



# URBAN UPDATE

Urban Alliance on Race Relations Newsletter

Fall 2007

## A Note from the President

by Sri-Guggan Sri-Skanda-Rajah

In publicizing an April 12, 2007 symposium arranged to pay tribute to Chief Justice R. Roy McMurtry, it was stated that:

*Senior members of the judiciary and political leaders will discuss the inception and import of the Canadian Charter of Rights and Freedoms both in Canada and internationally. Leading constitutional scholars and practitioners....will provide an in-depth analysis of the Top 10 Charter decisions of the past 25 years. This conference brings together the "who's who" in law, government, and academy to bring you a dynamic and intellectually stimulating day.*

It should be noted that 2007 is the 25<sup>th</sup> anniversary of the proclamation of the Canadian Charter of Rights and Freedoms.

The UARR's history with Chief Justice McMurtry spans 32 years and starts with the UARR's inception in 1975, when the founders of UARR came together to promote positive race relations and to advocate for racial equity in employment, housing, access to services, etc. Our original interactions with the Chief Justice occurred when he was the then Attorney General of Ontario. It was during his stewardship as the Attorney General that racial motivation was regarded as an aggravating factor to be considered in sentencing.

Subsequently, in the late 1970s Mr. McMurtry, as Attorney General, had to listen to deputations from the UARR and other community activists who were outraged by the police killings of several persons, mostly men from the African Canadian community. These deputations it is fair to say were aggressive, loud, and very demanding. The presenters may have gone away thinking that the Attorney General was not sensitive to their concerns. However, subsequent events and actions taken by the government indicated that

Mr. McMurtry had not missed the importance of community concerns and feelings. The pivotal work done by Mr. McMurtry and others in enshrining human rights in the Charter of Rights and Freedoms was a clear indication that an instrument of that type was necessary to emphasize the rights of every individual and every group, and in order to draw positive results from the implementation of its provisions. It was during his tenure as Attorney General that he was instrumental in creating the small claims court system, with all the benefits that accrued to litigants, in terms of limiting legal costs etc.

It was also recognized that the preceding "Bill of Rights" which had been in place for some time had no real teeth in its implementation. Proceedings under the Charter give a clear indication of the type of progress that individuals and groups could derive as a result of the interpretation of the provisions of the Charter at all levels of the justice system.

In Mr. McMurtry's subsequent role as Canada's High Commissioner in the United Kingdom he earned a new form of respect for himself and for Canada. Upon his return in the late 1980s he resumed his interest in advancing the causes of racialized and marginalized communities of colour, and encouraged institutions both academic and professional, particularly in the field of law, to open their doors to qualified youth from those marginalized communities.

As a judge in the Ontario Superior Court in various capacities, he continued to encourage large law firms to provide pro bono services to people with limited resources. In the middle of the 1990s, as the Chief Justice of the Superior Court of Ontario, Mr. McMurtry unlike other stakeholders in the criminal justice system, welcomed the Royal Commission

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## President's Update

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on Systemic Racism and provided that Commission with the assistance it required of the judges of the Supreme Court in participating in the Commission's deliberations. There is every reason to believe that he has paid serious attention to the Commission's findings and recommendations. This is something that is noteworthy because the than government of Ontario decided to put the Commission's "Report on the Shelf".

The findings of racial profiling, and of systemic problems within the criminal justice system have been

recognized, particularly by the Chief Justice, and other judges of the Ontario Court of Appeal in decisions that they have made. An example of this is the right of African Canadians, facing trial to challenge jurors for racial bias, recognizing the reality that this is not something that is particular to the Greater Toronto Area, but this is relevant in all areas of Ontario.

These decisions of Chief Justice and other judges have been affirmed in cases that have gone to the Supreme Court of Canada. We at the Urban Alliance on Race Relations believe that even though Mr. McMurtry has retired as Chief Justice, he will continue to articulate the need for racial equity, fairness and the right to expect justice.

## 2007 UARR AWARDS AND TRIBUTE DINNER



## 2006 Program Overview

*by Michelle Cho*

In Fall 2005, the UARR mobilized a community coalition to respond to systemic racism in public education, which we named the Toronto Coalition for Equity in Education. Through the TCEE we successfully organized multiple community forums and engaged both the Toronto District School Board and Toronto Catholic District School Board in addressing: the Safe Schools Act, ESL/Black Cultural programs, Employment Equity and Curriculum.

In Spring 2006, the funding (Canadian Heritage) for this project ended. However, with help from the City of Toronto, the work of the Toronto Coalition for Equity in Education has continued throughout the year and has achieved concrete successes. Michelle Cho made several deputations at the Toronto Catholic District School Board, on behalf of the TCEE resulting in major commitments regarding the development of an employment equity policy, expanded commitment to the development for anti-racism training for board staff, increased dialogue regarding the issue of racism and school safety, and supporting youth education around racism and equity issues. We have continued to support grassroots mobilization by parents, community members and students to challenge the Safe Schools Act and its impact on racialized communities. Recent changes to the Act, proposed by Bill 212, has addressed some of the community's concerns i.e. removing the power of the principal to expel students. However, many do not see these changes as enough. We will continue to support parents and excluded youth to challenge inequities in disciplinary actions and access to community resources.

Furthermore, UARR was part of a steering group for a very successful forum Schools@theCentre to bring attention to funding issues in public education and its impact on marginalized communities, with the Community Social Planning Council of Toronto and other community groups.

This year we have also successfully organized multiple youth leadership trainings, helping participants to discuss topics as wide-ranging as mapping out the racialized history of Canada, general anti-oppression workshops, as well as strategic planning with youth interested in building equity initiatives in the Toronto District School Board. We have also been asked to speak at numerous community forums and school assemblies.

We have also established a strong working relationship with various exciting youth-led, arts-based initiatives including the Freedom Cipher (Black Action Defense Committee) which works with Black youth living in 3 of Toronto's 13-priority neighbourhoods and are excluded from the public school system or are facing suspension/expulsion. We have also developed a working relationship with the Asian Arts Freedom School (AAFS), which provides a free, 12-week long, art school, exploring issues of identity and barriers facing Pan-Asian youth.

We have also embarked on the building of a new collaborative initiative entitled the Freedom Youth Collective with the AAFS, Canadian Tamil Youth Development Centre, Freedom Cipher (Black Action Defense Committee) and the Youth Action network. This collaborative will use art, online media, self and community development trainings to engage youth to make change in their communities. UARR is also supporting a youth-led initiative called Project Youth-Tube which will work to address systemic exclusion of racialized youth in Toronto from the electoral and broader political process. We look forward to another exciting year and hope that you will join us on our journey!

## 2007 and Anniversaries of Change

by Colleen Hua

National President, Chinese Canadian National Council

This year marks a number of important anniversaries for the Chinese Canadian community including the 60th anniversary of the repeal of the Chinese Exclusion Act (1947) and the 50th anniversary of the election of the first MP of Chinese descent, Douglas Jung (1957). It's also been one year since the historic June 22nd, 2006 Parliamentary apology for the Chinese Head Tax, Newfoundland Head Tax and the Chinese Exclusion Act.

I recall the anticipation and excitement last year when our seniors, their families and long-time activists including Tam Goossen, made our way up to Ottawa aboard the Redress Express Train. I remember finding my seat in the public gallery of the House of Commons when at 3 pm, the Speaker of the House recognized Prime Minister Stephen Harper, who rose in his place and started to speak.

When Prime Minister Harper said, "Canada does deep" (Canada apologizes), the House of Commons and public gallery on all sides erupted in sustained applause and a standing ovation. There was a collective sigh of relief and tears of jubilation from the Head Tax families and activists who had waited decades for these words. Leaders of the other three parties: Hon. Bill Graham of the Liberals, Hon. Gilles Duceppe of the Bloc Quebecois, Hon. Jack Layton of the NDP also delivered statements.

It finally felt right for us to call ourselves "Canadians".

The Parliamentary apology acknowledged for the first time the impact of legislated racism and the hardship it placed on our Chinese seniors and their families. So many of the Chinese Head Tax payers and spouses have passed away without hearing the Parliamentary apology. But we are grateful for the support over the years from countless members of Parliament and senators, other elected officials, allies and Canadians.

Redress is about reconciliation — Total reconciliation. Unfortunately, last year's announcement only has real impact on living Head Tax payers and surviving spouses of deceased Head Tax payers; it excludes some 3000 Head Tax families where both the Head Tax payer and spouse have passed away. CCNC and the Head Tax families across Canada will continue to seek a just and honourable solution that includes these families because they were also directly affected by the Chinese Head Tax, Newfoundland Head Tax and the Chinese Exclusion Act.

The story of the Head Tax payers and families is a uniquely Canadian one. We will remember our history, we will celebrate our heroes and heroines, and we will commit ourselves to building a stronger and more respectful Canadian society.

### Key Anniversary Dates in 2007:

February 23, 2007:

120 year anniversary of the Anti-Chinese riot in Vancouver

April 17, 2007:

25 year anniversary of Charter of Rights and Freedoms

May 14, 2007:

60 year anniversary of the repeal of the Chinese Exclusion Act

June 10, 2007:

50 year anniversary of election of Douglas Jung, MP

June 22, 2007:

1 year anniversary of Head Tax Parliamentary apology

July 1, 2007:

140 years of Confederation.

September 7, 2007:

100 year anniversary of Anti-Asian riot in Vancouver

## Slavery's Long Destructive Legacy

by Gary Pieters

Reprinted from *The Toronto Star* (March 24, 2007)

It is a fact of history that African people were enslaved, sold and brought to North America, Europe and the Caribbean through the exploitative and brutal economic enterprise of slavery, slave trading and empire building.

To rephrase the words of the great philosopher Jean-Jacques Rousseau, "Africans were born free, yet everywhere they were enslaved." This enslavement essentially ejected African slaves from the human community.

Slavery coincided with the rise of European empire building, with many European powers, notably Britain, France, Spain, Netherlands and Portugal, participating in slave trade in their empires up to the 1800's. Denmark and Sweden also had colonial possessions and slaves, while the Americans and Brazilians, who did not have colonial possessions, also had significant populations of enslaved Africans.

These empires participated in the exploitative practices of plantation slavery, chattel slavery, domestic slavery, and the use of resources, raw materials, and coerced unpaid labour of Africans to better the economic well-being of Europe and the Americas.

The British Trans-Atlantic slave trade was responsible for about 25 % of the people removed from Africa through captivity and treacherous "Middle Passage". It is estimated that more than 12 million Africans were brought to the Americas through the Transatlantic Slave trade.

During the years of the slave trade, my ancestors were treated as chattel goods. Their enslavement was physical, economic and mental. Consequently, the legacies of centuries of racial enslavement continue to have an enduring impact on the continent of Africa, the African diaspora and Canadians of African descent to this day.

Manifestations of racism; criminalization and high rates of incarceration in the penal system; "shadeism"; limited access to opportunity and to full participation by those already lacking in resources, are some of the cascading effects of slavery that still undermine the full socioeconomic development and vitality of African peoples.

In most public discourse, shifting the blame on to African people, who face what I term "post-slavery affective syndrome" fails to take into account that as long as there remain the entrenched conditions created by a White-Black binary of development/ underdevelopment; profit/exploitation; insider/outsider; freedom/servitude, the victimization of African people of every generation and every continent will continue.

Tomorrow, March 25, the world will commemorate the 200th anniversary of Britain's abolition of the transatlantic slave trade. America followed in 1808, and other European nations followed almost a decade later.

Abolition of the slave trade, however, did not abolish slavery, which continued in British possessions until 1833, in the United States until the end of the Civil War in 1865 and in Brazil until 1888.

The text of the United Nations resolution in late 2006 recognized "the slave trade and slavery as among the worst violations of human rights in the history of humanity, bearing in mind particularly, the scale, duration, and lingering impact." It also acknowledged that the institution of slavery was at the heart of "profound social and economic inequality, hatred, bigotry, racism and prejudice which continue to affect people of African descent to today."

During Canada's early periods of French colonial rule (1600-1760) and British colonial rule (1760-1867), slave trading and slavery existed here as well. While Canada cannot change this aspect of its early history, it can by acknowledging the act show leadership in ensuring that Canada's complete history is known and credit given to all who contributed to the building of the nation.

In 1793 John Grave Simcoe, Lieutenant-Governor of Upper Canada (present day Ontario) tried to pass legislation abolishing slavery in his province, but slaveholding legislators vigorously opposed his effort.

So strong was the institution of slavery in Upper Canada that while legislation did prohibit the import of new slaves, existing slaves remained in captivity. For example, in 1806, York legislator Peter Russel advertised in the York Gazette the sale of his slave Peggy and her

## Slavery's Long Destructive legacy

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son Jupiter. This story is fully documented in Dr. Afua Cooper's book *The hanging of Angelique*; the untold story of Canadian slavery and the burning of old Montreal.

In 1803, William Osgoode, Chief Justice of Lower Canada (today's Quebec) ruled that "slavery was not compatible with British law."

Throughout the unfortunate slavery, the spirit of freedom amid captivity prevailed. Work songs, code languages and church services were all expressions of struggle.

The slaves resisted their enslavement and resistance and redemption as slaves shared their plans for liberation. Some succeeded, while others failed. They fought for their freedom, we must celebrate this aspect of their heroic heritage.

## A Word of Thanks:

**The Urban Alliance on Race Relations wishes to acknowledge and thank the support provided for its programs and projects by:**

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