction. Canada is justly reputed as probably having one of the most highly structured and functioning human rights protective systems in the world. It should be pointed out that the framers in those early days never anticipated that the issue of girls playing on boys' hockey teams would be so controversial as to reach the Supreme Court

of Canada or that there would be a demand that homosexual couples be given official “marital” recognition.

What do we learn from these experiences?

(i) that minority groups, if their cause be just, need never be reluctant or backward in seeing their government and stating their case;

(ii) that an important difference exists between the British parliamentary system and the American Presidential or Congressional system. In Canada what is essential is to persuade the ruling party and its leader who is the head of government to accept a given piece of legislation. If that person is thoroughly persuaded and has leadership qualities, he or she will “sell” it to the cabinet and caucus. Nor does this mean that the opposition should be ignored: They may form the next government. In the USA one may find oneself with a Republican assembly and a Democratic governor and, whatever the governor favours, he must confront an assembly where the majority is of the opposing political stripe. This is an essential part of the American system of “checks and balances.” Across the line in Michigan where race problems were of an intensity not imagined in Ontario, it took much longer to enact anti-bias laws because of the political stalemate.

(iii) that the democratic system has worked and can work providing the representatives and rulers are closely listening and watching (and we don’t mean merely popularity polls).

This was one of the experiences in Congress that made my thirty-nine years there years of fulfillment and satisfaction.

ENDNOTE

¹It has been preserved in the published addresses of the Empire Club of 1950-1951.