

CARMELA PATRIAS

Socialists, Jews, and the 1947 Saskatchewan Bill of Rights

I would suggest, Mr Speaker, that this is perhaps the most important bill that ever came before this house ... in importance, it will rank with the British North America Act.⁽¹⁾ With these words Attorney General J.W. Corman introduced the Saskatchewan Bill of Rights Act in the provincial legislature in March 1947. The bill, the first of its kind enacted in Canada, was designed to protect a broad range of civil liberties and human rights. It reaffirmed freedom of religion, speech, association, and assembly, freedom from arbitrary arrest and imprisonment, and the right to exercise the franchise in regularly held elections - freedoms its framers believed to be implicitly protected by the principles of British common law. It also affirmed, for the first time, the right of every person in the province, without discrimination on racial and religious grounds, to obtain employment, to engage in any occupation or business or enterprise, to membership in any professional or trade association, to rent or purchase any property, to service in public places such as hotels and restaurants, and to education in schools and universities. The act also guaranteed freedom from group libel and slander by way of publication or broadcasting of material that tended to restrict the rights of citizens as set out in the act.⁽²⁾

At a time when denial of employment, refusal to sell or rent housing and provide service in restaurants and hotel accommodation, on religious or racial grounds, were all legal elsewhere in Canada, the significance of Saskatchewan's enactment of a bill with such a comprehensive list of rights appears undisputable. Only two other provinces, Manitoba and Ontario, had legislated against racial discrimination, and their statutes were much more limited in scope. A 1934 amendment to the Manitoba Libel Act provided for an injunction to prevent 'the publication of a libel against a race or creed likely to expose persons belonging to the race or professing the creed to hatred, contempt or ridicule, and tending to raise unrest or disorder among the people.' Ontario's 1944 Racial Discrimination Act prohibited the publication or display of signs, symbols, or other representations expressing racial or religious discrimination.⁽³⁾ Premier Drew's Conservative government rejected all proposals to expand the act to cover discrimination in employment or the provision of services. At the federal level, a Senate committee pondered the introduction of a Canadian Bill of Rights in the late 1940s, but action was not taken until 1960.

Yet scholars and subsequent generations of Canadians have not agreed with Attorney General Corman's assessment of the significance of the Saskatchewan Bill of Rights. S.M. Lipset's *Agrarian Socialism*, the best-known analysis of the first socialist government in North America, for example, makes no mention of

the Bill of Rights. Dissertations about the policies of the Co-operative Commonwealth Federation (ccf) government of Saskatchewan concentrate on its economic and educational policies. *Dream No Little Dreams*, A.W. Johnson's recent study of the first ccf government in Saskatchewan, mentions the bill only in passing. Studies of constitutional and legal history note the pioneering role of Saskatchewan in introducing human rights legislation in Canada, but do not explore the origins, nature, or significance of the legislation.⁽⁴⁾

There are three main reasons for this neglect. First, scholars deem the Saskatchewan bill too ineffectual to warrant detailed historical analysis, because very few cases were tried under it, and because instead of following the precedent it set, other provincial governments decided in the 1950s to use fair practices legislation to combat discrimination. Second, unlike subsequent fair practices acts in other provinces, the Saskatchewan Bill of Rights was state-initiated, not the result of broad social initiatives. Scholars therefore depict it as having sprung fully formed from the provincial attorney general's office, like Athena from the head of Zeus, paying scant attention to its origins. Finally, precisely because no public campaign preceded the bill's enactment, sources documenting its origins, its application, and the intentions of its authors are scarce, fragmented, and difficult to assemble.

The recent donation of the papers of the author of the Saskatchewan Bill of Rights, Morris Shumiatcher, to the Saskatchewan Archives Board in Regina eliminates a major barrier to the historical examination of this bill. Shumiatcher not only pushed for and then drafted the bill, but in response to inquiries from organizations and governments in Canada he also assessed its effectiveness in the fifteen years following its enactment. His records are of great value, therefore, in tying together the fragmented information about the pioneering bill's history.

Drawing on numerous sources, notably the Shumiatcher Fonds in Regina,⁽⁵⁾ this study attempts to demonstrate that the Saskatchewan Bill of Rights is worthy of historical analysis. As the growing literature on the history of human rights campaigns and legislation makes clear, racist prejudice and discrimination were still widespread in 1940s Canada.⁽⁶⁾ Therefore, carefully organized campaigns by human rights activists were necessary to convince various levels of government in Canada to introduce anti-discrimination legislation. The initiative taken by the Saskatchewan ccf played an important role in these campaigns. Indeed, the origins and enactment of its Bill of Rights underscore the central role played by social democrats - and especially by Jews among them - in the development of human rights legislation throughout the country, and the concomitant reconsideration of the place of racialized and religious minorities in Canadian society. Even the bill's shortcomings, especially the failure to test its provisions in the courts, are of interest to historians. Not only do they shed light on the trials and errors of the quest by early human rights activists for the most effective ways to legislate against discrimination, they also point to some of the obstacles that they encountered in Canada.

The Saskatchewan Bill of Rights marked the culmination of the ccf's long-time commitment to the defence of civil liberties and human rights. The party's founding program, the 1933 Regina Manifesto, called for 'equal treatment before the law of all residents of Canada irrespective of race, nationality or religious or political belief.' Implicit in the manifesto's preamble was the view that racist, religious, and political intolerance were the products of competitive capitalism. By contrast, the new co-operative social order envisioned by the ccf would be a tolerant and pluralistic one in which racial and religious minorities would be free to enjoy their cultural rights. The collective organization of economic resources - the socialist foundation on which it would be built - would make possible the building of such a society.⁽⁷⁾

Responding to both Canadian and international developments, ccf members grew increasingly concerned about safeguarding civil liberties and human rights during the later 1930s and the 1940s. Domestically, they were reacting to the intensification of anti-Semitism in the late 1930s, Duplessis' 1937 anti-Communist Padlock Law, the detention of Communists and the seizure of Ukrainian Labour and Farmer Temple Federations halls at the outbreak of the Second World War, the expulsion of Japanese Canadians from the West Coast in 1942 and the deportation of many of them to Japan at war's end, and the arrest and detention of suspected Communists without trial following Soviet embassy clerk Igor Gouzenko's defection in 1945. Internationally, they were reacting to the rise of fascism and Nazism in Europe and the deliberations of the

United Nations on human rights. As they considered the forces that endangered civil liberties and human rights, the centrality of economics to their analysis became more clearly articulated. Delegates at ccf conventions during the Second World War, for example, argued that the treatment of Japanese Canadians was not simply the consequence of wartime tensions, but the product of long-standing racism that had for decades offered economic advantages to capitalists. Since they saw economic insecurity in a competitive society as the main cause of racial antagonism, social democrats believed that such antagonism would disappear with the introduction of full employment and a social security net comprising such measures as insurance for those whose earning capacity was interrupted by illness.⁽⁸⁾

The belief that state-guaranteed social and economic rights provided the basis for protecting human rights distinguished ccf human-rights advocacy from the plans of the Conservative and Liberal parties. A key factor behind the Liberal government's failure to endorse a national bill of rights in the late 1940s, for example, was fear that such a bill might imply state responsibility for guaranteeing the right to medical care and employment.⁽⁹⁾ Since the ccf advocated such rights in any event, it could promote a Canadian bill of rights without reservations. Indeed, social democratic plans for an interventionist state account for the ccf's unequivocal support for a national bill of rights as a means to ending racism and discrimination in Canada. Yet as left-wing critics have pointed out, the the ccf's proposals for such legislation stopped short of including social and economic rights. The omission of such rights at this stage, however, did not signify a retreat from socialist principles. Rather, Canadian social democrats believed that incorporating such rights in a bill of rights would be unenforceable. Separate social security and health insurance legislation would be far more effective in guaranteeing social and economic welfare.⁽¹⁰⁾

Because they believed that racial tensions served the purposes of Canada's 'ruling cliques' by sowing divisions that prevented Canadians from concentrating on social improvement, social democrats did not underestimate the difficulty of eliminating racial discrimination. To them the case of the United States illustrated that legislation alone would be ineffectual 'when public opinion or the opinion of the judges happens to be opposed to the liberties of unpopular minorities.'⁽¹¹⁾ A massive effort comprising 'all known means' of propaganda and education - home education, schools, radio, citizen forums, legislation, and research - would also be required.⁽¹²⁾ Recognizing the need to build broader public support for their cause, some social democrats joined organizations established specifically to defend civil and human rights, such as the Cooperative Committee for Japanese Canadians and the Civil Liberties Association of Toronto. Activists also promoted cooperation with groups of ordinary Canadians in churches, trade unions, and co-operatives, through which propaganda and educational materials could be distributed.

Social gospel ideas inspired some social democrats to stand up for racialized minorities at a time when racism still informed state policy in Canada. M.J. Coldwell, the party's leader from 1942 to 1960, for example, argued that 'racialism' was incompatible with Christianity: 'All men, being the children of God,' he maintained, 'are brothers.' Protestant ministers and their congregations comprised a notable segment among social democrats who fought to counter racial discrimination. Commending provincial premier Tommy Douglas for his stand against the deportation of Japanese Canadians, one of them, H. Christensen, a United Church minister from Webb, sk, expressed their views in colourful and original language. 'The way we have treated these unfortunate people is simply a crime,' Christensen wrote, adding, 'our boasted Christian civilization must stink in the nostrils of the angels of God.' Warden Burgess (ccf member for Qu'Appelle-Wolseley) maintained that in contrast to established churches, the co-operative movement in Canada 'had never recognized any difference on racial or religious grounds and by so doing it evidenced a true appreciation of Christian principles.'⁽¹³⁾

Secular humanist ideas, as well as evolving notions of Canadian citizenship, also motivated ccf human rights advocates. British Columbia member of parliament Angus McInnis believed that 'accepting an individual because he is a human being and has rights and privileges with every other human being, regardless of race,' was 'of the essence of socialism.'⁽¹⁴⁾ Norman Black, president of the Vancouver Consultative Council, an organization aiming to safeguard the rights of citizens in wartime, argued that 'distinctions made on the basis of racial stock are contrary to the spirit of Canadian institutions.'⁽¹⁵⁾ Speaking out in Parliament against the deportation of Japanese Canadians, Alistair Stewart, ccf mp from Winnipeg, employed the language of rights: 'Any citizen of this country, whether he be Jew or Gentile,

Catholic or Protestant, black, white or yellow, believer or unbeliever,' he argued, 'has exactly the same rights as any other citizen.'⁽¹⁶⁾

Eastern-European Jewish immigrants and their children, members of Jewish socialist organizations such as the Labour Zionists and the Workmen's Circle, and labour unions such as the International Ladies' Garment Workers Union and the Amalgamated Clothing Workers, played a leading role in shaping the party's human rights policies. Although their number in Canada was not large, they were the most influential non-Anglo-Celtic group within the ccf. For them, the fight against racism and discrimination was far more than a question of principles. When they raised the matter of anti-Semitism at party conventions, they were speaking as the victims of growing racism and discrimination in Canada and Europe.⁽¹⁷⁾ In Canada, they were excluded from various jobs, especially white collar ones, from 'better' neighbourhoods, and from resorts. During the Depression specifically, Jews faced economic boycotts in Quebec. In both Quebec and Ontario, moreover, their properties were on occasion the targets of vandalism and they themselves of violence. Even as Canadian Jews learned with growing alarm about the plight of Jews and socialists in Nazi-occupied Europe, anti-Semitic immigration practices prevented them from rescuing European friends and relatives by offering them refuge in Canada.

Yet their faith in the ability of socialism to eradicate anti-Semitism specifically, and racism more generally, did not flag. We get a glimpse of the great hopes they attached to the power of socialist governments to counteract prejudice and discrimination from a congratulatory letter the American representative of the General Jewish Workers' Union of Poland sent to the ccf government of Saskatchewan following its election in 1944. Although he acknowledged that the ccf victory, signalling a new socialist way of life, could not 'return life to the already slaughtered and tortured Jewish victims of Nazism and Fascism,' he was confident that socialism would 'guarantee for all a lasting peace among people and nations, based on economic stability and equality, real freedom and real democracy.' Socialism would create 'conditions ... for the Jewish masses, scattered throughout the world, to live among other people on an equal footing, with equal rights for their future cultural and national advancement, an order where anti-Semitism will be outlawed and definitely erased from the surface of the earth.'⁽¹⁸⁾

Driven by the urgency of their concerns, Jewish social democrats were not content to rest their hopes on future ccf electoral victories. Some of them established a special agency, the Jewish Labour Committee (jlc), to fight against anti-Semitism and to promote human rights in Canada. A branch of the American organization by the same name, the jlc's aims at its inception in 1936 were to fight against fascism and Nazism and to save as many European Jews and socialists as possible. Although the organization's primary focus was on Jews and anti-Semitism, its members subscribed to broader socialist goals of improving the lot of all workers, regardless of race and religion. The founders' children, many of them Canadian-born, increasingly emphasized these universalistic goals over narrower Jewish interests. Maishe Lewis, the jlc's secretary during the Second World War, a Yiddish-speaking socialist garment worker from Russian Poland, typified activists of the older generation. His son David, educated at McGill and Oxford, secretary of the ccf and future leader of the New Democratic Party, represented the younger generation, whose influence grew after the war. He worked tirelessly with his father to publicize the plight of Jews and socialists in Europe, raise money, and in other ways help these refugees to circumvent Canadian regulations against the admission of Jewish refugees from Nazi Europe. But he was also among those responsible for reorienting the jlc work after the war from fighting anti-Semitism to the promotion of human rights in Canada. As he explained in his memoirs, because he was seeking an answer to anti-Semitism in the 1940s, 'the struggle against discrimination and for universal human rights remained for me the most important battle and the democratic socialist movement the most important vehicle.'⁽¹⁹⁾

Under the leadership of Kalmen Kaplansky, a Lewis family friend and fellow socialist, the jlc provided the funding and organizational framework for the main labour campaigns against racist discrimination in Canada. Jewish labour activists believed that racism was used by labour's enemies to weaken the labour movement: 'Anti-Semitism, anti-Negroism, anti-Catholicism, anti-French, anti-English as the case may be, and union smashing are all parts of a single reactionary crusade of hatred and destruction.'⁽²⁰⁾ These Jewish socialists also saw a close link between the fight against racism and social democracy. Since economic hardship intensified the search for scapegoats, labour's struggle within unions and in the political arena to

improve economic conditions and achieve economic security for workers automatically contributed to the elimination of prejudice and discrimination. Thanks to its ties to American organizations, the jlc became the main vehicle for transmitting American anti-racist literature to Canadian social democrats.⁽²¹⁾

The concentration of Jews in urban neighbourhoods - such as the Cartier riding in Montreal, Spadina, St Andrew's, and Bellwoods in Toronto, and Winnipeg's North End - meant that their voices mattered in riding association meetings and in elections. Shorter-term political considerations therefore joined with longer-term idealistic ones to drive the advocacy of human rights by ccf leaders and organizers. They believed that the party's outspoken opposition to racist prejudice and discrimination played an important role in garnering 'ethnic' votes. This was especially important in groups with relatively strong left-wing sympathies, such as the Jews, among whom social democrats were competing with Communists for influence.⁽²²⁾

Canadian Jews, within and outside the ccf, were early advocates of anti-discrimination legislation. Their desire to fight prejudice and discrimination moved them to transcend some ideological differences. In western Canada especially, socialist Jews were active within the Joint Public Relations Committee of the Canadian Jewish Congress and B'nai B'rith (jprc), the mainstream organization established in 1938 by Jews from a broad range of occupations and socio-economic backgrounds to oppose anti-Semitism specifically and racial and religious discrimination more generally. They explored the feasibility of introducing federal and provincial bills of rights, as well as fair practices acts in Canada.⁽²³⁾ The jprc, with greater financial resources and a wider network of contacts in Canada and in the United States than those of the socialists, established a special committee of lawyers and constitutional experts to study these questions. The jprc's ties to the Commission on Law and Legislation of the American Jewish Congress were especially useful. Lawyers on the commission, who had gained considerable experience in the field of public interest law during the New Deal, supplied their Canadian counterparts with the products of their research, publicity material, and copies of American statutes and ordinances against discrimination. The jprc disseminated this information to Canadian human rights activists - Jews and non-Jews alike.⁽²⁴⁾

The election of a ccf government in Saskatchewan in 1944 provided social democratic advocates of human rights with the opportunity to put their convictions into practice. Given that the province, with its exceptionally high proportion of people of Continental European descent, had witnessed intense anti-foreign movements during the 1920s and again at the outbreak of the Second World War,⁽²⁵⁾ the Douglas government's actions in this regard were both innovative and courageous. Shortly after the election, the Ministry of Education distributed a pamphlet it received from the Canadian Jewish Congress, *The Races of Mankind*, to 5000 Saskatchewan teachers. Written by Columbia University anthropologists Ruth Benedict and Gene Weltfish, the pamphlet debunked widespread misconceptions about race. During the same year, the ccf overturned Saskatchewan's anti-Chinese traditions by granting Chinese Canadians the right to vote. Despite federal jurisdiction over Indian affairs, the new provincial government, concerned with the plight of Aboriginal nations in Saskatchewan, encouraged the formation of the Union of Saskatchewan Indian Chiefs to speak on their behalf.⁽²⁶⁾ Even before the end of the war with Japan, moreover, Premier Douglas invited Japanese Canadians to settle in Saskatchewan. The wording of his invitation rankles today, and it evoked criticism from some rank-and-file ccf members in 1944: 'We did not think that British Columbia should be saddled with the entire Japanese population of this country,' Douglas explained, 'but that these people should be allocated to each of the provinces so that all will be accepting their fair share of responsibility, rather than asking British Columbia to assume the entire burden.'⁽²⁷⁾ But at a time when communities throughout Canada attempted to prevent Japanese Canadians from settling in their midst, or admitted them only on condition that they would leave at the end of the war, Douglas's offer was remarkable. His government followed up the invitation by retaining lawyer Andrew Brewin - an active member of the ccf - to fight against Ottawa's attempt to deport Japanese Canadians.⁽²⁸⁾

It is a measure of Japanese Canadians' sense of marginalization in wartime Canada that despite the somewhat grudging nature of the Saskatchewan premier's invitation that they settle in his province, they could seize upon it as a beacon. Jean Suzuki learned of the invitation from a newspaper article. Following her family's expulsion from coastal British Columbia, she was living in Ontario with her infant son and the parents of her husband, Buck Suzuki. Buck himself, a sergeant who had volunteered to fight in the

Canadian armed forces, was then serving under the Malaya command. Jean was so moved by Douglas's offer that she clipped the article and sent it to her husband. Buck shared Jean's optimism. The stand that Saskatchewan was taking, he wrote, made 'everything worth while working for.'⁽²⁹⁾ He inquired if the province of Saskatchewan might take up his effort to reclaim his bc property and to get assistance from the Veterans' Land Act. Help from the ccf became even more urgent after Buck returned to Canada in October 1946, and anti-Japanese sentiments prevented him from obtaining proper housing and work in Ontario.

The Suzukis' trust in the Saskatchewan government was not misplaced. Amid the heavy responsibilities of establishing the new social democratic government, Douglas and his staff found the time to champion Suzuki's case in Ottawa. With the support of ccf national leader M.J. Coldwell, they contacted Liberal cabinet ministers on Suzuki's behalf. When the ministers did nothing to help, Coldwell raised Suzuki's case in the House of Commons in the context of a debate on soldier settlement. Thanks to ccf intervention, Suzuki was eventually able to return to Vancouver and find work before the West Coast ban against other Japanese Canadians was lifted.⁽³⁰⁾

The determination of leading social democrats such as Tommy Douglas and M.J. Coldwell, and of Jewish and other rank-and-file members, to safeguard civil liberties and human rights was essential for steering the course of the party's human rights campaign. They faced opposition from within, as well as from outside, the ccf. Some party supporters, including anti-Catholic Orangemen and people uncomfortable with the entry of Jews into the upper levels of the provincial civil service, still carried the burden of inherited stereotypes and racist views.⁽³¹⁾ But the most serious opposition within the party arose in response to the appointment of Japanese Canadians to important positions by the Saskatchewan government. Prominent ccf members in British Columbia believed that such a policy would annihilate the party's electoral prospects.

Their objections centred on the 1946 appointment of Japanese Canadian lawyer George Tamaki as legal advisor to the chairman of the Economic Planning Commission of the Province of Saskatchewan. Tamaki, just one of the Japanese Canadians appointed to important civil service positions by Premier Douglas, was born in New Westminster, bc.⁽³²⁾ He obtained a bachelor of arts with honours in economics and political science from the University of British Columbia in 1938. Leaving the West Coast to escape discrimination against Japanese Canadians, he attended law school at Dalhousie University in Halifax, earning a bachelor of law in 1941. Despite the fact that he was among the top students in the school, the Barristers' Society of Nova Scotia decided that it would be 'unwise' to admit him to the Nova Scotia Bar because of the 'international situation.' Tamaki then tried, unsuccessfully, first to get into the Canadian army and then to get a civil service job in Ottawa.⁽³³⁾ When the ccf government of Saskatchewan finally offered Tamaki a position in keeping with his talent and education, Harold Winch, leader of the ccf in British Columbia, told Douglas that 'the entire ccf caucus in British Columbia were convinced that they might as well shut up shop if word got out about Tamaki's appointment.' Douglas replied, 'If the existence of the ccf movement in British Columbia or anywhere else depends upon our bowing to racial intolerance, then in my opinion the sooner it folds up, the better.'⁽³⁴⁾

Despite the phrasing of his 1944 encouragement of Japanese-Canadian settlement in Saskatchewan, Douglas's vision of Canada was pluralistic. 'The time is long past,' he wrote a year before the enactment of the Saskatchewan Bill of Rights, 'when one racial group in Canada can set itself up as superior to others, or when any one group is singled out for discrimination. Gradually, I think, we are coming to realize that this nation's greatness depends not upon uniformity but upon diversity, and that the mosaic of our national life is composed of the tesserae of every racial and ethnological group.'⁽³⁵⁾ At the Dominion-Provincial Conference of 1945, two years before his own government introduced a bill of rights, Douglas declared his support for the revision of the British North America Act by 'placing certain fundamental religious, racial and civil liberties in a Bill of Rights, amendable only by the unanimous consent of the provincial legislatures concurrently with the dominion parliament.'⁽³⁶⁾

Douglas's commitment to a pluralistic, tolerant Canada was essential in preparing the ground for the Saskatchewan Bill of Rights, but the central figure behind drafting and implementing it was Morris Shumiatcher. Shumiatcher was one of the talented young people drawn to Saskatchewan from across Canada following the election of the ccf by the opportunity to participate in building a more egalitarian

society. He was both a Jew and a socialist, but unlike David Lewis or Kalmen Kaplansky, he did not come from a socialist background. Shumiatcher was born in Calgary in 1917 to middle-class Polish Jewish immigrants. His mother had studied at the University of Warsaw, and his father, who had been prevented from obtaining higher education in Poland by poverty and prejudice, earned a law degree after settling in Alberta. In Calgary, members of the Shumiatcher family, including Morris, were active in mainstream Jewish organizations. By his student days at the University of Alberta in Edmonton, however, Morris distanced himself from other Jewish students, whom he saw as 'ghetto-ridden,' reasoning that any connection with them would impede his progress. 'Do you think that if I associated with the Jewish crowd I would be on the Student's Union,' he asked in a letter to his parents, 'or that my opinion ... would count for anything at all on the Campus, as I am glad to say it does? Certainly not!'⁽³⁷⁾ Perhaps an ambitious Shumiatcher was simply making strategic decisions in distancing himself from other Jewish students. Perhaps acknowledging anti-Semitism would have undermined his confidence and hence the momentum of his career. Whatever the reason, in 1939 young Shumiatcher blamed the clannishness of Jewish students themselves rather than anti-Semitism for their marginalization.⁽³⁸⁾ Not until many years later did he acknowledge the role of racism in his decision to study law, instead of pursuing graduate studies in English literature. Learning of Shumiatcher's plan to teach English literature at university, one of his professors told him that being of Jewish rather than British background, he was unsuited to do postgraduate work in this field.⁽³⁹⁾

Whether or not he acknowledged the role of anti-Semitism in his career choice in 1941, Shumiatcher was aware of discrimination and intended to use his legal training to combat it. He obtained a bachelor of law in Edmonton and a master's and doctorate of law at the University of Toronto. While at the University of Toronto, in 1942, he worked with Professor Jacob Finkelman, research chairman of the jprc of the Canadian Jewish Congress and B'nai B'rith. Finkelman and the congress were just then engaged in documenting racist employment discrimination in war industries in order to pressure Ottawa to act against it. The two men became close and, as Shumiatcher informed his parents with great excitement, 'Fink' offered him a job investigating anti-discrimination legislation throughout America so that the congress could make recommendations to Ottawa about how best to fight employment discrimination.⁽⁴⁰⁾ Whether he took the job is unclear, but in 1944 he contemplated running for the ccf in Alberta because it was the only party in which a Jew could rise to the top.⁽⁴¹⁾ Even before he started to work for the ccf in Saskatchewan, Shumiatcher expressed interest in using his legal expertise to combat unjust treatment of First Nations in Canada.⁽⁴²⁾ Personal ties underscored his concern about the fate of racialized minorities beyond his own group. His interest in Canada's Aboriginal people was first awakened by his high-school teacher John Laurie, secretary of the Indian Association of Alberta.⁽⁴³⁾ An interest in Japan not only earned Shumiatcher a travelling scholarship to Japan in 1940, but also led him to befriend young Japanese Canadians, including George Tamaki, during a vacation in Vancouver.⁽⁴⁴⁾

Like his socialist contemporaries, Shumiatcher blamed capitalist competitiveness and inequality for racial prejudice and discrimination. Anti-Semitism, he believed, 'would disappear when our society is overhauled and the dog-eat-dog principles of capitalism are displaced by the cooperative principles of the ccf.' Like David Lewis, Kalmen Kaplansky, and other young Jewish human rights activists, moreover, Shumiatcher clearly envisioned collaboration between Jews and other racialized minorities in the struggle. 'Ours is not an isolated problem,' he wrote in 1947.

If we condemn injustices against ourselves, we must condemn injustices against others. Discrimination against the Japanese citizens of Canada is as much our problem as discrimination against Jewish persons; restrictions upon Jehovah's Witnesses should concern us as much as the anti-Semitism emanating from the same quarters; the advocacy of restrictions of the civil liberties of Mennonites in Manitoba and Alberta is as much a matter of concern to us as the program of Adrian Arcand in Quebec. Discrimination against Negroes because of their colour should arouse us as much as discrimination against Jewish persons because of their faith.⁽⁴⁵⁾

On the eve of the Saskatchewan elections of 1944 Shumiatcher expressed his hope that the ccf victory would 'lay the foundations for a better society - not only in Saskatchewan, but throughout Canada ... a system more interested in the welfare of the human beings of the country, than in the ledgers and profits of monopolistic enterprise.'⁽⁴⁶⁾ Consequently, he was pleased when Premier Douglas and Attorney General J.W. Corman invited him to join the Saskatchewan public service. He had come to their attention because of his work on labour law and on the administration of debt legislation in western Canada.⁽⁴⁷⁾ But following his appointment as Premier Douglas's legal adviser, Shumiatcher became the key figure behind the government's human rights policies. The controversial appointment of George Tamaki was instigated by Shumiatcher. He represented the government at the founding of the Union of Saskatchewan Indian Chiefs and wrote the organization's constitution.⁽⁴⁸⁾ Shumiatcher not only drafted the Saskatchewan Bill of Rights, but also convinced Attorney General Corman that the bill's enactment prior to the 1948 elections would be politically astute, because it would enhance the ccf's standing in the province.⁽⁴⁹⁾

Shumiatcher's contacts in the Jewish community helped with the drafting of the Bill of Rights. Aware of the activities of the Canadian Jewish Congress in promoting anti-discrimination legislation in Canada, in 1945 Shumiatcher wrote to its president, Samuel Bronfman, and requested copies of the research materials that the organization had collected to this end. The cjc responded not only by sending Shumiatcher materials in their possession, but also by enlisting the help of the Commission on Law and Legislation of the American Jewish Congress. The jlc also showed great interest in Shumiatcher's work. Kalmen Kaplansky asked him to serve on the organization's national executive and supplied him with materials developed by American labour and human rights organizations.⁽⁵⁰⁾

The bill that Shumiatcher drafted underwent significant modifications even before its first reading in the legislature. Much to the chagrin of key female ccf activists such as Marjory Mann and Barbara Cass-Beggs, the prohibition of discrimination based on sex, originally included by Shumiatcher, was dropped from the bill's final draft.⁽⁵¹⁾ The desire to maintain protective labour legislation for women, as well as a more general paternalistic attitude toward them, was probably responsible for this omission.⁽⁵²⁾ The section prohibiting employment discrimination elicited equally strong objections. They stemmed from concerns that such legislation would reawaken bitter disputes over the existence of separate schools in Saskatchewan. Consequently, the Bill of Rights specifically allowed schools or boards of trustees that offered religious instruction to employ only persons of particular creeds or religions.⁽⁵³⁾

Members of the opposition seized on the bill's introduction in the legislature to denounce the socialist and labour policies of the government. They argued that the ccf was particularly ill-suited to defend civil liberties and human rights because it trampled on the freedom of private enterprise through such policies as the nationalization of certain industries, new labour legislation recognizing the right of workers to collective bargaining, compulsory check-off and the prohibition of company unions, and compulsory no-fault automobile insurance.⁽⁵⁴⁾ The *Saskatoon Star Phoenix* suggested that the bill would permit the socialist government to interfere with the freedom of contract. Lamenting the refusal of a Regina hotel manager to serve an African American in its dining room, the paper nevertheless declared that the government threat to suspend the hotel's licence was tantamount to tyranny.⁽⁵⁵⁾ The Liberal member from Rosthern, P.J. Hooge, equated the bill's enactment to 'Satan signing scriptures for his own purposes.'⁽⁵⁶⁾

Cold War ideology suffused such criticisms of the 'socialist' bill. Opponents alluded to similarities between the policies of the ccf government and those of communist dictatorships.⁽⁵⁷⁾ They argued that under the guise of educational reforms, the provincial government waged a publicly funded propaganda campaign that appealed to class, promoted prejudice, and encouraged envy.⁽⁵⁸⁾ Newspapers such as the *Moose Jaw Times-Herald* depicted the bill as a tool for enhancing communist influence in the province. The prohibition against discrimination on the basis of 'creed,' the paper suggested, would make it impossible to expel Communists from any organizations in the province.⁽⁵⁹⁾ The Canadian Institute of Public Opinion

reported in 1947 that many Canadians saw 'left-wing political movements, including communism and socialism' as the 'biggest single danger' to their personal liberties.⁽⁶⁰⁾

It was no accident that, amid their anti-socialist harangues, the bill's critics scarcely acknowledged its provisions for racialized and religious minorities. They argued that the bill was meaningless, a matter of window dressing, an act of political opportunism. Some of them maintained that no racial discrimination occurred in Saskatchewan,⁽⁶¹⁾ while others, who acknowledged that prejudice and discrimination did exist in the province, held either that it was impossible to legislate an end to such attitudes and practices, or that legislation already existed to safeguard the rights that the new bill was designed to protect.⁽⁶²⁾

Confident in its legislative majority (forty-eight of fifty-five seats), the government party tackled such objections head on. D.M. Lazorko (ccf member for Redberry), for example, pointed to discrimination against residents of eastern European origin, who comprised a very substantial proportion of the province's population. He noted that he knew young men and women who had graduated from university but were unable to obtain employment because their names ended with 'a -chk or a -ski.'⁽⁶³⁾ Attorney-General Corman countered objections to the compulsory features of the legislation in general, and specifically its interference with free enterprise. All legislation, he argued, had compulsory features that served the common good. The act did not prevent an owner from selling or leasing property to whom he liked, 'as long as his decision was not based on religious or racial grounds.' Similarly, the landlord could exclude tenants, but not on racist and religious grounds.⁽⁶⁴⁾ According to Corman, the bill's most innovative feature was to extend protection to racial and religious minorities. He attributed cries against the denial of 'freedom of enterprise' to fears that the bill would deny capitalist employers the right to hire and fire whom they liked.⁽⁶⁵⁾ The ccf did not object to legitimate enterprise, Corman maintained, only to the combines, monopolies, and cartels that oppressed the 'little man.' Powerless to deal with this form of inequality, the provincial government legislated against those who would deny the freedom and security of minorities.⁽⁶⁶⁾ Education Minister Woodrow Lloyd argued that 'enterprise never has been free and never can be free under monopolistic capitalism.'⁽⁶⁷⁾ Both he and Corman believed that the farmers of Saskatchewan, having experienced years of depression followed by years of war, did not hold what is called 'free enterprise' in as high regard as the opposition, and that, in any event, the Bill of Rights emphasized human rights as opposed to property rights.⁽⁶⁸⁾

Despite the heated, lengthy debate, the Bill of Rights Act was passed unanimously. According to the bill's supporters no one wanted to be seen to oppose principles that were 'so patently acceptable to the large majority of people throughout this country.'⁽⁶⁹⁾ Since the ccf held the overwhelming majority of seats in the legislature, the bill's passage was guaranteed in any event.

The drafter of the bill, Morris Shumiatcher, intended to test it in provincial courts, thus to build a body of jurisprudence on human rights. Shumiatcher assured those who were inclined to dismiss the bill as merely enunciating pious hopes that it 'had teeth.' Anyone who contravened the bill, he emphasized, was liable to a fine, or an injunction.⁽⁷⁰⁾ Over the next decade, however, only three cases were tried under the bill's provisions, and only one of them related to the protection of minority rights which the bill's advocates saw as its most innovative feature. In *Rex v. Naish* (1951) a man distributing Jehovah's Witness literature in Saskatoon was charged with violating a city by-law that forbade distribution of handbills in public streets. The charge was dismissed on the grounds that this by-law contravened religious freedom guaranteed by the Bill of Rights. The other two cases concerned labour disputes. *Smart et al. v. Livett et al.* (1950) ruled that in the case of a labour dispute the employer had the right to bring an injunction against picketing, and *Regina v. Vogelgesang* (1957) established that the Bill of Rights provision for freedom of expression confirmed the right of trade union members to distribute handbills relating to a trade dispute.⁽⁷¹⁾

Premier Douglas and Attorney-General Corman's conviction that the Bill of Rights' chief function would be educational helps to explain the failure to test its provisions more extensively in court. Douglas maintained that 'the strength of this act is not in the fact that it will force equality but, rather, that it puts into words the belief of the people of Saskatchewan in the inherent right of all Canadians to equality in education, employment, the right to own and occupy property, the right to access to public places.' At the time of the bill's passage, Corman expressed the hope that it would 'throw the fear of the Lord into people who break it'

and thus prevent further acts of discrimination. Reflecting upon the bill some years later, he recalled that he believed that even if cases of discrimination were reported to his department, prosecution would be unnecessary. An explanation of the bill and a warning would suffice to ensure compliance.⁽⁷²⁾ Such views help to explain why the Attorney General's office did not make clear who would initiate prosecution in discrimination cases, nor did it designate specific civil servants to hear complaints or to investigate such cases.

Given Douglas and Corman's faith in the educational value of the bill, however, it is less clear why the Saskatchewan government did relatively little to publicize the bill or to inform members of racialized minorities of the legal protections that it afforded them. After the heated discussions that accompanied its introduction in the legislature abated, the ccf government's publicity materials and the press said little about the bill. The ccf may have seen as more urgent and hence allocated more resources and attention to such programs as the reorganization of the school system, a universal hospital services plan, compulsory no-fault automobile insurance, and new trade union legislation.⁽⁷³⁾ Emphasizing such undertakings followed naturally from the social democratic belief that the eradication of economic and social inequality and concomitant competitiveness were prerequisites for the disappearance of discrimination. The inexperience of many of the new ccf cabinet ministers, the absence of a sufficiently developed public service, and the range and scope of the new policies that the social democratic government introduced during its first term also help to explain the limitations of its human rights policy. But, as we shall see, Premier Douglas's response to a number of attempts to lay charges in cases of racist discrimination suggests that anxiety generated by Cold War accusations that the ccf government was repressive and totalitarian also contributed to the reluctance to resort to the courts.

Not surprisingly, in the absence of publicity and administrative preparations, only a few minority group members in Saskatchewan were apparently willing and able to invoke the Bill of Rights when they faced discrimination. Fear of a backlash against racialized minorities may also have stopped group members from launching complaints under the bill.⁽⁷⁴⁾ In September 1947, Charles Blair, an African-Canadian porter working for the cnr, and a group of his friends were refused admittance to a dance hall named Uncle Tom's Cabin (after its owner's name Tom Coburn), in North Battleford, sk. There was nothing 'Uncle Tom'-like about the reaction of Blair and his friends. They refused to leave, forcing Coburn to call the rcmp. Blair informed Officer Bradley, who responded to Coburn's call, that barring African Canadians from the dance hall contravened the provisions of the Saskatchewan Bill of Rights. Coburn insisted that he refused them entry because he had always done so. The policeman, unfamiliar with the Bill of Rights, asked Blair and his friends to leave and to launch a formal complaint with the rcmp the following morning. The African Canadians did not show up next day, probably because their train had left town. But Blair, a Winnipeg resident, wrote Premier Douglas to complain about the incident. Douglas instructed the rcmp to investigate, and Bradley, after studying the Bill of Rights, warned Coburn that denying entry to African Canadians was against the law. Coburn promised that he would refrain from doing so in the future. This satisfied Premier Douglas. Coburn was not prosecuted.⁽⁷⁵⁾

The only other recorded complaint by an individual under the bill was launched in 1951 by Chief Ed Poor Man. Poor Man complained to Premier Douglas that accommodation at the hotel in Quinton was 'denied Indians because of their race.' The premier referred the matter to the attorney general, who asked the rcmp to investigate. We have no record of the outcome of this case.⁽⁷⁶⁾ Almost a decade following Chief Poor Man's letter, however, members of the Saskatchewan sub-section of the Civil Liberties Section of the Canadian Bar Association believed that Native people were still denied service in restaurants and access to such public places as hotels and public restrooms. Yet Native people seldom used the bill's provisions to fight against such discrimination, and the Quinton case suggests that when they did, their complaints were treated on an ad hoc basis, without resort to the courts. Not a single case of discrimination against Native people was tried in Saskatchewan courts in the decade following the introduction of the Bill of Rights.⁽⁷⁷⁾

Awareness of the inability or reluctance of the victims of discrimination to institute proceedings under the bill motivated the Joint Public Relations Committee of the western division of the Canadian Jewish Congress not only to investigate cases that came to its attention, but also to monitor any public expressions of discrimination.⁽⁷⁸⁾ In the decade-and-a-half following the bill's enactment, the Jewish human rights

organization became the Saskatchewan government's main source of information for acts of discrimination. It alerted Morris Shumiatcher (even after he left the provincial government's employ in 1949) or the Attorney General's Office with the intention that, where appropriate, the Attorney General's Office would institute proceedings under the Bill of Rights.

The case of M.E., a Jewish physician who sought the aid of the jprc in 1951, revealed the inability of the bill to deal with certain types of discrimination. The Canadian-born and -trained M.E. wanted to buy the practice of a deceased doctor in Davidson, sk. The response to his telephone inquiries about the practice was positive. But by the time that M.E. met with mayor J.A. Vopni and Liberal member Herman Danielson, who represented Davidson in the Saskatchewan legislature, the two had learned that he was Jewish. Vopni informed M.E. that Davidson already had a Jewish doctor and a Jewish dentist, and that several deputations from the public had approached Vopni to indicate that 'they did not wish another Jewish doctor in the town.' Danielson said that he too had been approached by townspeople, and even by the reeves of two neighbouring municipalities, who asked that the new doctor should be a gentile. In case these warnings did not suffice, Vopni added that no one would come to M.E. because the other Jewish doctor was unpopular and the townspeople would think that the two would conspire because Jews, like Catholics, 'stick together.'

When M.E.'s protests that the decision should be based on his qualifications not on his Jewishness were to no avail, he contacted the jprc with the intention of fighting this type of anti-Semitism.⁽⁷⁹⁾ Upon further reflection, however, he decided to open a practice elsewhere and dropped the matter. Without the doctor's participation, the case could not be prosecuted. But Morris Shumiatcher believed that the involvement of two public officials, the mayor and an mla, called for some kind of action. The case had special significance for Canadian Jews, who viewed the liberal professions as the route that might permit them to circumvent discrimination barring them from many other white collar jobs. Although they had to contend with discriminatory policies of medical, dental, and law schools, training hospitals, and leading legal firms in the mid-twentieth century, once they succeeded in obtaining professional degrees, they hoped to become self-employed practitioners. Reactions like those of Davidson's citizens and officials therefore presented a serious obstacle to their plans.⁽⁸⁰⁾ In the end, however, Shumiatcher merely mentioned M.E.'s case to ccf politicians. 'I have no doubt,' he wrote to the jprc, 'that reference will be made from time to time in well placed circles concerning this question.' In cases such as this, the Bill of Rights was clearly of no assistance.⁽⁸¹⁾

Cases of discriminatory advertising seemed simpler to prove and hence to prosecute. Yet human rights activists soon discovered that despite its pioneering role in instituting human rights legislation, the ccf government was disinclined to test it in court.⁽⁸²⁾ In August 1947, the *Regina Leader Post* published an advertisement for the position of cook at the Anderson Café in Weyburn, stating that the restaurant employed 'all white help.' Shumiatcher suggested to Attorney General Corman that prosecution could be instituted both against the restaurant's owner and against the *Leader Post* for carrying the discriminatory advertisement. Shumiatcher believed that prosecuting such cases was important to demonstrate that the bill was not 'mere "window dressing,"' as some of its opponents alleged. Corman agreed. Premier Douglas, however, believed that prosecution would be ill-advised, since it would 'make martyrs of the newspaper which has so consistently been attacking us.' This would give the appearance of the ccf government - the target of Cold War accusations of totalitarianism and tyranny - was violating freedom of expression. Douglas advised instead that the paper's editor be warned.⁽⁸³⁾

Despite the government's obvious reluctance to resort to the courts in cases of discrimination, Shumiatcher and the jprc did not abandon their efforts to test and publicize the punitive capacities of the Saskatchewan Bill of Rights. A Moose Jaw publication with a readership in eighteen communities in southern Saskatchewan seemed to offer an opportunity to test the bill's powers. An editorial in *Our Way of Life* depicted the anti-Semitic show trials in Czechoslovakia as fake, designed to obscure the Jewish character of

the world communist conspiracy, specifically the links between Zionism and Communism. Shumiatcher urged Attorney General Corman to take action against *Our Way of Life*, under the bill's section that prohibited the publication of material 'tending to deprive or restrict the enjoyment by any person or class of persons any right to which he or it is entitled under the law by virtue of the race or religion or national origin of any such person or class of persons.' The depiction of Jews as Communists, he argued, would mean that they would find it difficult to secure and retain employment, to engage in lawful occupations, or to join professional or trade associations. Aware that the government did not want to appear to interfere with the freedom of expression, Shumiatcher counselled obtaining an injunction against the paper. Such a step, he believed, would be less controversial than prosecution through the courts, but would still establish an important principle by making it clear that anti-Semitic views were unacceptable. But these legal arguments remained untested because the attorney general decided not to pursue the matter.⁽⁸⁴⁾

Why was the ccf government so intent on keeping human rights violations out of court and hence the public eye? Why did it prefer to deal with infringements of the Bill of Rights through persuasion, behind the scenes? American experience, followed closely by Canadian human rights activists, suggested that publicizing the punishment of human rights violations operated as a deterrent to discrimination.⁽⁸⁵⁾ Although at the time of its enactment the government triumphantly described the bill as an expression of the values of the people of Saskatchewan, a decade later, leading ccf politicians still seemed to believe that their constituents would view the prosecution of human rights violations in the courts as expressions of excessive state power. Despite its repeated re-election in Saskatchewan during the height of the Cold War, the ccf appeared to fear public suspicion of its social democratic orientation.

They also deemed the legacy of antagonism between Protestants and Catholics in the province too explosive to publicize and condemn cases of employment discrimination on religious grounds in the province's schools. The exemption of schools that offered religious instruction from the Saskatchewan bill's anti-discrimination provisions, for example, constituted a major obstacle to prosecution of discriminatory advertisers. In 1950 the jprc noted an increase in the number of job advertisements in Saskatchewan newspapers stipulating religion as a qualification. Such advertisements specified religious affiliation as a requirement not only for teachers, but also for staff members such as stenographers and caretakers. Some Jewish activists believed that since such advertising was most often directed against Roman Catholics, the Jewish community should not interfere. Others, however, including Morris Shumiatcher, believed that Jews must oppose all forms of discrimination. Discriminatory practices against Roman Catholics could in the future be directed against other groups as well. Shumiatcher believed that the schools themselves were exempt from the provisions of the bill, but that newspapers carrying such advertising could be prosecuted. He still hoped to test the bill in court and build up a body of jurisprudence. When the Regina jprc took up the matter, however, Woodrow Lloyd, the minister of education, recommended conciliation rather than prosecution. The minister believed that although school boards did not have the right to stipulate the religion of their caretakers and stenographers, the government could not intervene in their affairs. He suggested that the jprc approach the concerned school boards directly, on an informal basis. Shumiatcher's files document the follow-up with one of these boards, that of Regina, which advertised for a stenographer, requesting that applicants indicate their religion. In response to a letter stating that such advertising contravened the Saskatchewan Bill of Rights, the board's chairman pleaded ignorance and promised that future job applicants would not be asked to state their religion.⁽⁸⁶⁾

Initially, ccf human rights advocates not only applauded the Saskatchewan bill but attempted to emulate it in other provinces. M.A. Gray, the Jewish ccf mla who sponsored a bill of rights in Manitoba, and Arnold Webster, leader of the ccf opposition, who sponsored one in bc, sought Shumiatcher's advice as they modelled their bills after the Saskatchewan Bill of Rights. In Ontario, ccf opposition leader W.J. Grummert twice sponsored a bill of rights inspired by that of Saskatchewan. Interestingly, although critics of both provincial bills of rights opposed the bills as threats to the freedoms of contract and expression, whereas those in Saskatchewan saw their bill as giving excessive power to a socialist government, their counterparts in Conservative Ontario feared that a bill of rights would impair parliamentary sovereignty by giving

greater power to the courts. This difference in the critics' views suggests that even when aspects of the interventionist state began to acquire greater legitimacy in liberal circles in Canada, a profound distrust of the actions and intentions of socialists in power persisted.⁽⁸⁷⁾

Because so few cases were tried under the Saskatchewan bill, most human rights activists gradually lost faith in its effectiveness.⁽⁸⁸⁾ Some Canadian activists pointed to the contrast between the publicity surrounding American cases and the failure of the Saskatchewan Bill of Rights to attract public attention as evidence of the bill's inadequacy.⁽⁸⁹⁾ Drawing on the experience of their American counterparts, these activists came to favour legislation targeting specific areas of discrimination such as in employment, or accommodation, with enforcement machinery in the form of commissions to investigate infringements. Not only would commissions be staffed by 'experts' in the field, but their responsibility would extend to the development of educational programs to increase public awareness of the existence of prejudice and discrimination and the need and means to overcome them. Moreover, since appeals would be free and far less complicated than prosecution through the courts, commissions could deal efficiently with many more cases. These cases, in turn, would heighten public awareness and act as deterrents.⁽⁹⁰⁾

Frank Scott, one of the ccf's leading legal experts, pointed to another great weakness of the Saskatchewan bill. The failure to test it in the courts meant that the power of provincial governments to protect the rights defined by the bill remained unclear. The resulting uncertainty about rights within provincial and federal jurisdictions led other provincial governments to enact piecemeal legislation protecting one right at a time. Scott noted that by the 1950s even the government of Saskatchewan decided to pass Fair Employment and Fair Accommodation Practices Acts to supplement the Bill of Rights and be on firm grounds.⁽⁹¹⁾

The rejection of the Saskatchewan Bill of Rights as a model for provincial human rights legislation does not mean, however, that students of the history of human rights in Canada can afford to ignore it. The bill did not emerge fully formed from the provincial Attorney General's Office. The election of a social democratic government in the province created the opportunity for implementing measures to protect civil liberties and human rights advocated by the ccf since its establishment. Its belief that the state had a positive role in creating a more egalitarian society allowed the ccf government to pioneer in the field of human rights in Canada. Jews, who in the 1940s comprised less than .5 per cent of Saskatchewan's population, played a surprisingly important part in translating social democratic ideas about human rights into legislative action. As the bill's draftsman, Morris Shumiatcher deserves recognition alongside such central-Canadian Jewish human rights activists as Kalmen Kaplansky, Ben Kayfetz, and Irving Himel. In collaboration with the jprc of the western division of the cjc, Shumiatcher also led in trying to test the bill in provincial courts. Their efforts were motivated by their desire to combat not only anti-Semitism but all forms of racist and religious discrimination in Canada.

Notwithstanding the conclusion of human rights activists that the Saskatchewan Bill of Rights did not constitute the most effective way to protect human rights, the bill was an important landmark in Canadian history. It played a central role in the campaigns to combat racial and religious discrimination during the 1940s and 1950s, decades that marked a turning-point in Canadians' understanding of the rights of religious and racialized minorities. In the absence of press coverage, the general public may have lost sight of the bill, but human rights activists, especially social democrats, studied and even sought to emulate it. Although ccf attempts to pass provincial bills of rights in British Columbia, Manitoba, and Ontario failed, the debates generated by these efforts enhanced public awareness of discrimination and the fight against it in Canada. What most human rights activists came to see as the shortcomings of this provincial bill of rights helped point the way toward fair practices acts as more effective safeguards of minority rights. The publicity afforded by discussions of provincial bills also helped to prepare the ground for the federal bill of rights in 1960 and, eventually, for amending the British North America Act by adding the national Charter of Rights and Freedoms.⁽⁹²⁾

1. Saskatchewan, Legislative Assembly, *Debates and Proceedings* (hereafter cited as *Debates*) (19 Mar. 1947), p. 982 (J.W. Corman, MLA).
2. Saskatchewan Bill of Rights Act, 1947.
3. Walter Tarnopolsky, 'The Control of Racial Discrimination,' in *The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms*, eds. R. St. J. Macdonald and John P. Humphrey (Toronto: Butterworth's, 1979), 295.
4. Donna Greschner, 'The Purpose of Canadian Equality Rights,' *Review of Constitutional Studies* 6, no. 2 (2002): 291-323; Tarnopolsky, 'Control of Racial Discrimination.'
5. As distinct from the Abraham Shumiatcher Fonds at the Glenbow Archives (hereafter cited as GSF).
6. Irving Abella, 'Jews, Human Rights, and the Making of a New Canada,' *Journal of the Canadian Historical Association* 11 (2000): 3-15; Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999); R. Brian Howe, 'Human Rights Policy in Ontario,' *Canadian Journal of Political Science* 24, no. 4 (Dec. 1991); Ross Lambertson, *Repression and Resistance: Canadian Human Rights Activists, 1930-1960* (Toronto: University of Toronto Press, 2005); Christopher MacLennan, *Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929-1960* (Montreal and Kingston: McGill-Queen's University Press, 2003); Carmela Patrias and Ruth Frager, 'This Is Our Country, These Are Our Rights,' *Canadian Historical Review (CHR)* 82, no. 1 (Mar. 2001): 1-35; Herbert Sohn, 'Human Rights Policy in Ontario: A Case Study' (PhD diss., University of Toronto, 1975); James W. St G. Walker, 'The "Jewish Phase" in the Movement for Racial Equality in Canada,' *Canadian Ethnic Studies* 4, no. 1 (2002), and *Race, Rights, and the Law in the Supreme Court of Canada* (Waterloo, ON: Wilfrid Laurier University Press, 1997).
7. 'Regina Manifesto.' Programme of the Co-operative Commonwealth Federation adopted at First National Convention, Regina, July 1933, 1.
8. File: 1944 Convention - Resolutions, vol. 13, National Conventions and Inter-Provincial Conferences, 1932-60, Co-operative Commonwealth Federation Papers (hereafter cited as CCF), Library and Archives Canada (LAC); "'We Are All Canadians,"

Says Alistair Stewart,' *Commonwealth*, 17 Apr. 1946; vol. 53, Ontario - Education, 1943-51, CCF Provinces, 1932-58, CCF.

9. MacLennan, *Toward the Charter*, 70. See also Howe, 'Human Rights Policy in Ontario,' 785-6, on liberal suspicion of the positive state.

10. Frank R. Scott, *What Does Labour Need in a Bill of Rights?* (summary), Dalhousie Labour-University Committee, Institute of Public Affairs, Dalhousie University, 1959, file: Year of Human Rights, 1946-49, vol. 14, Francis Reginald Scott Fonds, MG 30 D 211, LAC.

11. 1954 Statement on Bill of Rights under Fed-Prov Relations, vol. 59, Ontario - Policy and Research: General, 1942-47, Provinces, 1932-58, CCF.

12. 'We Are All Canadians.' Article refers to statements by Alistair Stewart. Resolutions, 1944 Convention, National Conventions and Inter-Provincial Conferences, 1932-60, vol. 13, CCF.

13. 'Doubts Expressed of Rights Bill,' *Regina Leader Post*, 22 Mar. 1947. Paul H. Christensen to Douglas, 5 Dec. 1945, file: Pamphlets, M.J. Coldwell, *Am I My Brother's Keeper?* vol. 297, CCF. R33.1 LIII 878 (58) Japanese Canadians, Douglas Papers (hereafter cited as TCD), Saskatchewan Archives Board. It is worth noting that some social gospel disciples who spoke out against racism continued to proselytize among non-Christian immigrant and minority groups.

14. Angus McInnis to Douglas, 8 Apr. 1946, box 255, TCD.

15. Norman Black and Bruce York to Douglas, 3 Mar. 1945, R 33.1 LIII 878 (58), TCD.

16. *Commonwealth*, 17 Apr. 1946.

17. Minutes, CCF Trade Union Committee, Continuations Committee, 1943, folder 21, box 1, Woodsworth Memorial Collection (hereafter cited as WMC), Manuscript Collection, Thomas Fisher Rare Books Library, Toronto; Provincial Executive meeting, 7 Jan. 1944, 9 Apr. 1944, Spadina Riding Association, 26 June 1944, WMC. See also National Conventions of 1944, 1946, and 1949, CCF.

18. Letter of congratulation, Emanuel Nowogrudsky, American representative of General Jewish Workers' Union of Poland, to David Lewis, 13 July 1944, vol. 68, Jewish Labour Committee, Sask Elections - Provincial, CCF.

19. David Lewis, *The Good Fight: Political Memoirs 1909-1958* (Toronto: Macmillan Canada, 1981), 226.

20. 'Provisional Labour Committee To Combat Racial Intolerance,' press statement on the background of the Labour Committee To Combat Racial Intolerance, file 4, vol. 41, Jewish Labour Committee Papers (hereafter cited as JLC), LAC.

21. Ibid.

22. See, for example, Action Committee of Labor Zionist Movement in Canada, 3 Dec. 1945, vol. 166, Research, 'Jewish - General Correspondence, 1942-1951,' CCF; Stewart to Lewis, 15 Feb. 1945, 17 Sept. 1945, vol. 104, Alistair Stewart, 1945-57, CCF; A. Brewin to Lewis, 18 May 1943, 19 May 1943, file: Andrew Brewin, 1943-57, vol. 89, Correspondence Individuals, CCF; A.J. Rosenstein to Stuart Jamieson, 1 Feb. 1945, Jamieson to Rosenstein, 3 Feb. 1945, file: Correspondence 1943-1958, vol. 107, CCF.

23. L. Rosenberg to Ben Lappin, secretary, Public Relations Committee, Central Division, 24 Feb. 1944, file 84, box 4, ZA 1944, Canadian Jewish Congress Archives, Montreal (hereafter cited as CJCM); comments submitted by Committee of B'nai B'rith re: Public Relations Program, n.d., marked confidential, file 84, box 4, ZA 1944, CJCM; H.M. Caiserman to J.H. Fine, chairman, Joint Public Relations Committee, 28 Dec. 1944, file 73, box 4, ZA 1944, CJCM.

24. Stewart Svonkin, *Jews against Prejudice: American Jews and the Fight for Civil Liberties* (New York: Columbia University Press, 1997), chap. 4: 'Law and Social Action'; H.M. Caiserman, 'Legislation against Race Hatred,' *Canadian Jewish Magazine*, Apr. 1943; L. Rosenberg, secretary, Joint Public Relations Committee (JPRC), Western Division, to Ben Lappin, secretary, JPRC, Toronto, 24 Feb. 1944, file 84, Federal-Provincial Legislation on Discrimination; H.M. Caiserman, general secretary, JPRC, to J.I. Oelbaum, chairman, JPRC, 10 Mar. 1944; M. Saalheimer to Commission on Law and Legislation, American Jewish Congress, 16 Oct. 1945, box 4, ZA 1944, CJCM.

25. Bill Waiser, *Saskatchewan: A New History* (Calgary: Fifth House, 2005), 247-52, 332-3.

26. Lauri Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UBC Press, 1997); James M. Pitsula, 'The Saskatchewan CCF Government and Treaty Indians, 1944-64,' *CHR* 75, no. 1 (Mar. 1994): 21-53, and 'The CCF Government and the Formation of the Union of Saskatchewan Indians,' *Prairie Forum* 19 (1994): 131-51; Morris C. Shumiatcher, 'Indian Smoke on the Western Sky,' *Canadian Forum*, Mar. 1946, 283-4.

27. Douglas to Donald Ewing, 18 Dec. 1945, file: Japanese Canadians, R33.1 LIII 878 (58), TCD.

28. Corman to Douglas, 16 Jan. 1946, file: Japanese Canadians, R33.1 LIII 878 (58), TCD.

29. Buck Suzuki to Lloyd Rasmusson, 8 March 1946, file: T. Buck Suzuki, Shumiatcher Fonds, LAC.
30. File: T. Buck Suzuki, MG 31 E19, Shumiatcher Fonds, LAC; Canada, *House of Commons Debates* (25 June 1946), p. 2844.
31. Fred Williams to Lewis, 10 Dec. 1943, and Mindel Sheps to Lewis, 13 July 1946, file 2: Sask: General Correspondence 1933-1958, vol. 65, CCF; W.J. Reid to Grant McNeil, MLA, 3 Jan. 1944, file: Harold Winch, 1938-1945, vol. 106, CCF.
32. Thomas Shoyama and Arthur Wakabayashi were other Japanese Canadians appointed to high-ranking civil service positions. A.W. Johnson, *Dream No Little Dreams* (Toronto: University of Toronto Press, 2004).
33. McInnis to Douglas, 8 Apr. 1946, box 255, TCD.
34. Douglas to McInnis, 3 Apr. 1946, box 137, TCD.
35. Douglas to Elizabeth Martin, 15 Jan. 1946, file: Japanese-Canadians, TCD.
36. See *Dominion-Provincial Conference [on Reconstruction] (1945): Dominion and Provincial Submissions and Plenary Conference Discussions* (Ottawa: King's Printer, 1946), 180.
37. Shumiatcher to his mother and father, 23 Apr. 1939, file 11, box 2, M8686, GSF.
38. Shumiatcher to his mother and father, 23 Apr. 1939.
39. A Coat of Many Colours: Morris Shumiatcher (tapes 76-80), 6 January 1989, Canadian Museum of Civilization Collection.
40. Shumiatcher to his mother and father, 1 Nov. 1942, file 10, box 2, GSF.
41. Minuetta to Shumiatcher, 8 June 1944, Correspondence, Miscellaneous, Shumiatcher Fonds, Saskatchewan Archives Board (hereafter cited as SSF).
42. Shumiatcher to his mother and father, 20 Jan. 1945, file 14, box 2, GSF.
43. James M. Pitsula, 'The CCF Government and the Formation of the Union of Saskatchewan Indians,' *Prairie Forum* 19, no. 2 (1994): 138.
44. Shumiatcher to his parents, 6 June 1940, file 10, box 2, GSF.
45. Introduction for M.A. Gray in Montreal Address on CCF, 15 Nov. 1947, CCF: MLA Gray, M.A. Winnipeg, SSF.

46. Schumiatcher to Bets, 29 May 1944, Personal Correspondence, SSF.
47. Shumiatcher to his mother and father, 28 Aug. 1944 and 3 Aug. 1944, file 14, box 2, GSF.
48. Pitsula, 'CCF Government and the Formation of the Union of Saskatchewan Indians'; Morris Shumiatcher, 'Indian Smoke on the Western Sky,' *Canadian Forum*, March 1946, 283-4.
49. A Coat of Many Colours.
50. Shumiatcher to Samuel Bronfman, 6 Oct. 1945; Saul Hayes, national executive director, CJC, to Shumiatcher, 11 Oct. 1945; M. Saalheimer to Commission on Law and Legislation, American Jewish Congress, 16 Oct. 1945, file 22, box 2, ZA 1945, CJCM. File 4: Report of Activities for Improved Human Relations of the JLC of C for the Year Ending 31 July 1947, vol. 20, MG 30 A53, Kalmen Kaplansky Fonds (hereafter cited as KK), LAC.
51. 'An Act To Protect Civil Rights,' 1946; Saskatchewan Bill of Rights Act, SSF.
52. A Coat of Many Colours; Joan Sangster, *Dreams of Equality* (Toronto: McClelland & Stewart, 1989), 214.
53. Saskatchewan Bill of Rights Act, 8 (2); Shumiatcher to Paltiel, 29 Nov. 1950, 10-1(2) 'Discrimination,' SSF.
54. Corman to Douglas and Woodrow Lloyd, 3 Mar. 1947, file 93 (2-29), box 25, TCD. *Debates*, 4 Feb. 1947, p. 43 (A.T. Procter, MLA); 13 Feb. 1947, p. 220 (A.T. Procter, MLA); 19 Mar. 1947, p. 994 (J.W. Corman, MLA), pp. 1001, 1003, 1006 (W.J. Patterson, leader of the opposition); 21 Mar. 1947, pp. 1065, 1066 (P.J. Hodge, MLA).
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56. 'Doubts Expressed of Rights Bill,' *Leader Post*, 22 Mar. 1947.
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63. *Debates*, 21 Mar. 1947, p. 1062 (D.M. Lazorko, MLA), 21 Mar. 1947, p. 1053 (D.Z. Daniels, MLA).
64. *Debates*, 19 Mar. 1947, p. 991 (J.L. Corman, MLA).
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66. *Ibid.*, pp. 991-2.
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69. *Debates*, 21 Mar. 1947, p. 1063 (D.M. Lazorko, MLA); Shumiatcher to M.A. Gray, 14 Apr. 1947, file: CCF MLA Gray, SSF.
70. 'The Saskatchewan Bill of Rights Act,' *Information and Comment*, Mar. 1949.
71. Report of the Saskatchewan Sub-Section of the Civil Liberties Section of the Canadian Bar Association, Concerning Bill C-60, Being 'The Canadian Bill of Rights,' 2 Mar. 1959, The Saskatchewan Bill of Rights Act, 10-1, SSF.
72. David Orlikow, 'Civil Rights Bill, Manitoban's Viewpoint,' *Commonwealth*, 2 Apr. 1947; *Debates*, 9 Mar. 1947, p. 983 (J.W. Corman, MLA); Corman to Clifford A. Scotton, Cooperative Press Association, 7 Sept. 1955, file: Racial Discrimination, vol. 179, CCF.
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74. For evidence of such fears among African Canadians in 1946 Nova Scotia, for example, see Backhouse, *Colour-Coded*, chap. 7.
75. Bill of Rights, Department of Attorney General, file 93 (2-29), box 25, R33.1, TCD.
76. *Ibid.*
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78. Paltiel to Shumiatcher, 2 May 1951 and passim, 10-1(2) Discrimination, SSF.
79. Statement of Dr M.E., Regina, 2 Aug. 1950, 10-1(2) Discrimination, SSF.
80. Rosalyn Gold, 'Occupational Selection and Adjustment in the Jewish Group in Montreal with Special Reference to the Medical Profession' (master's thesis, McGill University, 1943); file 75: Dental College, reel 1, Correspondence 1947, JPRC, CJC Central Region, MG 8 S, Ontario Jewish Archives.
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83. Shumiatcher to Douglas, 28 Aug. 1947; Shumiatcher to Corman, 25 Sept. 1947, XXXVIII (464) (44a-1-3) Prosecutions under the Bill of Rights, R 33.2, TCD.
84. Sam Kerby to Paltiel, 21 Feb. 1953; Paltiel to Shumiatcher, 25 Feb. 1953; Shumiatcher to Corman, 2 Mar. 1953; Shumiatcher to Paltiel, 2 Mar. 1953, 10-1(2): Discrimination, SSF.
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88. Kaplansky to Ingle, 2 Sept. 1955; Milling to Ingle, 12 and 16 Sept. 1955, Sid Blum, executive secretary, JLC, Toronto, to Ingle, 20 Sept. 1955, file: Racial Discrimination, vol. 179, CCF; Ken Bryden to Bea Woods, CCF National Office, 4 Sept 1953, file: Civil Liberties, 1940-1953, vol. 147, CCF; Paltiel to Shumiatcher, 2 May 1951; Shumiatcher to Paltiel, 5 May 1951, 10-1(2) Discrimination, SSF.

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90. Kaplansky to Ingle, 2 Sept. 1955; Milling to Ingle, 12 and 16 Sept. 1955, file: Racial Discrimination, vol. 179, CCF.

91. Frank Scott, *The Canadian Constitution and Human Rights* (Toronto: CBC Publications Branch, 1959), especially 45ff. See Kaplansky to Ingle, 2 Sept. 1955, file: Racial Discrimination, vol. 179, CCF, on the intentions of the Saskatchewan government.

92. Douglas to J.G. Diefenbaker, prime minister of Canada, 19 Jan. 1959, XXIII 764(23-31), TCD. See also Donna Greschner, 'The Purpose of Canadian Equality Rights,' *Review of Constitutional Studies* 6, no. 2 (2002): 291-323.

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