

# “The Dresden Story”: Racism, Human Rights, and the Jewish Labour Committee of Canada

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CANADIAN HISTORIANS have usually ignored the role of organized labour in the post-war struggle for human rights. Bryan Palmer's survey textbook, which refers to most of the current labour historiography, contains no references at all.<sup>1</sup> There

<sup>1</sup>*Working-Class Experience: Rethinking the History of Canadian Labour, 1800-1991*, 2nd. ed. (Toronto 1992). In the United States, on the other hand, “the study of race and labor has become an academic growth industry,” with numerous historians examining the way organized labour reacted to racism — in some cases contributing to it and in other cases resisting. Eric Arnesen, “Up From Exclusion: Black and White Workers, Race, and the State of Labor History,” *Reviews in American History*, 26 (1998), 146-174, at 147. Some American works include: Robert Korstad and Nelson Lichtenstein, “Opportunities Found and Lost: Labor, Radicals, and the Early Civil Rights Movement,” *The Journal of American History*, 75, 3 (December 1988); David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York 1991), and “Race and the Working-Class Past in the United States: Multiple Identities and the Future of Labor History,” *International Review of Social History*, 38 (1993), Supplement, 127-143; Alan Dawley and Joe William Trotter, Jr., “Race and Class,” *Labor History*, 35 (Fall 1994), 486-94; Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill and London 1995); Kevin Boyle, *The UAW and the Heyday of American Liberalism, 1945-1968* (Ithaca 1995), and “‘There Are No Sorrows That the Union Can’t Heal’: The Struggle for Racial Equality in the United Automobile Workers, 1940-1960,” *Labor History*, 36, 1 (1995), 5-33; Rick Halpern, *Down on the Killing Floor: Black and White Workers in Chicago’s Packinghouses, 1904-1954* (Urbana 1997); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton 1996); Daniel Letwin, *The Challenge of Interracial Unionism: Alabama Coal Miners, 1878-1921* (Chapel Hill 1998); Calvin Winslow, ed., *Waterfront Workers: New Perspectives on Race and Class* (Urbana and Chicago) 1998. Note also symposia published

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do exist a few published articles which link organized labour to the fight for female equality in the workplace,<sup>2</sup> and several other works on human rights touch upon the post-war activities of organized labour.<sup>3</sup> Yet the best sources of information are unpublished theses, primarily in areas other than history, such as political science or social work.<sup>4</sup>

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in *Labor History* on recent works by Zieger, 37 (Spring 1996), Sugrue, 39, 1 (1998), Halpern, 40, 2 (1999), and Letwin, 41, 1 (2000).

<sup>2</sup>Gillian Creese, "Sexuality and the Minimum Wage in British Columbia," *Journal of Canadian Studies*, 26, 4 (Winter 1991-92), 120-140; Shirley Tillotson, "Human Rights Law as Prism: Women's Organizations, Unions, and Ontario's Female Employees Fair Remuneration Act, 1951," *Canadian Historical Review*, 72, 4 (1991), 532-557; Ann Porter, "Women and Income Security in the Post-War Period: The Case of Unemployment Insurance, 1945-1962," *Labour/Le Travail*, 31 (Spring 1993), 111-44; Gillian Creese, "Power and Pay: The Union and Equal Pay at B.C. Electric/Hydro," *Labour/Le Travail*, 32 (Fall 1993), 225-45.

<sup>3</sup>The best and most comprehensive article is by Carmela Patrias and Ruth A. Frager, "'This is our country, these are our rights': Minorities and the Origins of Ontario's Human Rights Campaigns," *Canadian Historical Review*, 82, 1 (2001), 1-35. See also Arnold Bruner, "The Genesis of Ontario's Human Rights Legislation: A Study in Law Reform," *University of Toronto Faculty of Law Review*, 37 (1979), 236-253, and "Citizen Power: The Story of Ontario Human Rights Legislation," *Viewpoints: The Canadian Jewish Quarterly*, 3 (Summer 1981), 4-15; Agnes Calliste, "Sleeping Car Porters in Canada: An Ethnically Submerged Split Labour Market," *Canadian Ethnic Studies* 19, 1 (1987), 1-20; "Blacks on Canadian Railways," *Canadian Ethnic Studies*, 20, 2, (1988), 36-52; Tania Das Gupta, "Anti-Racism and the Organized Labour Movement," in Vic Satzewich, ed., *Racism & Social Inequality in Canada: Concepts, Controversies & Strategies of Resistance* (Toronto 1998); Daniel Hill and Marvin Schiff, *Human Rights in Canada: A Focus on Racism* (Ottawa 1986); R. Brian Howe, "The Evolution of Human Rights Policy in Ontario," *Canadian Journal of Political Science*, 24 (December 1991), 783-802, and "Incrementalism and Human Rights Reform," *Journal of Canadian Studies*, 28 (1993), 29-44; Ronald Manzer, "Human Rights in Domestic Politics and Policy," in Robert O. Matthews and Cranford Pratt, eds., *Human Rights in Canadian Foreign Policy*, (Kingston and Montréal 1988), 23-45; James Walker, "Race," *Rights and the Law in the Supreme Court of Canada: Historical Case Studies* (Waterloo 1997). Note also references in Robin Winks, *The Blacks in Canada: A History* (Montréal 1971), 423, 425, 426, 437, 446, 451, 467, 474, as well as two memoirs of black political activists and unionists: Donna Hill, ed., *A Black Man's Toronto 1914-1980: The Reminiscences of Harry Gairey* (Toronto 1981); Stanley G. Grizzle (with John Cooper), *My Name's Not George: The Story of the Brotherhood of Sleeping Car Porters in Canada* (Toronto 1998).

<sup>4</sup>Herbert Sohn, "Human Rights Legislation in Ontario: A Case Study," PhD diss., University of Toronto, 1975; Gordon Mackintosh, "The Development of the Canadian Human Rights Act: A Case Study of The Legislative Process," MA thesis, University of Manitoba, 1982; John Bagnall, "The Ontario Conservatives and the Development of Anti-Discrimination Policy," PhD diss., Queen's University, 1984; Brian Howe, "Human Rights Policy in Ontario: The Tension Between Positive and Negative State Laws," PhD diss., University of

This paper is one attempt to help redress this benign neglect. It demonstrates that organized labour was a central element of the post-war Canadian human-rights policy community.<sup>5</sup> It also shows that one of the key actors in this community was a body called the Canadian Jewish Labour Committee (JLC), the director of which, Kalmen Kaplansky, played a significant part in the struggle against racial and religious discrimination.<sup>6</sup> To illustrate this, the paper includes a case study of one of the major JLC successes — the passage of the Ontario Fair Accommodation Practices Act and the struggle to apply it in the Ontario town of Dresden.<sup>7</sup>

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The JLC was founded in 1936, an offshoot of the American Jewish Labor Committee (AJLC), a trade union umbrella group with roots in the Workmen's Circle, a radical

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Toronto, 1988; Christopher MacLennan, "Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929-1960," PhD diss., University of Western Ontario, 1996; Ross Lambertson, "Activists in the Age of Rights: The Struggle for Human Rights in Canada - 1945-1960" PhD diss. (Chapter 6 is the basis for this paper). Note also the video on Kalmen Kaplansky and the JLC, "Working Side By Side: The Struggle for Human Rights," (Ottawa 1985).

<sup>5</sup>The concept of "policy community" is taken from political science. It has been defined by Paul Pross as "that part of a political system that — by virtue of its functional responsibilities, its vested interests, and its specialized knowledge — acquires a dominant voice in determining government decisions in a specific field of public activity, and is generally permitted by society at large and the public authorities in particular to determine public policy in that field." Paul A. Pross, *Group Politics and Public Policy* (Toronto 1986), 98; see also William D. Coleman and Grace Skogstad, eds., *Policy Communities and Public Policy in Canada* (Toronto 1990).

<sup>6</sup>Most of the papers pertaining to the JLC were donated to the National Archives of Canada (hereafter NAC) by Kalmen Kaplansky, the JLC National Director from 1946 to 1956. Some of the records are in the JLC Papers (hereafter JLCP), some in the Kaplansky Papers (hereafter KKP), and some in the Ontario Labour Committee for Human Rights Papers (hereafter OLCP). The Kaplansky Papers contain a set of his "Reports," at first written for the Joint Advisory Committee on Labour Relations of the Jewish Labour Committee and the Canadian Jewish Congress, and then (from 1956) for the National Standing Committee on Human Rights of the Canadian Labour Congress. His papers also include a set of "Notes" which are comments on these Reports, written while he was Senior Fellow of the Human Rights Research and Education Centre at the University of Ottawa.

<sup>7</sup>As James Walker has pointed out, in defending his decision to explain Canadian racism by examining a number of legal decisions, the approach of "newer social history" has revived the "singled-out case" as a method of study, as well as the concept of "thick" narrative. Walker, "'Race,' *Rights and the Law*," 41, 49. Chapter 5 of his book is a case study about how the Toronto JLC labour committee helped to challenge immigration law discriminating against people from the Caribbean.



*Kalmén Kaplansky at Canadian Regional Zone Leadership Training Conference of the Sleeping Car Porters, American Federation of Labor. Montréal, Québec. June 1950. National Archives of Canada, PA-139566.*

left Jewish fraternal organization that had its origins in Eastern Europe.<sup>8</sup> At its peak it claimed about 50,000 members, coming largely from such Jewish-dominated trade unions as the International Ladies' Garment Workers Union (ILGWU), the Amalgamated Clothing Workers Union (ACWU), and the United Cap, Hat and Millinery Workers Union (UCHMWU).<sup>9</sup>

<sup>8</sup>Menahem Kaufman, *An Ambiguous Partnership: Non-Zionists and Zionists in America 1939-1948* (Detroit 1991), 12-16, 46.

<sup>9</sup>NAC, KKP, MG30, A 53, "Notes," 1946-7, vol. 20, file 3, 3-21; Stuart E. Rosenberg, "The Jewish Community in Canada," *A History* vol. 1 (Toronto 1970), 172; Ruth A. Frager, *Sweatshop Strife: Class, Ethnicity, and Gender in the Jewish Labour Movement of Toronto, 1900-1939* (Toronto 1992), 53-4.

The JLC was social democratic and anti-communist. In the early part of the century, most socialist Jews in Canada were members of the Workmen's Circle, but in the wake of the Russian Revolution the "left" communists began to move away from the "right" social democrats. By 1926 the two factions had split completely, with the communists leaving to create an organization called the Labour League and the social democrats remaining in the Workman's Circle. The latter continued to be the social and intellectual home of the JLC labour activists, while the former performed the same function for Jewish communists, even after it changed its name in 1945 to the United Jewish People's Order (UJPO). Over the years these two factions remained bitter rivals.<sup>10</sup>

Not surprisingly, the JLC had close ties with the Cooperative Commonwealth Federation (CCF), a party that was social democratic on economic matters and liberal on human-rights.<sup>11</sup> For example, David Lewis, the CCF's first National Secretary, was the son of Morris Lewis, a Workman's Circle socialist, and for many years the Secretary of the JLC. Similarly, Maurice Silcoff, a vice-president of the JLC, was a CCF activist.<sup>12</sup>

During World War II, one of the most pressing issues for the Canadian Jewish community was refugee relief, especially assistance for those few Jews who had managed to escape the Nazi Holocaust. As the war began to draw to a close, however, Jewish activists began to shift from their short-term project of helping victims of foreign anti-Semitism to the longer-term goal of attacking domestic anti-Semitism. At the same time, they broadened their scope, viewing anti-Semitism as simply one part of a larger problem — racial and religious prejudice.<sup>13</sup> In the words of an early JLC report, "Anti-Semitism, anti-Negroism, anti-Catholicism, anti-French or anti-English [sentiments] ... and union-smashing are all part of a single reactionary crusade of hatred and destruction."<sup>14</sup>

<sup>10</sup>Frager, *Sweatshop Strife*, especially Chapter 8; Erna Paris, *Jews: An Account of Their Experience in Canada* (Toronto 1980), 134-5, 147.

<sup>11</sup>"Their liberalism kept them from being communists while their socialism prevented them from becoming liberals." Walter Young, *The Anatomy of a Party: The National CCF 1932-61* (Toronto 1969), 137.

<sup>12</sup>Cameron Smith, *The Unfinished Journey* (Toronto 1989), Chapters 10 and 11; David Lewis, *The Good Fight: Political Memoirs 1909-1958* (Toronto 1981), 22, 135. Lewis refers (at 225) to his 1943 CCF federal election nomination meeting where Maurice Silcoff was co-chair and the future JLC Executive Director (Kalmen Kaplansky) was secretary.

<sup>13</sup>As Kaplansky noted, Jewish workers had far less union and political power than in the United States, and "... we had to reach out beyond the Jewish labour sector and make it a part of the overall involvement of the trade union movement. Otherwise, we would have remained a small, relatively insignificant group." NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 17.

<sup>14</sup>NAC, KKP, MG30, A 53, vol. 20, file 4, "Report of Activities for Improved Human Relations of the Jewish Labor [sic] Committee of Canada for the Year Ending July 31, 1947," 2.

Consequently, by 1946 the JLC executive had appointed a national director to combat racial and religious prejudice within the trade union movement in Canada. Their choice, Kalmen Kaplansky, was Polish-born, fluent in Yiddish and English, a war veteran (with the rank of sergeant), a member of the International Typographical Union, Montréal vice-chair of the JLC, and a social democrat with strong ties to the Workmen's Circle and the CCF.<sup>15</sup> He was also, as it turned out, a skilful practitioner of the art of politics — not just the politics of parties and governments, but also that of minority groups and trade unions.

Had Kaplansky attempted to gain trade union support fifty years earlier, no doubt he would have failed. Before the war, organized labour was usually governed by the same racist values as the majority of Canadians.<sup>16</sup> As Canada industrialized, however, the conservative craft unions in Canada, primarily in the Trades and Labor Congress (TLC), came to be augmented by more progressive "industrial" trade unions, represented in Canada by the Canadian Congress of Labour (CCL). Much of Kaplansky's strongest support came from the leaders of major CCL trade unions, such as Charles Millard, Canadian Director of the United Steelworkers of America, and Fred Dowling, Canadian Director of the United Packinghouse Workers.<sup>17</sup>

Kaplansky's work also benefited from recent governmental protection of unions' right to exist and engage in collective bargaining. The trade union movement was strengthened by legal recognition of the workers' right to form unions, go on strike, and bargain collectively, as well as the adoption of the "Rand formula" for union membership. At the same time, unions became more "bureaucratized,"

<sup>15</sup>Kaplansky was a member of the CCF National Council, and ran as a candidate in a federal by-election in 1950. NAC, KKP, MG30, A 53, vol. 20, file 4, "Report" July 31, 1947, 1; vol. 20, file 3, "Notes," 1946-7, 1-3, 37-45, 150; "Notes," 1950, 58-9, 88; interview with Kalmen Kaplansky, 12 June 1996.

<sup>16</sup>The literature on pre-war union opposition to "foreign" labour has usually focused upon the exclusion of Asians, especially in British Columbia. See, for example, Gillian Creese, "Exclusion or Solidarity? Vancouver Workers Confront the 'Oriental Problem'," *BC Studies*, 86 (Winter 1988-89), 24-49; Jin Tan, "Chinese Labour and the Reconstituted Social Order of British Columbia," *Canadian Ethnic Studies*, 19, 3 (1987), 68-88; Palmer, *Working Class Experience*, 123-4, 212-3, 266.

<sup>17</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 104. Charles Millard was one of the most powerful members of the provincial CCF. He served as a CCF vice-president (and Ontario CCF President) throughout the 1940s, and was an Ontario MPP from 1943 to 1945 and again from 1948 to 1951. See Morden Lazarus, *Years of Hard Labour: An Account of the Canadian workingman, his organizations and tribulations, over a period of more than a hundred years* (Don Mills 1974), 54; J.T. Morley, *Secular Socialists: The CCF/NDP In Ontario: A Biography* (Montréal 1984), 177-8; Laurel Sefton MacDowell, "The Career of a Canadian Trade Union Leader: C.H. Millard, 1937-1946," *Rérelations industrielles / Industrial Relations*, 43 (1988), 609-32. For Fred Dowling, see Lazarus, *Years of Hard Labour*, 74.

and union leaders tried to channel worker energies into the new legally-protected structures, as well as devoting more energies to “social unionism” — education courses, social welfare work, and improving the place of trade unions within the larger community.<sup>18</sup>

These developments, moreover, took place within a favourable context of cultural and economic change. Hitler had given racism a bad name, and the entire world was beginning to embrace the new discourse of human rights, exemplified in both the Charter of the United Nations and the 1948 Universal Declaration of Human Rights.<sup>19</sup> At the same time, race relations in the United States provided both negative and positive images. Many Canadians were repelled by segregation in the American Deep South, while at the same time encouraged by the pioneering anti-discrimination legislation of the northern states.<sup>20</sup>

In addition, post-war economic prosperity affected the human rights issues in several ways. It raised the demand for labour, and provided high levels of employment; “white” workers were not as threatened by “foreign” competition as they had been during the Depression, and governments were eager to facilitate their integration into the economy.<sup>21</sup> Meanwhile, economic development created more urbanization and a rising standard of living. As Morton and Granatstein have put it,

Until the 1940s, Canada had been a poor country, with much of the meanness poverty tends to produce. Pre-war Canadians often knew little beyond their own distractions and neighbourhoods, which were small, largely homogeneous, and exclusive. There was usually no

<sup>18</sup>For a discussion of union educational programs in the early 1950s, see David Smith, “A Survey Report on Labour Education in Canada,” 15 March 1951, Canadian Labour Congress Papers (hereafter CLCP), vol. 204, file 9; Gerald Friesen, “Adult Education and Union Education: Aspects of English Canadian Culture History in the 20th Century,” *Labour/Le Travail*, 34 (Fall 1994), 163-88. For critical overviews of social unionism, see Bryan Palmer, *Working-Class Experience*, 280-4, 337, 371; Leo Panitch and Donald Swartz, “Towards Permanent Exceptionalism: Coercion and Consent in Canadian Industrial Relations,” *Labour/Le Travail*, 13 (Spring 1984): 133-157, at 145. By contrast, see Shirley Tillotson’s examination of one aspect of post-war social unionism — welfare work — in “‘When our membership awakens’: Welfare work and union activism, 1950-1965,” *Labour/Le Travail*, 40 (Fall 1997), 137-69.

<sup>19</sup>For a quick overview of racist ideas in Canada as well as a discussion of the emergence of a “war conscience,” see Chapter 1 of Walker, *“Race,” Rights and the Law*.

<sup>20</sup>For a discussion of how the United States was responding to post-war racial tensions, and how Harry Truman was “twisting liberalism in new [reform liberal] directions,” see John Frederick Martin, *Civil Rights and the Crisis of Liberalism: The Democratic Party 1945-1976* (Boulder 1979), 69-76.

<sup>21</sup>Some of the reasons why Ontario Premier Leslie Frost supported the passage of anti-discrimination legislation are discussed below.

room in them for Japanese or Chinese Canadians, and scant tolerance for Jews or blacks or those with 'different' attitudes or beliefs.<sup>22</sup>

Finally, Kaplansky also was able to learn from American examples. He began his tenure of JLC Director by taking a three-week trip to New York, where leaders of the American JLC and other national Jewish organizations educated him about a number of their initiatives, including the creation of several local anti-discrimination labour committees, the secretaries of which were JLC representatives.<sup>23</sup>

When he returned to Canada, "determined to fashion a program tailored to Canadian needs and Canadian conditions, while 'borrowing' from the American experience," Kaplansky began to strengthen his position with the two major national trade union organizations. First, he persuaded his friends in the Steelworkers to introduce at the 1947 CCL convention a resolution which called for "vigorous action" on the part of the CCL and its affiliated unions in "the fight for full equality for all peoples, regardless of race, colour, creed, or national origin." The resolution passed, and Kaplansky then began to lobby for the establishment of a "permanent committee on racial tolerance." This was formally constituted in 1948; its members were all Kaplansky allies.<sup>24</sup>

Kaplansky then turned his attention to the TLC. Although this umbrella group still retained a racist exclusionary immigration policy left over from earlier times, it had already begun to change.<sup>25</sup> In 1944 the JLC had persuaded the TLC to set up a permanent National Standing Committee on Racial Discrimination "to promote

<sup>22</sup>Desmond Morton and J.L. Granatstein, *Victory 1945: Canadians From War to Peace* (Calgary 1984), 253. According to political scientist Brian Howe, "Historical evidence in Canada does suggest that human rights do suffer in hard times." R. Brian Howe, "Human Rights in hard times: the post-war Canadian experience," *Canadian Public Administration / Administration Publique du Canada*, 35, 1 (Winter 1992), 461-84, at 465.

<sup>23</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 1-2; Canadian Jewish Congress Archives (hereafter CJCA), CD Box 2, file 28z, "Voice of the Unconquered; Monthly Newsletter of the [American] Jewish Labor Committee," (January-February 1946).

<sup>24</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 72, 106, 108-110; vol. 24, file 3, "Report," 11 October 1948. Andras was also a brother-in-law of David Lewis. NAC, KKP, MG30 A 53, vol. 20, file 3, "Notes," 1946-7, 104-5. The chair was R.J. Lamoureux, Montréal Sub-director of the United Steelworkers of America (and a CCF activist), while its two other members were Eamon Park, Publicity Director of the Steelworkers (as well as a CCF member of the Ontario legislature), and Andy Andras, Assistant Director of the CCL (and close friend).

<sup>25</sup>The TLC Platform demanded "exclusion of all races that cannot be properly assimilated into the national life of Canada." NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 85, 90; Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern* (Montréal and London 1972), 85. The TLC deleted this platform plank in 1948, approving a Cloak and Dressmaker's Union resolution drafted by Kaplansky. NAC, KKP, MG30, A 53, vol. 20, file 5, "Notes," 1948, 90-2.

the unity of Canadians of all racial origins, and to combat and counteract any evidence of racial discrimination in industry in particular and in life in general."<sup>26</sup>

This committee proved to be a useful point of connection for Kaplansky. Its first chair was Claude Jodoin, an officer of the ILGWU and a disciple of Bernard Shane, the Canadian ILGWU manager who was also the JLC treasurer.<sup>27</sup> Jodoin soon became Kaplansky's "closest ally and collaborator." In the fall of 1946, Kaplansky wrote the Racial Discrimination Committee's report, which Jodoin delivered to the TLC annual convention. It was a call to action based on the pragmatic argument that racial antagonism and religious intolerance were "dangerous ideas ... being used by our enemies to divide labor and to distract the attention of the working people of this country from the real issues facing them." In addition, Jodoin spoke in favour of an ILGWU resolution (also written by Kaplansky) condemning discrimination and urging support for "trade unions committees for racial tolerance." The delegates voted overwhelmingly in its favour.<sup>28</sup>

In early 1947 Kaplansky began to lobby for the creation of these committees. By January he had initiated a provisional Labour Committee to Combat Racial Intolerance in Toronto, by March a Winnipeg committee had been formed, and he also laid the groundwork for the establishment of a Montréal organization.

In April, realizing that the moral legitimacy of these committees would be stronger if trade union rank-and-file members had a chance to participate in their founding, Kaplansky turned his Toronto provisional committee into a standing labour committee at a public meeting open to all interested union members. His proposal encountered significant opposition from Communist unionists who considered Kaplansky, because of his JLC connection, to be a dangerous "red basher." Kaplansky, however, a veteran of political in-fighting in the trade union movement, had arranged that the chairman of the meeting was someone sympathetic to his cause, and he managed to obtain a vote approving the establishment of a new

<sup>26</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 91-2 and file 5, "Notes," 1948, 22-8. The committee only became "activated" in 1946, after Kaplansky became the Director of the JLC. It was later renamed the National Standing Committee Against Racial Intolerance.

<sup>27</sup>According to a CJC report, Shane admitted in confidence that he was willing to dictate Jodoin's activities regarding the JLC's anti-discrimination programme. CJCA, CD Box 2, file 28z, "Organized Labour in Canada."

<sup>28</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 94-8. The Kaplansky network constantly emphasized that prejudice endangered labour solidarity. See, for example, its *Canadian Labour Reports* pamphlet, "You Belong to a Minority," issued about 1949, which states that, "Unionists know that race hatred and discrimination is used as a weapon to smash unions. Those who promote race hatred are invariably the loudest opponents of unionism. Divide and rule is their method in destroying unions by setting one racial group against the other." Angus MacInnis Memorial Collection, University of British Columbia Special Collections, vol. 39A, file 11.

permanent organization dominated by Kaplansky allies — the Toronto Joint Labour Committee to Combat Racial Intolerance.<sup>29</sup>

Meanwhile, Kaplansky had also been struggling with the Canadian Jewish Congress (CJC).<sup>30</sup> Just after the war this organization, the major voice of Canadian Jews, had decided to set up its own “public relations” programme in the field of organized labour. From Kaplansky’s perspective, it was abhorrent that a primarily middle-class organization should attempt to “raid” the natural constituency of the JLC. As a result, his initial courting of the TLC and CCL had been in part a campaign against the CJC.<sup>31</sup>

By early 1947 his patient lobbying had paid off. Both the TLC and CCL sent letters to the CJC, suggesting that its nascent attempts to educate workers about human rights were competing against their standing committees on discrimination, and stating that any future cooperation was contingent upon the support of the two committee chairs. Indeed, Aaron Mosher, president of the CCL, ruled that “in view of the circumstances neither my name nor that of the Congress should be used in publishing material except when approved of by our Committee and by the Jewish Labour Committee.”<sup>32</sup>

<sup>29</sup> While it was not immediately clear that the committee chair (Ford Brand, Secretary-Treasurer of the TLC-affiliated Toronto District Labour Council, and a member of the Orange Lodge), would be very supportive, Kaplansky had strong allies in the form of the vice-chair (CCL representative Eamon Park) and the secretary-treasurer (Abraham Kirzner of the ILGWU, a vice-president of the JLC). In time, however, even Brand became a strong supporter. “Charge Labor Group Aim Is Largely ‘Soviet Baiting’,” *Toronto Star*, 11 February 1947; Kaplansky interview, 12 June 1996; NAC, KKP, MG30, A 53, vol. 20, file 3, “Notes,” 1946-7, 174-181, 210-11; file 13, “Notes,” 1952, 62; vol. 21, file 2, “Notes,” 1954, 70; NAC, JLCPC, MG28, V 75, vol. 41, file 4, Toronto Provisional Committee “Minutes,” 15 April 1947. Note that in 1954 the formal name of the Toronto committee became the “Toronto Joint Labour Committee for Human Rights.”

<sup>30</sup> The CJC was an umbrella group for a large number of Jewish organizations. In the 1930s it had formed an alliance with the Jewish rights group, B’nai B’rith, creating a Joint Public Relations Committee (JPRC) for the purpose of combatting anti-Semitism. The JPRC had equal representation from the two constituent groups, but all public statements were to be made by the CJC, as the official voice of Jews in Canada. Ontario Jewish Archives (hereafter OJA), B. G. Kayfetz, introduction to the “Finding Aid of the Joint Community Relations Committee 1938-78”; Rosenberg, *In the Midst of Freedom*, 46.

<sup>31</sup> Interview with Kalmen Kaplansky, 12 June 1996. Kaplansky has also noted that some CJC “supporters were engaged in union-busting activities and most of them did not share our faith in social democracy.” NAC, KKP, MG30, A 53, vol. 20, file 3, “Notes,” 1946-7, 47. In addition, the CJC at that time also included a traditional antagonist of the JLC, the communist-oriented United Jewish People’s Order (UJPO).

<sup>32</sup> CJCA, ZA 1947, vol. 10, file 127, Percy Bengough [TLC President] to [A.H.J.] Zaitlin [CJC “public relations” worker], 11 March 1947, and Mosher to Zaitlin, 12 March 1947. See also Zaitlin’s memorandum to Hayes, 15 July 1947, CJCA, ZA 1947, vol. 11, file 127a.

It was clear that Kaplansky had out-manoeuvred the CJC.<sup>33</sup> Their labour program was stalled, while his was fully underway, and in November the CJC agreed to work with the JLC in establishing a "public relations program in the labour field." The national executive director of this program was to be the JLC executive director (Kalmen Kaplansky), responsible to a newly-formed Joint Advisory Committee on Labour Relations made up of an equal number of representatives from the JLC and CJC. The annual costs would be split equally between the two organizations, and in return the JLC promised not to seek funds from certain areas of the Jewish community.<sup>34</sup> In the next decade Kaplansky operated with a minimum of interference from the Joint Advisory Committee, consolidating his network of anti-discrimination committees in Montréal, Toronto, Windsor, Winnipeg, and Vancouver. (These will be referred to in this paper as "labour committees.")<sup>35</sup>

Whenever possible, these labour committees bridged the TLC/CCL division.<sup>36</sup> In Toronto, as noted above, the committee was made up of TLC and CCL representatives, and the situation in Windsor was similar. In Winnipeg, the labour committee was tripartite, involving the TLC, the CCL, and the One Big Union (OBU). In Vancouver, only the local TLC unions initially supported the committee, but by 1950 Kaplansky had brought the TLC and CCL organizations together to form a Vancouver joint labour committee. Only in Québec was he unable to create an all-inclusive committee. The Canadian and Catholic Confederation of Labour (CCCL) was reluctant to become involved with the Montréal group, perhaps because of fears of being submerged in a movement dominated by Anglophone trade unionists.<sup>37</sup>

<sup>33</sup>CJCA, CD vol. 2, file 28z, Zaitlin to Hayes, 5 May 1947, and ZA 1947, vol. 11, file 127a, Zaitlin to Hayes, 15 July 1947. Note that the JPRC was also committed to human rights work outside the ranks of organized labour. Ben Kayfetz, executive director of the Toronto JPRC, recalls that when he was hired in 1947 he was told that his main focus should be lobbying for anti-discrimination legislation, and this led to an intensive campaign of moulding public opinion. Interview, 7 June, 1996; letter from Ben Kayfetz to Ross Lambertson, 27 April 2000.

<sup>34</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 129-143; CJCA, ZA 1947, vol. 11, file 127a, "Labour Committee Minutes," 10 December 1947. The CJC donated, at first, about \$12,000 a year. NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 130.

<sup>35</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 55-6. Kaplansky also managed to create a Hamilton committee in 1948, but it did not last for very long. He was also unable to set up permanent groups in Victoria and Calgary. In the late 1950s Kaplansky's successor, Sid Blum, organized a Halifax committee, as well as subsidiary bodies in Amherst and Sydney.

<sup>36</sup>According to Kaplansky, "Ours was the only major continuous effort in which the two organizations participated jointly prior to the merger of the two in 1956." NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 60.

<sup>37</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 57, 155-71, 211, 250-i; file 5, "Notes," 1948, 36-7, 74-5, 79; file 7, "Notes," 1949, 120.

Each labour committee had a full or part-time paid worker, usually called the "Executive Secretary." All these secretaries were formally hired by, and responsible to, their respective labour committee executives, so that Kaplansky's influence was somewhat constrained. As he wrote of the Toronto group, "the Jewish Labour Committee did not 'own' either the Committee or its Secretary." He was closely involved, however, in the selection of secretaries, and kept a tight rein on their activities. They answered directly to him on a day-to-day basis, and he expected regular written reports. He wrote to each secretary frequently, often several times a week, and on some occasions even twice in one day.<sup>38</sup>

Without Kaplansky's leadership, and the support of the JLC, the labour committees would probably have ceased to exist. Always sensitive to allegations of a "Jewish conspiracy," and knowing that many workers would not be happy to learn that their human rights programs were heavily financed by a body outside the trade union movement, Kaplansky encouraged the committee secretaries to raise money on their own. Nevertheless, the bulk of the funds continued to come from the CJC and JLC.<sup>39</sup>

Over time, Kaplansky gained access to some supplementary funding from a variety of sources: non-Jewish businesses,<sup>40</sup> Jewish-dominated unions, and (beginning in 1952) a number of other labour groups, especially the Steelworkers, the United Packinghouse Workers, the United Autoworkers of America, and the Canadian Brotherhood of Railway Employees.<sup>41</sup> Kaplansky also supplemented this income with significant donations from the two TLC and CCL national human rights committees. These cheques were not given directly to the JLC headquarters, but made out to the local labour committees or to Kaplansky's *Canadian Labour Reports*. In order to maintain centralized control of finances, however, he engaged in a kind of "laundering" of these funds, so that the local committee secretaries endorsed the cheques and sent them on to him.<sup>42</sup>

<sup>38</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 165.

<sup>39</sup>Interview with Kalmen Kaplansky, 12 June 1996; NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 130; NAC, JLCP, MG28, V 75, vol. 41, file 6, Kaplansky to Gordon Milling [the third Toronto committee secretary], 15 May 1952.

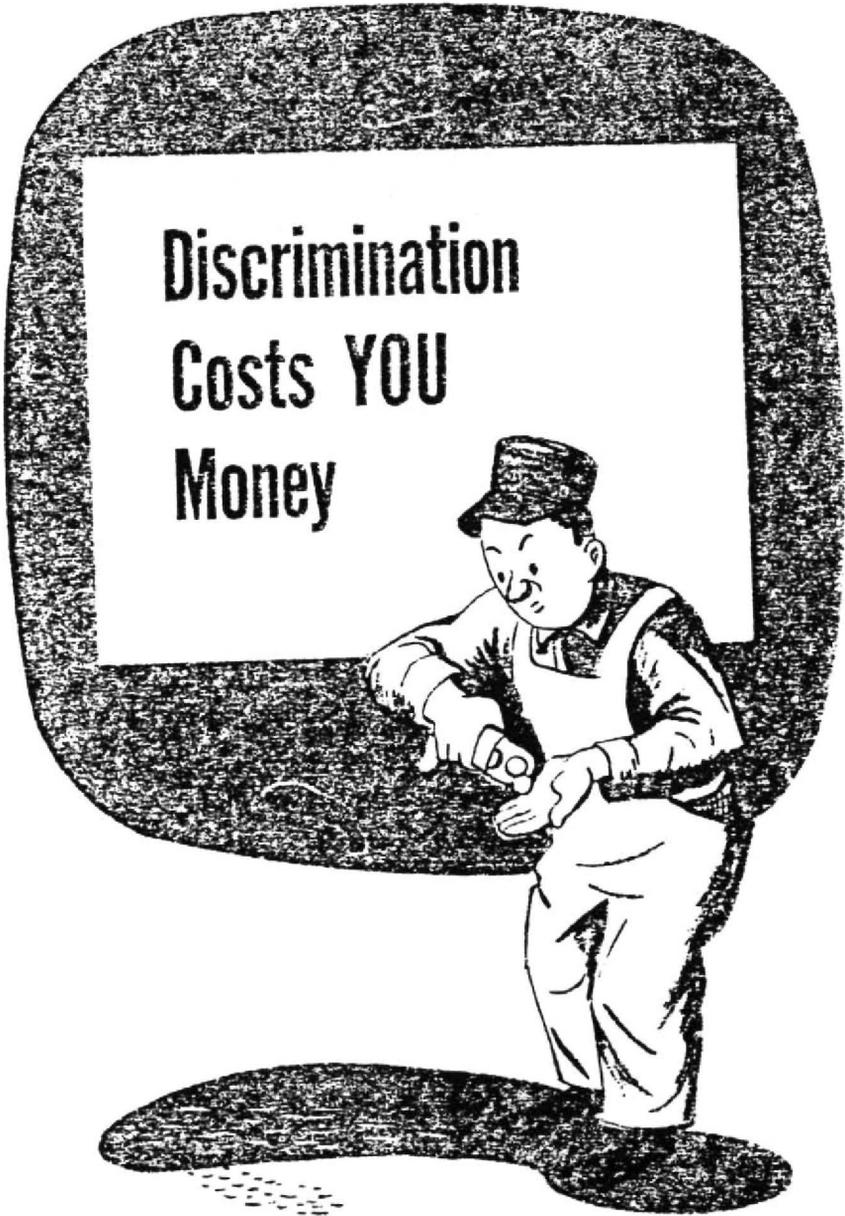
<sup>40</sup>Kaplansky insisted that no firms with Jewish owners be approached, since this would upset the CJC, but several non-Jewish companies donated money to the Toronto group, often over a number of years: Loblaw's, Canadian Breweries, Robert Simpson Co., Ontario Automobile Co., and O'Keefe's. NAC, JLCP, MG28, V 75, vol. 41, file 14, Donna Hill to Kaplansky, 16 November 1953; NAC, OLCP, MG28, I 173, vol. 2, file 1 ("Donations, 1948-1955").

<sup>41</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 188-192; file 5, "Notes," 1948, 56; file 13, "Notes," 1952, 77; "Notes," 1954, 3; JLCP, MG28, V 75, vol. 41, files 16, 18, and 20 — Toronto committee's "Financial Statement," April 1954, November 1954, April 1955, May 1955. Note also that Charles Millard made personal donations. Interview with Kalmen Kaplansky, 12 June 1996.

<sup>42</sup>By the early 1950s the TLC and CCL human rights committees were contributing \$1,000.00 each to the JLC human rights program; see NAC, KKP, MG30, A 53, vol. 20,

# "THE REAL TARGET"





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Trade unions also supported Kaplansky's network in ways other than through donations of money. He later reminisced that he was grateful for "supportive delegations to governmental authorities at every level, free public relations work, free mailing lists, research facilities, purchase of pamphlets, free office and telephone facilities, inclusion in educational undertakings and the free and enthusiastic support of so many staff people and volunteers from both trade union Congresses."<sup>43</sup> The Steelworkers, for example, provided the Toronto committee with free telephone use and office space in their building at 11 ½ Spadina, and purchased bulk lots of *Canadian Labour Reports*, which they distributed to all their key members.<sup>44</sup> In addition, the Autoworkers created Fair Employment Practices Committees in their locals, members of which often provided volunteer labour for the Kaplansky network in Ontario.<sup>45</sup>

To summarize the activities of the labour committees is no easy task. First of all, this was pioneering work, so that the techniques changed over time as the activists learned their trade. Second, each province consisted of a unique blend of levels of economic development, demographic mix, and politics, so Kaplansky and his secretaries had to adjust their approach to meet local circumstances. Nevertheless, several common patterns emerged. Since prejudice and racism were as common among trade unionists as in the general public, the earliest efforts focussed upon extensive programs of public education.<sup>46</sup> This involved the creation and

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file 13, "Notes," 1952, 76-7; vol. 20, file 14, "Notes," 1953, 119-20; NAC, JLCP, MG28, V 75, vol. 13, file 20, Andras to Kaplansky, 18 June 1953, and vol. 41, file 11, Kaplansky to Gordon Milling [second Toronto committee secretary], 25 June 1953. *Canadian Labour Reports*, a source of information about human rights issues in Canada, was formally a TLC publication but came under Kaplansky's direct editorial control.

<sup>43</sup>NAC, KKP, MG30, A 53, vol. 21, file 2, "Notes," 1954, 3-4.

<sup>44</sup>NAC, JLCP, MG28, V 75, vol. 41, file 4, "Report of Progress, 1951"; file 5, Milling to Kaplansky, 11 February 1952; vol. 13, file 8, Kaplansky to Gower Markle [Steelworkers' Director of Education], 23 August 1956; file 9, Markle to Sid Blum [Fifth Toronto Committee Secretary], 9 September 1959; interview with Kaplansky, 12 June 1996. Note also the Autoworkers' offer to pay the costs of reprinting an article on Dresden which Blum intended to use for publicity purposes. NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 121-125.

<sup>45</sup>There are numerous references in Kaplansky's papers to support from the UAW and its fair employment practices committees, including the efforts of future CLC President Dennis McDermott, who served for a while as chair of the local 439 FEP committee. By 1953 McDermott was also an active member of the Toronto labour committee. NAC, SLCP, MG28 V 75, vol. 20, file 8, "Report," December 1949; vol. 41, file 9, "Report," 26 February 1953; vol. 41, file 14, "Report," 4 November 1953.

<sup>46</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, "Notes," 1946-7, 160. See the debate "Education v. Laws — Which Way to Tolerance," in *Canadian Labour Reports* (September 1949), partly reproduced in Kaplansky's "Notes" for 1949, at 113-5. NAC, KKP, MG30, A 53, vol. 20, file 7. See also Sid Blum's summary, "Human Rights in the Labour Movement," reproduced in Kaplansky's "Notes" for 1956, at 128-9. NAC, KKP, MG30, A 53, vol. 21, file 6.

distribution of pamphlets on racism and discrimination, proselytizing at trade union meetings and union labour institutes, holding annual Race Relations Institutes (intensive forums for workers and the general public), and networking with other educational bodies, especially the Canadian Association of Adult Education.<sup>47</sup>

Gradually, however, Kaplansky changed his focus. He saw that it would be difficult (if not impossible) to make Canadians so tolerant as to remove all instances of discrimination. He also realized that in some ways changing attitudes was less important than changing behaviour—people seeking employment do not so much need “tolerance” as they need jobs. The solution, Kaplansky concluded, was to follow the lead already taken by the CJC, which as early as 1946 had been committed to a campaign for a Fair Employment Practices (FEP) Act in Ontario.<sup>48</sup>

Although federal and provincial anti-discrimination statutes are now commonplace, there was little protection for minorities in Canada before the early 1950s. When in 1939, in the case of *Christie v. York*, the Supreme Court examined the legal status of racial discrimination in the provision of services normally available to the public (such as food and drink or accommodation in a hotel), it ruled in favour of the right to discriminate, basing it upon the legal principle of “complete freedom of commerce.”<sup>49</sup> A small breach in this principle appeared in 1944 when, under pressure from both the CCF and the LPP, a minority Conservative government in Ontario created The Racial Discrimination Act, but this legislation only prohibited the posting of signs indicating racial or religious discrimination (e.g. “Whites Only”), and left other forms of discrimination completely legal.<sup>50</sup>

While many Canadians turned a blind eye to racial discrimination, often denying its existence, it was incontrovertibly present in Dresden, a small town in south-western Ontario, not far from the American border.<sup>51</sup> “The Dresden Story”

<sup>47</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, “Notes,” 1946-7, 59, 79, 187, 199; file 5, “Notes,” 1948, 5, 66-72, 132-3; file 7, “Notes,” 1949, 129-133; NAC, JLCP, MG28, V 75, vol. 13, file 15, Kaplansky to Mosher, 29 August 1947.

<sup>48</sup>NAC, KKP, MG30, A 53, vol. 20, file 3, “Notes,” 1946-7, 58, 184; vol. 21, file 4, “Notes,” 1955, 52-5. For a reference to the CJC approaching the Toronto labour committee with its plans for an Ontario Fair Employment Act, see “Notes,” 1946-7, 190. One of the first steps in the CJC campaign to achieve a Fair Employment Law came with the funding of a Gallup poll to test public opinion (mentioned below). OJA, Joint Community Relations Committee Collection, MG8 S, Joint Community Relations Committee Papers (hereafter JCRCP), JPRC Correspondence 1946, Box 3, file 1, “Minutes,” 17 June 1946, and JPRC Correspondence 1947, Reel 3, file 23, “Activities Report,” 28 May 1947; J.H. Fine, “Public Relations,” [CJC] *Congress Bulletin*, 30 May 1947.

<sup>49</sup>For a discussion of this case, see Chapter 3 of Walker, *Race, Rights and the Law*.

<sup>50</sup>*An Act to Prevent the Publication of Discriminatory Matter Referring to Race or Creed*, SO 1944, c. 51. Despite the limitations of the new statute, the classical liberal *Toronto Globe and Mail* castigated the government for entering a field that it had no business attempting to regulate. “Racial Bill Not the Cure,” and “Racial Bill Safeguarded,” 10, 13 March 1944.

<sup>51</sup>There were many well-publicized incidents of racial discrimination in post-war Ontario. For a first-hand account of some of them, see Hill, *A Black Man's Toronto*.



*Hugh Burnett, (centre) Civil Rights Activist. Photo courtesy of daughter, Cheryl Burnett.*

began in the nineteenth century when the town lay at the end of the “underground railroad” for fugitive slaves and a substantial number of blacks settled in the area.<sup>52</sup> Josiah Henson, upon whose life *Uncle Tom’s Cabin* was allegedly based, is buried nearby.<sup>53</sup> By the end of World War II blacks constituted close to 20 per cent of Dresden’s approximately 1,700 inhabitants, but several restaurants and barber shops habitually denied service to them; indeed, even those who did not look like blacks often suffered racial discrimination when members of the community knew their racial heritage. It was, in short, one of the most racially segregated communities in Canada.<sup>54</sup>

One of the Dresden area blacks who refused to accept this Canadian version of “Jim Crow” was Hugh Burnett, a World War II army veteran who owned his

<sup>52</sup>“The Dresden Story” is the title of a once widely distributed 1954 National Film Board production dealing with racial prejudice and discrimination in Dresden. It was made before the issue was resolved, and contains interviews with many of the townspeople, both black and white.

<sup>53</sup>For an overview of contemporary Dresden, as well as a summary of the events surrounding the struggle to eliminate “Jim Crow” during the late 1940s and the 1950s, see Stuart McLean, *Welcome Home: Travels in Smalltown Canada* (Toronto 1992).

<sup>54</sup>Sidney Katz, “Jim Crow Lives in Dresden,” *Maclean’s Magazine*, 1 November 1949; NAC, KKP, MG30, A 53, vol. 20, file 7, “Report,” July-August 1949; NAC, OLCP, MG28, I 173, vol. 12, file 2, “Hugh Burnette’s remarks on Dresden,” 18 January 1954, and Sid Blum, “Report on Visit to Dresden,” 22, 23 July 1954; *The Dresden Story*. However, the town was not entirely segregated. The children went to school together and mixed in the Boy Scouts and Girl Guides, while both blacks and whites were welcome at the Legion. Yet except for the Catholic Church, blacks were not welcome at any of the “white” churches.

own carpentry business. In 1943 he sent a complaint to the federal Minister of Justice about racial discrimination in Kay's Café, a Dresden restaurant owned by a prominent local citizen named Morley McKay. He was informed that the government could do nothing. Then, about 1948, he launched a lawsuit against McKay, although he did not proceed with it, probably because in the wake of the pre-war Supreme Court decision of *Christie v. York* the law provided little leverage.<sup>55</sup>

At about this time, Burnett joined with a number of other Dresden-area blacks to form an organization called the National Unity Association (NUA).<sup>56</sup> Just prior to the municipal election of 1948 a delegation from the NUA asked Dresden's town council that a non-discrimination policy be a condition of local business licensing. Although a number of Ontario municipalities had already passed anti-discrimination bylaws, in Dresden the proposal moved forward with glacial slowness.<sup>57</sup>

Meanwhile, the Toronto labour committee joined the Ontario human rights community. While trade unions at the provincial and national level were quite capable of obtaining the ear of government, a local organization such as the Toronto group was less likely to be heard. It needed a public "front" organization, a group that was predominantly middle-class, non-communist, committed to racial equality, and well-connected to the Canadian political elites. The Toronto Association of Civil Liberties (ACL) was an obvious choice. Its president was R.S.K. Seeley, and its board included B.K. Sandwell, Charles Millard, Andrew Brewin, Maude Grant, and Rabbi Abraham Feinberg.<sup>58</sup>

<sup>55</sup>The author is indebted to James Walker for background information about Burnett; the two became good friends as a result of Walker's historical research. In the documents examined for this chapter, Burnett signed his name "Burnette." According to Walker (personal communication to the author, 30 July 1998), he sometimes spelled it "Burnett," and later in life found that this was the spelling on the tomb of his grandfather or great-grandfather; from that time on he used only that spelling and asked that Walker also use it. This is the spelling that Walker used in *Race, Rights and the Law* and Stuart McLean followed Walker's advice in *Welcome Home. Information about Burnett's complaint in 1943* comes from Walker (at 176). Information about the lawsuit is contained in the 1955 decision by Justice Grosch (discussed below); Burnett refers to it having taken place "a little more than six" years previously. A copy of the Grosch decision is in the OJA, JPRC Collection, vol. 6, file 13.

<sup>56</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, "Hugh Burnette's remarks on Dresden," 18 January 1954.

<sup>57</sup>Katz, "Jim Crow," 51-2; testimony of Lyle E. Talbot of the Windsor Council on Group Relations in *Minutes of Proceedings and Evidence of the Special Committee on Human Rights and Fundamental Freedoms* (Ottawa 1960), 256; Katz, "Jim Crow"; OJA, Joint Community Relations Committee Collection, MG8 S, JCRCP, JPRC Correspondence 1947, Reel 6, file 12, Burnett to Ben Kayfetz, 9 April 1949; "Dresden Puts Off Race Referendum on Technicality," *Globe* 19 April 1949.

<sup>58</sup>Most of these ACL board members were what might be called "nodal actors" in the Ontario human rights community, linking together different organizations and elements of society.

The Association for Civil Liberties, in turn, needed the resources of the Kaplansky network. Drawing its membership from the ranks of the Toronto cultural-intellectual elite, the ACL never generated the membership fees that would have come from a grass-roots mass organization, and it remained a wholly voluntary body, precariously founded on secretary Irving Himel's ability and willingness to run it out of his law office.<sup>59</sup> By contrast, the JLC network had relatively secure funding, widespread membership, access to many volunteers, and permanent paid staff at both the national and local levels.<sup>60</sup>

Close ties between the Association for Civil Liberties and the Toronto labour committee began in early 1949, when the ACL created a Committee on Group Relations. This brought together members of a number of important Toronto-based, human-rights organizations, including Ben Kayfetz of the CJC's Joint Public Relations Committee, William White of the Home Service Association (a Toronto black people's group), and George Tanaka of the Japanese Canadian Citizens' Association. Most importantly, the chair was Vivien Mahood, who had just taken over as the secretary of the Toronto human rights labour committee. A member of Kaplansky's network was now positioned strategically within the Toronto Association for Civil Liberties.<sup>61</sup>

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Sandwell was editor of *Saturday Night* magazine and formerly Rector of Queen's University. As already noted, Millard was national director of the Steelworkers, and Brewin was one of his associates in the provincial CCF elite. Feinberg was Rabbi of Holy Blossom Temple in Toronto, and chair of the JPRC. Seeley, as Provost of Trinity College, had close ties to academia, while Maude Grant, formerly dean of women at Royal Victoria College at McGill (and incidentally, the mother of philosopher George Grant) was part of Canada's intellectual-social elite. In addition, the Japanese Canadian Citizen's Association was affiliated with the ACL, and supported its campaigns for anti-discrimination legislation. NAC, Japanese Canadian Citizen's Association Papers (hereafter JCCAP), MG28, V 7, vol. 14, file 17, [George] Tanaka [JCCA President] to [Ontario Premier Leslie] Frost, 6 January 1950, and Tanaka to [ACL Secretary Irving] Himel, 24 February 1950.

<sup>59</sup>Himel was another nodal actor in the human rights community. He worked with the Workers' Education Association and the CJC in the *Drummond Wren* case against restrictive covenants, served as lobbyist and legal counsel for the Committee for the Repeal of the Chinese Immigration Act, and helped to run the ACL-affiliated Committee for a Bill of Rights. He remained with the ACL from its conception until the early 1960s, when he assisted in its reincarnation as the Canadian Civil Liberties Association. He was also, during the Dresden affair, a member of the JPRC.

<sup>60</sup>Donna Hill, the paid secretary of the Toronto labour committee from 1953-4, remembers that she and Ben Kayfetz, the paid secretary of the JPRC in Toronto, did most of the work in cobbling together *ad hoc* coalitions. Interview, 8 June 1996. Ben Kayfetz also recalls that the ACL was a useful non-sectarian cover for the activities of the JPRC. Interview, 7 June, 1996.

<sup>61</sup>NAC, KKP, MG30, A 53, vol. 20, file 7, "Notes," 1949, 39; NAC, OLCP, MG28, I 173, vol. 9, file 1, "Committee on Group Relations of the Association For Civil Liberties." Note that Eamon Park of the Toronto labour committee was also a member of the ACL Council.

Dresden was one of the first issues facing this new committee. NUA Executive Secretary Hugh Burnett had attended a JLC-sponsored Race Relations Institute as a delegate from his carpenter's union, and deeply moved the others with his stories of discrimination in Dresden. As a result, the Ontario human rights community took the issue to the new Conservative premier, Leslie Frost, on 7 July 1949. Accompanied by about 35 other human-rights activists, Irving Himel presented a brief from the Toronto Association for Civil Liberties on behalf of a "policy network,"<sup>62</sup> of various churches, different ethnic organizations (including Jewish, Polish, Chinese, Japanese, and black), several women's groups, and a number of non-communist trade unions: the International Bookbinders Union, the ILGWU, the Oil Workers Union, the Printing Pressman's Union, the Street Railwaymen's Union, the Textile Workers Union, the United Packinghouse Workers Union, the CCL, and the TLC-affiliated Toronto and District Labour Council.<sup>63</sup>

The main request was passage of a Fair Employment Practices Act prohibiting discrimination in employment, similar to those already existing in several American states. The policy network, however, also asked for action on discriminatory restrictive covenants, and suggested permitting municipalities to cancel the licences of any provider of public services which practised racial or religious discrimination. Although Dresden was not mentioned, it was clearly a part of the brief's sub-text.<sup>64</sup>

A few days later, Mahood travelled to Dresden to see the situation first-hand. On the basis of this trip, she began planning a course of action, and her first step was to get in touch with Pierre Berton, the editor of *Maclean's*. The subsequent article by Sidney Katz helped turn the Dresden story into a national issue, and also singled out Morley McKay as one of the main segregationists. Katz quoted the restaurateur as saying, "Do you know that for three days after [each attempt by a

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NAC, JCCAP, MG28, V 7, vol. 15, file 23, Irving Himel to George Tanaka [ACL list attached], 9 May 1949.

<sup>62</sup>A policy community can form different policy networks. William Coleman and Grace Skogstad have defined a policy network as "the properties that characterize the relationships among the particular set of actors that forms around an issue of importance to the policy community"; see their "Policy Communities and Policy Networks: A Structural Approach" in *Policy Communities and Public Policy in Canada* (Toronto 1990), 14-33 at 26. See also, Chapter 6 ("Policy Communities and Networks") of Leslie A. Pal, *Beyond Policy Analysis: Public Issue Management in Turbulent Times* (Scarborough 1997).

<sup>63</sup>NAC, Mrs. W.L. [Maude] Grant Papers, MG30, D 59, vol. 47, file "Notes and Memoranda: Civil Liberties Association," "Brief in Respect to Legislation Dealing with Expressions of Racial and Religious Discrimination in Ontario"; "Delegation Impresses Frost: Says He'll Act on Race Discrimination," *Star*, 8 June 1949; "Demand New Law to Guard Rights of Racial Groups," *Globe*, 8 June 1949; NAC, KKP, MG30, A 53, vol. 20, file 8, "Report," June 1949. A list of the groups and individuals in the many delegations led by the ACL in the late 1940s and the 1950s can be found in the appendices of Sohn, "Human Rights Legislation."

<sup>64</sup>NAC, KKP, MG30, A 53, vol. 20, file 5, "Notes," 1948, 44; Katz, "Jim Crow."

black to obtain service] I get raging mad every time I see a Negro. Maybe it's like an animal who's had a smell of blood."<sup>65</sup>

Meanwhile, the issue of non-discriminatory business licensing was finally put to the town voters in a referendum in December of 1949. It was defeated by a vote of 517 to 108, and the town became a lightning-rod which attracted a fire-storm of attention and criticism. As a *Toronto Globe and Mail* editorial put it, "The decision brings shame to Dresden and to all Ontario."<sup>66</sup>

While the NUA decided to lobby Dresden city council again, the Toronto Association for Civil Liberties asked for another meeting with Premier Frost, arguing that Dresden (along with a number of other incidents) clearly demonstrated the need for both a Fair Accommodation Practices Act and a Fair Employment Practices Act.<sup>67</sup> This time (January 1950) the delegation was even larger than before, consisting of several hundred people and 104 different civil libertarian, church, labour, ethnic, and social welfare organizations, including the NUA.<sup>68</sup>

Frost was initially reluctant to take action. Many of his caucus members were rural Conservatives, as well as members of the Orange Lodge, an organization not known for its commitment to human rights.<sup>69</sup> Moreover, even those who publicly denounced discrimination often denied that it constituted a problem. In 1947, for example, the Conservative Minister of Labour, Charles Daley, told Rabbi Feinberg that, "these days, racial discrimination is to a great extent imaginary."<sup>70</sup> Finally,

<sup>65</sup>Katz, "Jim Crow."

<sup>66</sup>"Dresden Voters Reject Equality for Negroes," *Globe*, 6 December 1949; "Wide Criticism Follows Plebiscite in Dresden," *Globe*, 7 December 1949; "Dresden Draws the Color Line" [editorial], *Globe*, 8 December 1949; "Dresden Is Sensitive," *Saturday Night*, 21 February 1950.

<sup>67</sup>Ontario Archives (hereafter OA), Premier Leslie Frost Papers (hereafter LFP), General Correspondence, vol. 48, file 87-G, "To Mayor Walter S. Weese and Council" [NUA brief], 5 February 1951.

<sup>68</sup>"Brief From 70 Groups Asks Wider Legislation to Fight Discrimination," *Globe*, 25 January 1950; NAC, CLCP, MG28, I 103, vol. 335, file "Civil Rights - Association for Civil Liberties," "A Brief to the Premier of Ontario (24 January 1950)."

<sup>69</sup>John Bagnall, "The Ontario Conservatives," 200. Bagnall notes that, according to the Conservative MPP Allan Grossman, Frost often said that his job was like feeding a young child — he could no more obtain immediate acceptance of minority rights than a parent could cajole a child into eating a large meal. Bagnall, "The Ontario Conservatives," 200, 338 (note 114).

<sup>70</sup>Patrias and Frager, "'This is our Country'," 31 (draft copy, kindly lent by the authors). Such denial was common. As Kaplansky's successor as JLC director (Sid Blum) wrote to his Toronto labour committee secretary, "Canada isn't the U.S. — where problems are obvious, ever-present and serious. In Canada, at least one or two or even three of these conditions are usually missing. We have to dig for both the victims of discrimination and some of the problems." NAC, JLC, MG28, V 75, vol. 42, file 19, Blum to Maxwell, 13 May 1958. Note also the comment of Constance Backhouse: "The pattern of 'racelessness'

anti-discrimination law could be seen as a deviation from the traditional legal principle of freedom of commerce, a shift away from the broader classical liberal notion of laissez-faire.<sup>71</sup>

On the other hand, there were also compelling reasons to proceed. To begin with, the shift away from classical liberalism had already begun, and Canadians were becoming increasingly comfortable with government's role in creating a welfare state. Moreover, the arguments for minimum wage legislation, family allowances, and so forth, could also be used to justify human rights laws,<sup>72</sup> and as early as 1947 a Gallup Poll had found that 64 per cent of Canadians were in favour of a proposal by the Canadian Association of Adult Education to create fair employment practices legislation. Although B.K. Sandwell, the classical liberal editor of *Saturday Night*, and a major player in the Toronto Association for Civil Liberties, initially opposed this proposal, by 1950 even he had shifted his position completely, calling on the Ontario legislature to make "a courageous attempt" and pass such a law.<sup>73</sup>

Premier Frost was genuinely upset about racism and discrimination in his province, partly because he believed that bigotry against Jews and blacks was incompatible with the Christian faith.<sup>74</sup> His attitude, however, can also be explained through class analysis. As Mark Leier has argued, "[w]hatever the dominant sexual

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that pervades Canadian legal history encouraged Canadian citizens to maintain a 'stupefying innocence', in the words of Dionne Brand, about the enormity of racial oppression." Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto 1999), 278.

<sup>71</sup>As the Mayor of Dresden argued, "[t]his is a democratic country.... You can't force anyone to serve Negroes." Katz, "Jim Crow," 9. For a discussion of how the emergence of Ontario human rights legislation reflected a shift to reform liberal values, see Howe, "The Evolution of Human Rights Policy"; R. Brian Howe and David Johnson, *Restraining Equality: Human Rights Commissions in Canada* (Toronto 1999), chapter 1.

<sup>72</sup>For writings on welfare state development which touch upon anti-discrimination law, see: Donald Bellamy, "Social Policy in Ontario," in Bessie Touzel, ed., *The Province of Ontario: Its Social Services*, 11th edition (Toronto 1983); Leslie A. Pal, "Federalism, Social Policy, and the Constitution," in Jacqueline S. Ismail, ed., *Canadian Social Welfare Policy: Federal and Provincial Dimensions* (Montréal 1985). For writings on anti-discrimination law which link it to the growth of the "ethical" or "positive" state, see: Ronald Manzer, *Public Policies and Political Development in Canada* (Toronto 1985); Anderson, "The Development of Human Rights Protection"; Howe, "Human Rights Policy."

<sup>73</sup>"Employment Problem," and "Discrimination Problem," *Saturday Night*, 4 July 1947, and 7 February 1950. Sandwell asked in the former article, "How can any law be enforced that will prohibit the discrimination on race or religion and leave unimpaired the rights of discrimination on ability and honesty?" He added, in a question that indicates the staying power of post-war racism, "What would be their [i.e. the supporters of the law] reaction if they found a Negro waiting to shave them in a barber shop, or to give them a permanent wave in a coiffeur's?"

<sup>74</sup>Roger Graham, *Old Man Ontario*, 177.

and racial ideologies of the day have been, capital has always been quick to jettison them when they no longer served," and race discrimination in the immediate post-war period had far less utility than in earlier times.<sup>75</sup> For Leslie Frost, the world was turning to democracy rather than communism for the protection of human rights, and anti-discrimination legislation in Ontario could therefore combine both practical politics and ideological warfare — stealing some of the thunder of Ontario's communist MPPs as well as demonstrating the virtues of "democratic freedom."<sup>76</sup>

Frost also saw discrimination as threatening the class interests of those who, like himself, were interested in speedy economic development. Knowing that immigration from Britain was drying up, he believed that discrimination against new arrivals from countries such as Italy or Greece might interfere with immigration rates, as well as contribute to domestic social problems. His concern was therefore not entirely with "racial" discrimination against blacks, but rather embraced the broader problem of "ethnic" prejudice.<sup>77</sup>

Moreover, he must have realized that not all business people were racially prejudiced. By passing the Fair Accommodation Practices Act he made it easier for a restaurant or hotel owner to welcome minority group members without the threat of losing "white" clientele to other businesses that openly discriminated. He was not so much undermining property rights as he was eliminating a competitive edge for the minority that insisted on unfair business practices.

As a result of the convergence of these three major sets of interests — human rights lobbyists, the state, and capital<sup>78</sup> — in 1950 Frost took two incremental steps

<sup>75</sup>Mark Leier, "Forum: W[h]ither Labour History: Regionalism, Class, and the Writing of BC History," *BC Studies*, 111 (Autumn 1996), 61-98, at 97 of Leier's "Response."

<sup>76</sup>Bagnall, "The Ontario Conservatives," Chapter 4; Kayfetz to Lambertson, 27 April 2000. Note that the LPP (Communist) member of the Ontario legislature, J.B. Salsberg, visited Dresden in 1949, and was later accused by another parliamentarian of having caused "dissension and trouble," an allegation which Salsberg denied. Ontario Legislative Assembly, Debates, 1 April 1954, 1085-6.

<sup>77</sup>Bagnall, "The Ontario Conservatives," Chapter 4. Some of the above probably applies to Frost's attitude towards gender discrimination. Shirley Tillotson also suggests that Frost may have agreed to the 1951 gender equality act in part because of a fear that the Korean War might create a labour shortage in "defence" industries. Tillotson, "Human Rights Law as Prism," 544.

<sup>78</sup>Howe and Johnson argue that the period of immediate post-war human rights legislation supports "the pluralist version of society-centred theory." By this they mean that it was society (rather than the state) that drove events, and within society the pressure for change came from individuals and interest groups rather than the capitalist class. The evidence presented in this paper suggests that Howe and Johnson are fundamentally correct, although this quotation glosses over some important nuances (some of which they refer to in their book), such as the reasons why the state and capital were willing to accede to political pressure. *Restraining Equality*, 26.

forward.<sup>79</sup> First, he introduced an amendment to the Labour Relations Act which withheld legal protection from any collective agreements discriminating on the basis of race or creed. Then he introduced a bill which prohibited the enforcement of any discriminatory restrictive covenants created in the future. When passed into law, this legislation promoted human rights at the expense of the traditional right of freedom of commerce, but in a limited fashion. It was still legal for both trade unions and employers to discriminate, and the second bill did nothing to strike down restrictive covenants already in existence.<sup>80</sup>

In 1951, however, Frost moved forward with two more steps. To begin with, his government created Canada's first Fair Employment Practices Act.<sup>81</sup> The statute began with a statement that it was now "contrary to public policy" to discriminate on the basis of race, creed, colour, nationality, ancestry or place of origin, and added that this prohibition was in accord with the 1948 Universal Declaration of Human Rights.<sup>82</sup> The legislation then went on to ban any such discrimination in the hiring or employment of workers, balancing this with a prohibition against discrimination in union membership.

No doubt to allay the concerns of those who saw this statute as a violation of freedom of commerce, the law also moved away from the approach taken in 1944 when the Ontario Racial Discrimination Act prohibited discriminatory signs. That statute had made the act of displaying such a sign a quasi-criminal offense. The Ontario FEP Act, however, moved the field of discrimination into the ambit of administrative law, so that to obtain satisfaction a complainant had to overcome a series of bureaucratic obstacles. First, a "conciliation officer" would investigate a complaint. Second, the officer was empowered, providing that he had found evidence of discrimination, to effect an informal settlement. Third, if no such settlement could be reached, the Minister of Labour could appoint a conciliation commission. Fourth, the law also permitted the Labour Minister, at his discretion, to allow a prosecution under the law.

Frost's second pioneering step was the passage, in the same legislative session, of Ontario's first female equal pay legislation, the Female Employees Fair Remu-

<sup>79</sup>Most students of this period have concluded that human rights activists adopted an "incremental" approach to human rights legislation, which fitted nicely with Frost's approach to legal change. See Herbert Sohn, "Human Rights Legislation," 278-281; R. Brian Howc: "The Evolution of Human Rights Policy in Ontario," 791, "Incrementalism and Human Rights Reform," and "Human Rights Policy in Ontario," 122; John Bagnall, "The Ontario Conservatives," note 52, at 99 and note 114, at 338.

<sup>80</sup>*The Labour Relations Act*, 1950, c. 34 (b); *The Conveyancing and Law of Property Amendment Act*, SO 1950, c. 11.

<sup>81</sup>*An Act to Promote Fair Employment Practices in Ontario*, SO 1951, c. 24.

<sup>82</sup>The issue of discrimination and "public policy" had recently been raised in two important legal cases involving discriminatory restrictive covenants. For a discussion, see Walker, "Race," *Rights and the Law*, Chapter 4.

neration Act.<sup>83</sup> (A number of women's groups, supported by the CCF, but not by organized labour or the other "regular" human rights activists, had lobbied for the passage of a female equal pay law.)<sup>84</sup> This statute contained no reference to public policy or the Universal Declaration, but it did set up the same sort of administrative-prosecutorial model as the earlier FEP Act.

Frost did not, however, move on the issue of discrimination in public accommodation. For a while the NUA hoped that the provincial government might be able to provide some other form of legal redress in Dresden, but in late 1953 the attorney general informed Burnett that the province had no legal power to prohibit racial discrimination in cases where municipalities had refused to pass bylaws.<sup>85</sup> Burnett then approached Donna Hill, recently appointed as secretary of the Toronto labour committee, who began putting together a policy network that would ask for a provincial Fair Accommodation Practices law.<sup>86</sup> Hill and Ben Kayfetz, the Toronto executive director of the CJC's Joint Public Relations Committee, along with JPRC legal advisors such as Bora Laskin and David Lewis, produced another brief. In March 1954 it was presented to Premier Frost by a delegation once again led by the Toronto Association for Civil Liberties.<sup>87</sup>

<sup>83</sup> *An Act to ensure Fair Remuneration to Female Employees*, SO 1951, c. 26. For a discussion of the struggle for this statute, and an explanation of its weaknesses, see Shirley Tillotson, "Human Rights Law as Prism."

<sup>84</sup> Tillotson points out that, in the late 1940s the Steelworkers and the United Electrical Workers were the strongest labour supporters of gender pay equality, but the concerns of the former dwindled, and the latter was marginalised by anti-communist policies (538-541). Kaplansky's papers reveal some, but not very much, concern for this issue (e.g. "Notes," 1950, 108; 1952, 24). Patrias and Frager have asserted that most rights activists "reflected the sexism that was so widespread in Canadian society at that time." Patrias and Frager, "This is our country," 5.

<sup>85</sup> NAC, JLCP, MG28, V 75, vol. 42, file 15, Hill to Kaplansky, 5 January 1954.

<sup>86</sup> An American sociologist by training, Hill had been active in the NAACP; she had also helped lobby for fair employment practices legislation in Ohio, both as a volunteer and as a paid activist for a citizen's group. She was married to Dan Hill, the black American sociologist who later became the first director of the Ontario Human Rights Commission. "Notes," 1953, 79, NAC, KKP, MG30, A 53, vol. 20, file 15; interview with Donna Hill, 8 June 1996. Donna Hill later edited *A Black Man's Toronto* and served as an editorial consultant and researcher for her husband's pamphlet, *Human Rights in Canada*.

<sup>87</sup> OA, LFP, General Correspondence, vol. 48, file 87-G, "To Mayor Walter S. Weese and Council," 5 February 1951; NAC, OLCP, MG28, I 173, vol. 12, file 1, Hill to Burnett, 16 December 1953; Burnett to Hill, 24 December 1953; "Discrimination 'Not Illegal' in Ontario," and "No Ontario Law Against 'Jim Crow' Negro Group Told," *Toronto Telegram*, 10 and 11 December 1953; NAC, KKP, MG30, A 53, vol. 21, file 3, "Report," January 1954, and February 1954, and vol. 21, file 2, "Notes," 1954, 6-7; NAC, OLCP, MG28, I 173, vol. 12, file 1, Hill to Burnett and Kayfetz, 2 February 1954; OJA, JCRCP, JPRC Correspondence 1947, vol. 5, file 3.

This time Dresden was a central concern. The ACL brief referred to discrimination against blacks in a number of Ontario communities but noted that, "the height of expression of Jim Crow in Canada is to be found in the town of Dresden, Ontario." In addition, although several people spoke, including the ACL's Himel, a spokesman for the CJC, and representatives of the Ontario branches of the TLC and CCL, Hugh Burnett got the most publicity. He said that he was ashamed to have to plead for his fundamental democratic rights, and referred shrewdly to a possible connection between the rise of communism and dissatisfaction over racial discrimination. "There are no Communists among the coloured people at Dresden," he stated, "but I don't know how long we can assure that if the discrimination practised there is to continue."<sup>88</sup>

Less than a week later the Ontario government introduced Canada's first Fair Accommodation Practices Act, which became law on 6 April 1954.<sup>89</sup> Like the earlier Fair Employment Practices Act, it stated that discrimination on the basis of race, creed, colour, nationality, ancestry, or place of origin was now *contrary to public policy*, and it also made reference to the Universal Declaration of Human Rights. The enforcement process set out by the law was also similar to that of Frost's two previous anti-discrimination statutes: the laying of a complaint was followed by investigation, informal conciliation, formal conciliation, and (as a last resort) prosecution.<sup>90</sup>

From the perspective of modern anti-discrimination legislation, this process was badly flawed.<sup>91</sup> To begin with, it rested upon an individualistic conception of discrimination; there was no recognition that discrimination was a systemic issue rather than a collection of individual complaints, and there was certainly no process by which the state might provide any assistance to an individual who might lay a complaint.<sup>92</sup> In addition, it was an invitation to political interference; the notion of a human rights commission, acting independently, still lay in the future. Finally, it

<sup>88</sup>"Discrimination Protest Heard By Frost, Cabinet," *Star*, 24 March 1954; NAC, JLCP, MG28, V 75, vol. 19, file 6, Himel to "Dear Friends," 5 February 1954.

<sup>89</sup>*An Act to promote Fair Accommodation Practices in Ontario*, SO 1954, c. 28. In the debates on the bill, Frost referred to the pressure of lobbyists such as the Civil Liberties Association, but according to comments by J.B. Salsberg, a Communist member of the legislature who had supported the notion for some time, Frost was probably thinking about introducing such a bill before the delegation reached him. Ontario Legislative Assembly, Debates, 29 March 1954, 974; 1 April 1954, 1087, 1080.

<sup>90</sup>The law also repealed the 1944 *Racial Discrimination Act*.

<sup>91</sup>For a discussion of the shift from quasi-criminal human rights legislation to this early form of anti-discrimination law, and then to modern human rights codes, see Walter S. Tarnopolsky, *Discrimination and the Law* (Toronto 1982), Chapter 2. Some of the problems of the legislation were immediately clear to the Toronto labour committee. See, for example, NAC, JLCP, MG28, V 75, vol. 41, file 16, Hill to Kaplansky, 5 April and 4 May, 1954.

<sup>92</sup>Tillotson has commented on the "individualistic orientation of the human rights discourse." "Human Rights Law as Prism," 534.

treated discrimination as simply another issue of labour relations; there was no awareness that conciliating a complaint about a refusal of service might be quite different from conciliating a complaint about factory safety practices, or that it might be necessary to implement the law by means of public servants sensitive to racial issues.<sup>93</sup>

Whatever the defects of the bill, it was not about to change everyone's behaviour immediately.

Although a number of Dresden's establishments complied, several restaurants and barber shops continued to flout the law. As a result,

Hugh Burnett and other NUA members began to "test" these establishments, relaying information to Sid Blum, who had replaced Donna Hill as secretary of the Toronto labour committee shortly after the passage of the legislation.<sup>94</sup> It was Sid Blum who filed complaints on behalf of the Dresden blacks, and from this point on, although Burnett was more often in the public eye, it was Blum who acted as his behind-the-scenes mentor, with Kalmen Kaplansky standing even further in the shadows behind his labour secretary.<sup>95</sup>

The immediate reaction to the NUA complaints was a decision by Charles Daley, the Ontario Minister of Labour, to send one of his local factory inspectors to begin an investigation. Blum suggested to the government that a factory inspector might not be able to devote enough time to the issue, but then received a letter from Burnett that suggested an even worse scenario — "it comes pretty straight from



*Sid Blum, c.1954.*

Photo courtesy of Mary Blum Devor.

<sup>93</sup>Tillotson has pointed out the reluctance of bureaucrats to interpret Ontario's gender equality statute in a generous fashion. "Human Rights Law as Prism," 546-8.

<sup>94</sup>Blum at this time was 28 years old, a war veteran, and an American citizen. He had attended the University of Toronto and had received not only a B.A. but also an M.A. (in Sociology and Economics). He had previously been employed in the Education and Welfare Department of the CCL. NAC, JLCP, MG28, V 75, vol. 41, file 16, Blum to Hill, 23 April 1954.

<sup>95</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, "Leaflet for NUA Sixth Annual Banquet"; file 1, notarized statement by Hugh Burnett, 17 June 1954, and Blum to Burnett, 21 June 1954. The OLCP contain a number of complaints filed by Blum on behalf of NUA members from June to September, 1954. By August, Blum calculated that the number of FAP complaints from Dresden was at least four times that of complaints from the rest of the province. NAC, OLCP, MG28, I 173, vol. 12, file 1, Blum to Toronto labour committee members, 1 August 1954.

McKay that when the inspector was down that he stayed with McKay and they had a good time and that he told McKay he had nothing to worry about, he could keep on refusing if he wanted to." Whether or not this was true, the factory inspector reported that there was no evidence of discrimination in the town. J.F. Nutland, the officer in charge of the Fair Accommodation Practices Act in the Department of Labour, then informed Blum that he should not "interfere" with the situation in Dresden, lest he "upset" the community.<sup>96</sup>

It was at this point that tensions in Dresden almost spun out of control. Burnett began receiving anonymous letters threatening his life, and there was talk that the upcoming celebrations for Dresden's centennial might generate mob violence. The NUA therefore wrote the Deputy Attorney General of the province, apprising him of these developments, and complaining about low levels of police protection and cooperation. Meanwhile, Blum issued a press release decrying these threats, and the *Toronto Telegram* published a story entitled "Dresden Negro Warned, Gets Gun for Safety."<sup>97</sup>

Blum had no sympathy for the tender feelings of racists. He believed that "quiet persuasion will usually produce one result: quiet inaction."<sup>98</sup> He was scrupulous, however, about relying upon facts rather than rumours, and therefore on 22 July he went on a two-day, fact-finding trip to Dresden. He found that racial tensions were high, with the locals insisting that either there was no racial problem or that the problem was caused by local blacks who did not "know their place" and who also wanted to marry local, white women. He concluded that the passage of the Fair Accommodation Practices legislation and the subsequent visit of the factory inspector had done little to change the attitudes of the white population. Indeed,

<sup>96</sup>"Official Sent to Dresden in Racial Fuss," *Telegram*, 25 June 1954; NAC, OLCP, MG28, I 173, vol. 12, file 2, Blum to Rev. Grant L. Mills [Dresden United Church], 11 August 1954; vol. 12, file 1, Burnett to Blum, n.d. [1954]; NAC, OLCP, MG28, I 173, vol. 12, file 22, Blum's report of "telephone conversation with Mr. Nutland," 13 July 1954.

<sup>97</sup>*Telegram*, 19 June 1954. As noted in McLean, *Welcome Home* (82-3), Burnett had been threatened on several earlier occasions, beginning about 1948. NAC, OLCP, MG28, I 173, vol. 12, file 1, Burnett to Magone [Deputy Attorney General], 28 June 1954 (c.c. to Blum); NAC, OLCP, MG28, I 173, vol. 12, file 2, Blum's press release [sent to both the *Globe* and the *Telegram*], 30 June 1954, and Blum to Nutland, 29 June 1954. The NUA agreed to refrain from activity during the week of the centennial celebrations, but only as a temporary concession.

<sup>98</sup>From the dedication of Alan Borovoy's *Uncivil Obedience: The Tactics and Tales of a Democratic Agitator* (Toronto 1991). Borovoy, who is best known as the General Counsel for the Canadian Civil Liberties Association, became secretary of the Toronto labour committee about two years after Blum replaced Kaplansky as JLC executive director in 1957.

there was a wide-spread misconception that the Fair Accommodation Practices Act did not even exist.<sup>99</sup>

Blum immediately began to orchestrate a large-scale operation which involved both a maximum of publicity and further testing. He lobbied the Ministry of Labour with letters and telephone calls, asking for the appointment of a commission of inquiry.<sup>100</sup> At the same time, he persuaded the two Toronto trade councils to demand that the government take action, and ensured that this was widely reported in the city press.<sup>101</sup> He also provided continual advice and support to Hugh Burnett, sometimes working through the secretary of the Windsor labour committee, and he arranged to have a number of black people visit the offending restaurants so that he could file complaints on their behalf. Just as important, he created an alliance with a *Toronto Telegram* newspaper reporter, who travelled to Dresden to observe the testing process and provided extensive press coverage of the Dresden affair. (One of the reporter's articles, written for the now-defunct magazine *Liberty*, was reprinted with the logo and address of the Toronto labour committee, and widely distributed as an education and lobbying tool.)<sup>102</sup>

In the face of growing public pressure, and a total of eight complaints, including one filed by Burnett on behalf of a travelling black couple from Cincinnati, the Labour Minister finally appointed Judge William F. Schwenger to a one-man commission to determine if the situation warranted prosecution.<sup>103</sup> The

<sup>99</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, "Report on Visit to Dresden," 22, 23 July 1954; NAC, JLCP, MG28, V 75, vol. 41, file 17, "Dresden, The Fair Accommodation Practices Act, and the Frost Government," 26 July 1954.

<sup>100</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, Blum to Daley, 3 September 1954.

<sup>101</sup>"Ontario Govt. Ignores Own Law, Labor Charges," *Star*, 6 August 1954; "Dresden — Labour Jim Crow Still Stalks," *Telegram*, 6 August 1954; NAC, OLCP, MG28, I 173, vol. 12, file 1, Blum to Toronto labour committee members, 1 August 1954, and vol. 6, file 10, Blum to Burnett, 5 January 1955.

<sup>102</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, Blum to Burnett, 14 October 1954; NAC, KKP, MG30, A 53, vol. 21, file 2, "Notes," 1954, 76, and file 4, "Notes," 1955, 122; Gordon Donaldson, "Race Law Fails, Negroes Insulted," *Telegram*, 2 September 1954, and "Fear 'Martyr' Atmosphere if Prosecutions in Dresden," 3 September 1954; Gordon Donaldson, "I Saw Race Hatred in a Canadian Town," *Liberty*, December 1955. The black Secretary of the Windsor Labour Committee, Harold Johnson, was also working hard behind the scenes, meeting frequently with members of the NUA to discuss strategy, and attempting to dramatize the Dresden story for the public. NAC, KKP, MG30, A 53, vol. 43, file 23, "Report" for August 1954.

<sup>103</sup>"Negro Tourists Refused Meal, Is Dresden Charge," *Star*, 28 August 1954; "Commissioner to Probe Cases of Discrimination," *Globe*, 31 August 1954. No other inquiries under the FAP Act were held until the courts had settled the Dresden issues. NAC, JLCP, MG28, V 75, vol. 42, file 5, "Report," June 1956.

hearing took place in Dresden on 27 September, with at least 200 people attending, including newspaper reporters from as far away as Vancouver.<sup>104</sup>

Judge Schwenger held hearings on two separate complaints. First, Hugh Burnett and four other members of the black community claimed that they had been denied service by Morley McKay. Second, a union activist named Lyle Talbot alleged that he and several other blacks had been turned away at Emerson's Soda Bar Restaurant.<sup>105</sup> These complainants were supported by the Toronto and Windsor labour committees, which had filed the complaints on their behalf, and they were represented in court by the former CCF national secretary, David Lewis. As noted earlier, Lewis was a member of the CJC's Joint Public Relations Committee and had close ties with Kaplansky and the JLC. He appeared *pro bono*, significantly cutting the costs of the two labour committees.<sup>106</sup>

At the hearing the complainants testified about the continuing pattern of racial discrimination. The case against Emerson's restaurant was clouded by the fact that the complainants had arrived shortly before closing time, but there was no doubt that McKay refused to serve blacks. In fact, McKay readily admitted his discrimination, arguing a kind of defence of necessity which stressed property rights, "I have to break the law to protect my business. I have a right to.... My customers have told me if we serve Negroes, they won't come in."<sup>107</sup>

By October the Minister of Labour had received Schwenger's report, but would not make it public, saying that there was no need to take action as long as there was evidence that people were being educated about their legal obligations. In reality, although the report recommended that no further action be taken in the Emersons' case, Schwenger had found that there was sufficient evidence to suggest that McKay was in direct violation of the Fair Accommodation Practices Act, and he

<sup>104</sup>Bagnall, "The Ontario Conservatives," 299-302; NAC, KKP, MG30, A 53, vol. 21, file 3, "Report," July, August, and September 1954; "Admit Refusing Food To Colored Customers to 'Protect Business'," *Star*, 28 September 1954; "Racial Bar Test Could Set Canadian Precedent," and "Negroes Barred to Protect Business," *Vancouver Sun*, 27 and 28 September 1954.

<sup>105</sup>NAC, OLCP, MG28, I 173, vol. 12, file 2, Blum to Daley, 3 September 1954; OA, RG 76-3-0-2, "Legal Rulings 1954-1958 FAPA," "Report of His Honour Judge W.F. Schwenger In the Matter of the Fair Accommodation Practices Act, 1954, and in the Matter of a complaint of Hugh R. Burnette," and "Report of His Honour Judge W.F. Schwenger In the Matter of the Fair Accommodation Practices Act, 1954, Re: Complaint of Lyle Emerson Talbot." (Henceforth both of these documents will be referred to simply as the "Schwenger Report.") Lyle Talbot was a member of Ford Motor Co. Local 200 UAW, and volunteered in the Windsor Interracial Council (later the Windsor Council on Group Relations), from which position he had been in contact with the Toronto labour committee concerning Dresden since 1948.

<sup>106</sup>NAC, KKP, MG30, A 53, vol. 21, file 3, "Report," September 1954.

<sup>107</sup>Schwenger Report; "Admit Refusing Food."

unequivocally recommended that he be prosecuted. Labour Minister Daley was obstructing justice and misleading the public as well.<sup>108</sup>

This refusal to release the report precipitated a storm of criticism from the press.<sup>109</sup> Meanwhile, Blum kept up the pressure by arranging another test case about a week later. This time he sent two people, both of them strangers to Dresden. One of them, Bromley Armstrong, was a black trade unionist, the financial secretary of local 439 of the UAW, and chair of its Fair Employment Practices Committee. The other was Ruth Lor, a Chinese-Canadian who was secretary of the University of Toronto Student Christian Movement.<sup>110</sup> As was expected, when they went to Kay's Café with Hugh Burnett they were refused service. Indeed, Morley McKay appeared to be so upset about the frequent tests that Armstrong was seriously concerned that he might be attacked by the restaurant owner, who was wielding a large meat cleaver and appeared to be having trouble controlling his notorious temper.<sup>111</sup>

This story received prominent coverage in the Toronto newspapers, partly because Blum had been astute enough to invite reporters to witness the test.<sup>112</sup> Although Daley responded angrily, suggesting that the test was the work of "troublemaking Communist groups," Frost did not believe Daley's charge and pressured him to take action. In early November the government announced that it was, for the first time, proceeding with a prosecution under the new Fair Accommodation Practices Act, against Morley McKay, for his refusal to serve Bromley

<sup>108</sup>"Decide Against Prosecution," *Globe*, 21 October 1954; Schwenger Report. The report is dated 13 October 1954; evidently Daley had it for a week before making his decision public.

<sup>109</sup>"Slap on the Wrist" [editorial], *Globe*, 21 October 1954; "Fetters on Law" [editorial], *Telegram*, 22 October 1954; Frank Tumpane, "Daley's Cream Puff," *Globe*, 23 October 1954.

<sup>110</sup>Armstrong had been involved with the Toronto labour committee in some earlier discrimination cases (concerning the Ontario Liquor Board) before he began testing the restaurants in Dresden. In 1955 he became a member of the Toronto labour committee, and years later he was given the Order of Ontario for his human rights work. In the 1990's he worked for the Ontario Labour Relations Board, but still identified himself as a trade unionist. Interview with Armstrong, 26 July 1994; NAC, JLCP, MG28, V 75, vol. 41, file 11, Toronto labour committee "Report," 29 June 1953; file 14, report on Mercury Club hearing, 26 November 1953; transcript of remarks by Armstrong, "Racial Equality in the Workplace: Retrospect and Prospect," in Harish Jain, Barbara M. Pitts, and Gloria DeSantis, eds., *Equality for All* (Hamilton 1991).

<sup>111</sup>NAC, OLCP, MG28, I 173, vol. 6, file 10, Blum to Burnett [including a summary of Armstrong's complaint], 6 December 1954; interview with Bromley Armstrong, 26 July 1994.

<sup>112</sup>Gordon Donaldson, "Daley Backs Faith," *Telegram*, 30 October 1954; "Dresden's Color Bar," *Star*, 30 October 1954; "How Armstrong Challenged Dresden," *The Canadian Negro*, January 1955.

Armstrong. Shortly afterwards, the government announced a second prosecution, this time against the wife of the owner of Emerson's Restaurant, based on complaints by two local blacks, Joseph Hanson and Mrs. Bernard Carter, who had once again tested the establishment on behalf of the NUA.<sup>113</sup>

In January of 1955 the restaurateurs were found guilty, but they appealed, and in early September, County Court Judge Henry Grosch overturned the magistrate's decision. He ruled that a restaurant owner could not be held responsible for a refusal of service by his waitress, and added that there had only been evidence of a "postponement" of service rather than a refusal. Moreover, he stated, there was no clear evidence that, even if there had been a refusal, it was racial discrimination.<sup>114</sup>

Human-rights activists reacted angrily, especially when it was pointed out that Grosch had been one of the property owners who, some years earlier, had argued in the *Noble and Wolf* case that a discriminatory restrictive covenant was legal. The Toronto labour committee presented this information to the two Toronto labour councils, which publicly called on the government to appeal the decision and to pass an amendment to the legislation that would make it easier to enforce.<sup>115</sup>

Frost too was angered by the decision. He was quoted as saying, "Surely it isn't necessary that a bank robber must announce that he is going to hold up a bank before he is convicted of bank robbery!" He was unwilling, however, to amend the legislation, maintaining that the error lay with the judge and not the statute.<sup>116</sup>

Although the human rights community (especially its labour component) kept up pressure for a Fair Accommodation Practices amendment Act that would more clearly define the nature of discrimination, and would also reduce the discretionary power of the Minister of Labour, Blum proceeded to see what he could do with the

<sup>113</sup>"Action on Race Issue Possible, Daley Says," *Globe*, 2 November 1954; "Daley Consents to Charge Dresden Restaurant Man," *Star*, 3 November 1954; "Contend Café in Dresden Refused to Serve Negroes," *Globe*, 8 November 1954; *Regina v. Emerson* [1955], 113 CCC 69; NAC, JLCP, MG28, V 75, vol. 42, file 1, Blum to Kaplansky, 10 February 1956, and vol. 21, file 3, "Report," October 1954 and November 1954; OA, LFP, General Correspondence, vol. 61, file Code 119, "Hara-Hars 1950-1961," Frost to Harshaw, 10 November 1954.

<sup>114</sup>*Regina v. Emerson; Regina v. McKay* [1955], 113 CCC 56.

<sup>115</sup>NAC, KKP, MG30, A 53, vol. 21, file 5, "Report," September 1955, and file 4, "Notes," 1955, 92. The 1955 records of the Ontario CJC indicate a strong interest in the Dresden case, and its Joint Public Relations Committee played an important advisory role. For example, Blum was invited to attend a meeting of the JPRC, in order to discuss how to respond to Grosch's decision. This meeting included a wealth of legal talent: Bora Laskin, Jacob Finkelman, Irving Himel, Sidney Midanik, Hal Linden, and Ben Kayfetz as secretary. OJA, JPRC, JPRC Minutes, 19 September 1955, vol. 6, file 2.

<sup>116</sup>NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 99. By this time a number of other complaints had been laid under the FAP Act. In March 1956 a bureaucrat reported that 33 complaints had been laid, but that so far only the Dresden cases had gone to court. NAC, KKP, MG30, A 53, vol. 21, file 7, "Report," March 1954.

legislation as it stood.<sup>117</sup> To his delight, Attorney General Kelso Roberts told him privately that he was sympathetic to their cause and that his department would fully cooperate if further tests were held.<sup>118</sup>

Blum and Armstrong, along with some trade unionists from Windsor and London, attempted once more to obtain service from Kay's Café. Each time, however, the restaurant closed shortly after they entered, stayed shut for several hours, and then re-opened with a waitress stationed by the window to give warning should the test group return. As a result, McKay began to believe that he had perhaps won; he boasted to one of Blum's white "plants" that he had beaten the previous charges because "they couldn't prove anything."<sup>119</sup>

Due to this impasse, and because the Attorney General's office suggested that it might be better to test the café with someone who was unknown to McKay, Blum changed his tactics and called on two black University of Toronto students, Jake Alleyne and Percy Bruce. By using complete strangers rather than Hugh Burnett or Bromley Armstrong the Toronto labour committee hoped to get proof of refusal of service rather than simply a pattern of eccentric working hours. In addition, McKay could not claim that he was refusing service for personal reasons rather than reasons of race.<sup>120</sup>

When they went to Dresden in November, the black testers were careful not to provide any reason for dismissing their complaint. They were dressed respectably and were very careful to be polite. In addition, they requested service several times from both the waitress and from McKay, so there could be no doubt about a refusal of service. Moreover, a white student had come down with them from Toronto, entered the café after them, and then asked successfully for service. Finally, Blum

<sup>117</sup>The brief pointed out that in New York the power to prosecute had been taken out of the hands of elected politicians and given to a specialized administrative board. OA, Attorney General's Records, RG 4-02, vol. 86, file 15, Burnett to [Attorney General] Roberts, 12 September 1955; Grizzle [Brotherhood of Sleeping Car Porters] to Roberts, 15 September 1955; Kearns [Toronto District Trades and Labor Council] to Roberts, 21 September 1955; Young [Essex & Kent Counties Trades and Labor Council] to Roberts, 3 October 1955; Montgomery [The Toronto and Lakeshore Labour Council] to Roberts, 12 October 1955; Irving Himel, "Dresden," *Canadian Forum*, October 1955.

<sup>118</sup>NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 99. Earlier, Roberts had been approached by Ben Kayfetz of the CJC's Joint Public Relations Committee and become converted to the merits of a Fair Accommodation Practices law; he had also studied the issue for Premier Frost. Sohn, "Human Rights Legislation," 137; OA, LFP, vol. 162, file: "Racial Discrimination, Letters re," Roberts to Frost, 5 March 1954.

<sup>119</sup>NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 89-97, 114; OJA, JCRCP, JPRC Correspondence, vol. 6, file 2, JPRC "Minutes," 19 September 1955; NAC, KKP, MG30, A 53, vol. 21, file 5, "Report," September 1955 and October 1955; "Café Man Fined; Denied Service to Two Negroes," *Globe*, 29 February 1956.

<sup>120</sup>NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 113-5; NAC, OLCP, MG28, I 173, vol. 6, file 10, Blum to Burnett, 3 November 1955.

had arranged that another student would be in the café simply to observe what had happened.<sup>121</sup>

The test was a success. The two black students were not served, yet the white student “customer” received service quickly. As a result, both Bruce and Alleyne laid complaints, and early the following year McKay was charged a second time for violating the Fair Accommodation Practices law.

At about the same time that the charge was being laid, the Toronto Association for Civil Liberties led yet another delegation to Premier Frost, this time asking for improvements in the Fair Accommodation Practices Act. Once again, the Dresden affair was a primary focus for human rights lobbying, and although Hugh Burnett was not able to join the delegation, it included a number of black activists: Bromley Armstrong (representing the Toronto labour committee), Stanley Grizzle and B.A. Walker (of the Brotherhood of Sleeping Car Porters), and Donald Moore (of the Negro Citizenship Association).<sup>122</sup>

Premier Frost was unwilling either to create an anti-discrimination commission or to amend his Fair Accommodation Practices legislation, but he did mention to Blum that he was optimistic that the law would prove effective. According to Frost, the Crown Attorney prosecuting the first Dresden cases had been ill, and had not handled them very well. In addition, as Blum later wrote to Kaplansky, this time the Attorney-General’s Department was “going all out to make this conviction stick,” and the case was being directed from Toronto rather than by the Chatham Crown Attorney.<sup>123</sup>

McKay’s lawyer argued in court that his client was not responsible for any denial of services on the grounds of race and that the law was in any case unconstitutional criminal law legislation. He also maintained that the testing process was unfair, calling Blum’s observer “a plant, a spotter, a spy.” The magistrate, however, rejected these arguments, and in late February McKay was found guilty, fined, and assessed court costs. The fines were moderate — \$50 on

<sup>121</sup>“The Apple Pie Case Starts Color Row,” *Telegram*, 18 January 1956; “Draw Blind, Lock Door McKay’s System of ‘No Service’ - Crown,” *Star*, 18 January 1956; “Café Man Fined; Denied Service to Two Negroes,” *Globe*, 29 February 1956; NAC, OLCP, MG28, I 173, vol. 12, file 2, “Summary of Evidence re: Complaints of Denial of Service”; *Regina Ex Rel. Nutland v. McKay* [1956], 115 CCC 104. Blum also advised Burnett to meet with the “leading citizens of the town” to defuse racial tensions. NAC, OLCP, MG28, I 173, vol. 6, file 10, Blum to Burnett, 21 December 1955.

<sup>122</sup>“Fair Practices New Deal Sought by 11 Groups,” *Globe*, 10 February 1956; NAC, JLCP, MG28, V 75, vol. 42, file 1, Blum to Kaplansky, 5 January, 1955 [sic; obviously Blum meant to write 1956], and Blum to Kaplansky, 10 February 1956; OA, LFP, RG3, vol. 26, file “Civil Liberties; Fair Accommodation Practices Act 1953,” “To the Prime Minister of the Province of Ontario” [copy of the brief]. See also the slightly inaccurate but useful discussion in Peter Oliver, *Unlikely Tory: The Life and Politics of Allan Grossman* (Toronto 1985), 108-9.

<sup>123</sup>NAC, JLCP, MG28, V 75, vol. 42, file 1, Blum to Kaplansky, 10 February 1956.

each of two counts — but the costs were over \$600, an extremely high figure which reflected the cost of bringing the labour committee witnesses from Toronto to Chatham.<sup>124</sup>

McKay appealed once again, but this time the case went to County Court Justice Lang rather than Grosch. For Lang the case for the complainants was clear — an actual refusal of services had taken place, the owner was responsible, the reason could be nothing other than race, and the legislation was indeed constitutional. He upheld both the conviction and the fine, ruling also that McKay had to bear the costs of both the convictions and the appeal. (The special Crown prosecutor had offered not to press for costs if McKay would undertake to stop discriminating in the future, but McKay's defence lawyer told the court that he wished "to go down with his colors flying.")<sup>125</sup>

McKay decided to appeal to the Ontario Supreme Court, and the court granted leave on the issue of the constitutionality of the Fair Accommodation Practices Act. Yet, in October, he struck his colours, probably realizing that his case was hopeless, and announced that he would not carry through with the appeal. The anti-discrimination forces then waited for a few weeks while government officials informed the Dresden community about their legal obligations and the possibility of future prosecutions. On 16 November 1956, a test group from the NUA asked for service from Kay's Café and the owner complied. Racial segregation in Dresden had come to an end.<sup>126</sup>

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The story of Dresden helps illustrate the significant contribution of trade unionists, especially the JLC, to the Canadian post-war human rights struggle.<sup>127</sup> At the same time, it also demonstrates the importance of ethnic/religious cooperation. Jews, blacks, Anglo-Celts, and even Chinese Canadians played leading roles in the fight against racial discrimination in Dresden, and they in turn were supported by groups representing a broad spectrum of Canadians.

Does Dresden, however, tell us much about the inter-relationship of race and class? As David Roediger has noted, (American) labour historians in recent years

<sup>124</sup>"Draw Blind, Lock Door McKay's System of 'No Service' - Crown," *Star*, 18 January 1956; "Café Man Fined; Denied Service to Two Negroes," *Globe*, 29 February 1956; NAC, KKP, MG30, A 53, vol. 21, file 7, "Report," January 1956, February 1956.

<sup>125</sup>*R. ex rel. Nutland v. McKay* [1956], 5 DLR (2d) 403, 105 CCC 56; NAC, KKP, MG30, A 53, vol. 21, file 7, "Report," May 1956; vol. 21, file 6, "Notes," 1956, 26, 71; Ronald Collister, "Guilty in Color Case — Won't Change Stand," *Telegram*, 23 May 1956; "Dresden Verdict in Race Bias Case Upheld in Court," *Globe*, 24 May 1956.

<sup>126</sup>NAC, JLCP, MG28, V 75, vol. 42, file 4, "Report," November 1956; NAC, KKP, MG30, A 53, vol. 21, file 6, "Notes," 1956, 119; file 7, "Report," June 1956 and November 1956.

<sup>127</sup>As Kaplansky has noted, the role of the JLC in the Dresden issue was ignored by the press at the time. NAC, KKP, MG30, A 53, vol. 21, file 4, "Notes," 1955, 121-4.

have moved away “from dead end debates about whether to give priority to race or class identity,” and have begun to struggle with “the difficult, rewarding task of showing how racial identity and class identity have shaped each other.”<sup>128</sup> Yet at the same time, there is today a tendency to avoid overly-broad generalizations. As Thomas Sugrue has argued, “... we need to be attentive to the diversity of racial practices, from union to union, from workplace to workplace, and from community to community.”<sup>129</sup>

In specific terms, the story of Dresden suggests that the human rights activists’ success was the result of a unique concatenation of ideas about race and class — a trans-class consensus that the interests of both workers and employers trumped racial divisions. Kalmen Kaplansky began with the notion that racial (and religious) discrimination hurt the working class (defined primarily as trade unionists), and argued that this split workers, playing into the hands of the “enemy” — the employers. At the same time, Premier Frost not only believed that prejudice violated middle-class ideas about respectability, but also thought that it could threaten the interests of capital; discrimination could undermine his plans for Ontario’s economic development.<sup>130</sup>

Moreover, Kaplansky and Frost saw class from a common anti-communist perspective, each believing that his own respective class interest could not be furthered by communism, either at the theoretical or political level. The Kaplansky view was social-democratic, or what some labour historians have called the “reformist” position, committed to the evolutionary growth of the welfare state while rejecting the radicalism of the communist Labour Progressive Party and its supporters.<sup>131</sup> Frost, for his part, was a reform liberal, believing that capitalism was

<sup>128</sup>David Roediger, “Race and the Working-Class Past in the United States: Multiple Identities and the Future of Labor History,” *International Review of Social History*, 38 (1993), Supplement, 127-143, at 131. See also Dawley and Trotter, “Race and Class,” 491-2. This challenge has recently been taken up by Ruth A. Frager, “Labour History and the Interlocking Hierarchies of Class, Ethnicity, and Gender: A Canadian Perspective,” *International Review of Social History*, 44 (1999), 217-47.

<sup>129</sup>Thomas J. Sugrue, “Segmented Work, Race-Conscious Workers: Structure, Agency and Division in the CIO Era,” *International Review of Social History*, 41 (December 1996), 389-406 at 393. See also the remark by Ruth Frager that “[l]abour historians need to analyze the different ways in which class, ethnic, and gender hierarchies have interlocked in *specific* historical circumstances.” Frager, “Labour History,” 245 (italics added).

<sup>130</sup>It perhaps goes without saying that both Kaplansky and Frost saw racial inequality as a more serious threat than gender inequality — the conventional wisdom of the period. Moreover, neither of them bought into the belief, often stated by “segregationists” in Dresden, that the demand by blacks for racial equality was rooted in a desire for miscegenation.

<sup>131</sup>Bryan Palmer has referred disparagingly to “trade union leaders in Canada [who] are overwhelmingly committed to the principles of reformist politics, a basic tenet of which is the divide that dichotomizes class struggle, relegating the economic battle at the point of

worth saving by means of astute political tinkering and patching. Human rights legislation, therefore, was intended to help make the world safe for both socialist and liberal democracy.

Of course, Kaplansky and Frost were not the only actors in this story. Since their two viewpoints came to be widely shared, a human rights community made up of diverse class and racial components skilfully lobbied the Ontario government into passing and implementing a Fair Accommodation Practices Act.

Yet, we should be wary of assuming that trade union support for integration in Dresden signalled the arrival of a new age of trade union tolerance for ethnic and religious diversity. American labour historians specializing in race relations have begun to point out the complicated tensions between union leaders and rank-and-file members, as well as the differences between racism on the shop floor, in local communities, and in the voting booth. Progress at one level does not necessarily mean change in another venue.<sup>132</sup>

More work remains to be done about the contribution of labour in general, and the JLC in particular, to Canada's post-war shift into "the age of rights."<sup>133</sup> It is true that at least two articles dealing with the history of anti-discrimination legislation have suggested a less than complete commitment to human rights on the part of Canadian trade unions. Both Agnes Calliste (writing on the effect of the federal Fair Employment Practices Act on the railroad porters' struggle against workplace discrimination), and Shirley Tillotson (analysing the impact of Ontario's Female Employees Fair Remuneration Act on women in trade unions) have demonstrated that certain unions tried to block any movement towards real equality.<sup>134</sup> This suggests that trade union prejudice was much more likely to arise when it came to bread-and-butter issues of hiring and promotion than in situations like Dresden. The new post-war, human-rights discourse and arguments about union solidarity held considerable appeal, but they were never really put to the test in this small Ontario town where the "villains" were small-time capitalists and for trade unionists the "wages of whiteness" were relatively small or even non-existent.

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production to trade unionism and the parliamentary contest over the direction of the state to the New Democratic Party.... Labour's leaders stand fast, not for the interests of workers as a whole, as a *class*, but for *their* union's rights over particular workers and their dues." Palmer, *Working Class Experience*. 370-1 (italics in original).

<sup>132</sup>For an overview, see Bruce Nelson, "Class, Race and Democracy in the CIO." Typical of these historians is the remark by Sugrue that "The myriad ways that working-class culture, on the shop floor and at home, limited the social democratic agenda of the CIO and of post-New Deal liberalism is a topic well worth greater research." Thomas J. Sugrue, "Segmented Work, Race-Conscious Workers," 391.

<sup>133</sup>This phrase comes from Louis Henkin, *The Age of Rights* (New York 1990).

<sup>134</sup>Tillotson, "Human Rights Law as Prism"; Calliste, "Sleeping Car Porters." Note also the references to trade union recalcitrance on human rights issues in Patrias and Frager, "This Is Our Country," 38-40.

Nevertheless, the story of Dresden represents an important milestone in the history of organized labour. Without denigrating the role played by the black community in struggling for justice, and admitting also the very significant contribution of groups such as the Canadian Jewish Congress and the Toronto Association for Civil Liberties, this paper has demonstrated that organized labour played a crucial role in the campaign for Canada's first Fair Accommodation Practices Act and the struggle to ensure that it would be effectively applied. While in the past trade unionists had too often opposed racial equality, by the mid-1950s many of them were facilitating Canada's entry into the age of rights.

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