

# Civil Rights In Public Education, Inc.

All human beings are born free and equal in dignity and rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS

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## We need a modern-day Joseph Howe, a reporter who fearlessly exposed corruption in government.

One reason that this is the 100th issue of this newsletter is that we do not have any prominent person who has the strength of character and passion for justice as did Nova Scotian Joseph Howe.

**Joseph Howe**, (December 13, 1804 – June 1, 1873) was a Nova Scotia journalist, politician, and public servant. He was born the son of John Howe and Mary Edes at Halifax and inherited from his loyalist father an undying love for Great Britain and her Empire.

Joseph Howe, like many lads of that time, received only a limited formal education before beginning an apprenticeship at the age of 13. He served his apprenticeship at the printing shop that the senior Howe had established in 1781 and where they published a news-

paper, the Halifax Journal.

At age 23 the self-taught but widely-read Howe purchased the *Novascotian*, soon making it into a popular and influential newspaper. He reported, for the first time, the debates in the Nova Scotia House of Assembly and travelled to every part of the province writing about its geography and people.

It was in 1835 that Howe came to the public's attention as a speaker for the rights of the ordinary citizen. He had published in his paper a letter criticizing the financial administration of those in charge of municipal affairs, an anonymous letter accusing Halifax politicians and police of pocketing £30,000 over a thirty-year period. The outraged civic politicians had Howe

charged with seditious libel, a serious criminal offence. Though he was not the author of the letter, he, being the publisher of the letter, was nonetheless subjected to a criminal libel trial.

Howe's case seemed hopeless since no lawyer in town would represent him, and truth was not a defence. The prosecution had only to prove that Howe had published the letter. Howe acted as his own lawyer and, for more than six hours, he addressed the jury citing case after case of civic corruption. He spoke eloquently about the importance of press freedom, urging jurors "to leave an unshackled press as a legacy to your children".

Even though the judge instructed the jury to find Howe guilty, jurors took only 10 minutes to acquit him. The decision was a landmark event in the slow evolution of press freedom in Canada.

Howe soon found himself leading the struggle to bring responsible government to the colony. His weapon of choice was the pen rather than the sword. "I have been called the Papineau of Nova Scotia," he said, referring to Louis-Joseph Papineau, who

### IN THIS ISSUE

<b>We need a modern-day Joseph Howe</b> -----	<b>1</b>
<b>Bill Davis lauded on his birthday</b>	<b>3</b>
<b>Reaction to article about Bill Davis</b> -----	<b>3</b>
<b>More reaction to Davis article by Claire Hoy</b>	<b>4</b>
<b>Community Schools Alliance</b> -----	<b>6</b>
<b>NDP resolution on school funding</b>	<b>7</b>
<b>Head tax documentary</b> -----	<b>7</b>
<b>Should churches get government aid?</b>	<b>7</b>
<b>Our Supreme Court</b> -----	<b>8</b>

fought for the independence of Lower Canada, "and a connection is attempted to be shown between the Reformers of this Province, and the agitators in Canada."

However, he took a dim view of armed rebellion: "In these matters, my feeling has always been ... keep the peace, never break it, use the means within the law and the Constitution, and these, after patient perseverance, will procure every needful reformation."

His opponents were not so reluctant to resort to violence. Howe's first challenge to duel came in 1837. William Q. Sawers, the ranking magistrate in Halifax, objected to something he believed Howe had said in the House, demanded an apology, or for Howe to meet him on the field of honour. Howe was able to provide a transcript of the notes the legislative reporter had taken of the speech. Sawers conceded that he must have misheard.

"The gentleman, finding we were not to be bullied," Howe explained, "thought fit to be satisfied."

A second challenge came two years later from Dr. W. J. Almon, who accused Howe of insulting his father. This challenge, Howe relates, was "easily disposed of" as friends convinced Almon to withdraw.

An editorial that Howe published on March 12, 1840, sparked the challenge from John Halliburton. Howe had criticized the

system that gave every opportunity to the sons of privileged families, sons such as Halliburton, to the detriment of intelligent young men with no money or connections. Howe insisted that "there had only been a fair comparison of different classes and no insult in the matter", but Halliburton would not back down. Howe knew that if he did not meet him "it would subject me to repeated annoyances from others, and perhaps either weaken my position as a public man or compel me to shoot some fellow".

Two days later, with great reluctance, Howe found himself with a loaded pistol in his hand. The combatants took their positions at opposite ends of the field. Howe stood his ground and waited, facing the moment — the possible end to his life and career — with a calm that surprised even him. He would not fire first. That honour he granted to Halliburton.

Halliburton raised his weapon and took careful aim. The pistol cracked. The bullet missed.

"There shall be no blood on my hand," Howe had written in his letter to Susan Ann, his wife.

True to his word, he raised his pistol and fired into the air. "Let the creature live," he supposedly remarked. "I never intended to fire at him and would not for ten thousand pounds," he said later. Providence, he declared, had spared him, and "strengthened my hands by the very means which were taken to destroy me". What he had won was

clear to him, nothing less than "perfect independence".

Howe was challenged again, but he refused. His moral courage was no longer in doubt. His life and career went on, and he met his goal of bringing responsible government to Nova Scotia in 1848 — making it the first jurisdiction in Canada to achieve this.

He served as premier of Nova Scotia from 1860 to 1863 and led the unsuccessful fight against Canadian Confederation from 1866 to 1868.

Despite his opposition to Confederation, he entered the House of Commons in 1867 as a member of Canada's first federal parliament.

Having failed to persuade the British to repeal Confederation, Howe joined the federal cabinet of John A. Macdonald in 1869 and played a major role in bringing Manitoba into the union. Howe became Lieutenant Governor of Nova Scotia in 1873, but died after only three weeks in office.

Today, he is considered one of Nova Scotia's greatest and best-loved politicians. His remarkable gift for oratory and his considerable skills as a journalist and writer have made him a Nova Scotia legend.

Selections of Howe's life have been chosen to illustrate his abhorrence of violence and his unwavering stand on principle along with his belief in working within the law with patience and perseverance.

Reference at: [www.biographi.ca/009004-119.01-e.php?Bioid=39171](http://www.biographi.ca/009004-119.01-e.php?Bioid=39171)

## Bill Davis

On August 5th, 2009, Bill Davis turned 80 years old. The occasion was one which saw him feted by a gathering of old friends. An article in The Star by Haroon Siddiqui outlined some career highlights and accomplishments. Both this article and a TVO production gave overall high praise to Davis with the exception of the following paragraphs in The Star article.

"It was he who as education minister (1962-71) democratized education by building schools and universities, starting community colleges (a first in North America, derided at that time as white elephants), providing student loans, and extending full funding for Catholic schools to Grade 13.

"The latter has been subject to revisionist history that needs correcting. Funding Catholic schools was part of the historical bargain between the Protestant English and the Catholic French. Ontario had already been funding Catholic schools until Grade 10; Davis only extended it to the end of high school. When he did, only one minister, Norm Sterling, opposed it. And both the Liberals and New Democrats supported it in the Legislature.

"Funding Catholic schools but not Jewish or other religious separate schools remains awkward public policy, no question. How we deal with this historic anomaly, without turning on each other, will be a test of our democratic maturity."

## Reaction to The Star article

By Malcolm Buchanan

Unpublished letter in response, reprinted with the author's permission.

"Haroon Siddiqui claims that Bill Davis's decision to extend full public funding for Catholic schools to grade 13 has been subject to revisionist history that needs correcting. Siddiqui's so called "correction" is nothing more than a weak apology for a seriously flawed educational policy that continues to divide Ontario's multicultural society.

"I was President of the Ontario Secondary Teachers' Federation [ OSSTF ] the day that Bill Davis made his infamous announcement that full public funding of the Roman Catholic secondary schools was the "right choice". The announcement was a bombshell. There was no prior warning nor consultation with the public or the educational community. Bette Stephenson, the then Minister of Education, informed me that she was not consulted and learned of Davis's decision at a specially called cabinet meeting immediately prior to his announcement.

### Why did he change his mind?

"Why did Bill Davis change his mind about extending public funding to the Roman Catholic school system? There are three current theories:

"First, when I asked Bill Davis why he had decided to extend funding to the Roman Catholic school system without any prior notification and public input he informed me that the "cathartic moment" came when he was cutting his front lawn and a group of students interrupted him and asked why their parents

had to pay a fee to the separate school board so that they could complete their high school education. He claims that he was at a loss as to how to justify the payment to the students as to why their parents had to pay fees so that they could complete high school. Bill Davis has stuck to this theory of events.

"Second, I was informed by personnel within the Ministry of Education that Davis was threatened by Cardinal Carter and other Roman Catholic Church leaders that if he did not extend public funding they would ensure, come the next provincial election, that the Catholic Church would mobilize the faithful to vote against the Progressive Conservative Party.

"Third, the most current theory being proposed explains "what really happened". If this account is true, as stated in the Globe and Mail, Davis wasn't threatened but manipulated and seduced by Cardinal Carter and the Ontario Catholic hierarchy. If the claims of Gordon Sanderson, a Davis researcher, can be believed, Davis's conversion came about as a result of frequent secretive meetings conducted over private dinners and luncheons. It is claimed all this took place with only Bill Davis and the Catholic Cardinals in attendance. Given this type of pressure no wonder Bill Davis sold out.

### Disastrous for public education

"Whatever theory one subscribes to, the result was and is disastrous for public education.

"Bill Davis stated that there would be no adverse effect on public secondary education.

Wrong. At the time of Davis's announcement critics estimated that the following would happen:

"Many small public high schools would be forced to close; many public secondary students would be displaced as a result of high school closures and be subjected to long hours of busing; many compulsory and optional secondary programs would be eliminated; displacement of teachers and support staff would occur; Roman Catholic school trustees would demand the best public high schools be transferred to the separate school system; Roman Catholic school boards would demand the right to impose discriminatory hiring and promotion practices for teachers; the cost for maintaining the Roman Catholic separate school system would continue to escalate."

"Bill Davis also stated that the cost to extend public funding to the Catholic school system would be approximately an additional \$50 million a year. Wrong again. The real cost is closer to \$500 million a year.

**"Unfortunately, all of the above predictions proved to be true.**

"It is interesting to note that Davis believed that the public supported his initiative. This is totally misleading and self serving. The public were never consulted nor given the opportunity to vote on this historic reversal of social policy. All the political parties of the day supported the extension of funding proposal like trained seals.

"As President of OSSTF I met with Bill Davis's successor Frank Miller shortly before the 1985 provincial election in an attempt to convince him to reject the extension funding proposal. Despite my

pleas and several Conservative MPPs', who were also in attendance, Miller would not go against his former leader. As a result, the OSSTF was left to organize opposition to the extension funding proposal. There is no question that our efforts hit a chord with the public. Despite the fact that no political party had the fortitude to oppose Davis's proposal the Federation was able to focus public anger against the Frank Miller Conservatives, thereby leading to the eventual defeat of Frank Miller's government.

"As a footnote to this sordid event, Frank Miller stated the day after the election that it was a mistake to extend public funding to the separate school system and if the Conservatives managed to hold onto power he was prepared to change his mind and oppose the extension of funding. Unfortunately, Miller was never

able fulfill his change of heart since the Conservatives were removed from office by the Liberal-NPD coalition government.

"Bill Davis's proposal to extend full funding for Catholic schools is a costly and divisive failure. Ontario is becoming increasingly diverse and the day is coming when the status quo will no longer be workable or acceptable. Ontarians are ready for a single secular public education system that will welcome all students, whatever their beliefs, and will play its critical role in helping Ontario become a province known for understanding, cohesiveness, inclusiveness – and true fairness."

Malcolm Buchanan has served as President and as General Secretary of the OSSTF. Now retired, he is a CRIPE member and active in politics to promote one public school system.

## Davis not exactly as portrayed by TVO

By Claire Hoy, reprinted with permission

"Napoleon Bonaparte, who made a little history during his life, once described history as "the version of past events that people have decided to agree upon." Which pretty well sums up a recent hour-long TVO special on former Ontario premier Bill Davis, reviewing his legacy some 50 years after he was first elected to the Ontario Legislature from Brampton and almost 30 years since he stepped down as Ontario's longest-serving premier.

"The first half of the show featured a friendly interview with Davis by host Steve Paikin - normally one of the most well-

balanced, evenhanded journalists on television - followed by a panel of equally laudatory cheerleaders, all of whom seemed to agree on two main points: first, that Davis, despite his enormous accomplishments, was a humble man; and second, he only did what he did when he believed that it was the right thing to do, unlike other politicians who, apparently, do what they do based on crass political considerations.

"As one of the few journalists who actually covered the entire Davis premiership—and published a detailed biography on the man and his career—it sure came as a shock to me to learn that

Davis, the absolute epitome of pragmatism, was portrayed as a man who stood by his principles no matter what.

"Let's get something straight here. I liked Davis the man - during more than 40 years covering politicians I've never known one as dedicated to his family and personal morality. But Davis the politician, well, that was something else. And it bore no resemblance whatsoever to the slavering adoration presented by TVO as political history.

### Community colleges

"Davis became premier in 1971 after several years as a highly-active and successful education minister under John Robarts. It was Davis, much to his credit, who introduced the entire community college system to Ontario, in my view, still his greatest contribution to Ontario life. He also expanded the university system while he was at it, a performance which on the one hand allowed more students to obtain university degrees but, on the other hand - the hand the TVO show never even considered - has cheapened those degrees by resulting in lower academic standards.

"But we digress.

"There were too many instances in the show of unbridled praise for what Davis accomplished, i.e. human rights legislation, rent controls, full funding for Separate schools, to go into great detail here, but the version of Davis on the show was enough to make Mother Teresa's motives look suspect by comparison. Let's just take rent controls, for example. During the 1975 election campaign - just four years after Davis had won the largest majority in Ontario history until that time (an election he won on the strength of

his opposition to extending Separate school funding, a "principle" he would completely reverse shortly before retiring) - he and the Tories were on the verge of getting booted out, thanks to four years of scandal and incompetence. Then NDP leader Stephen Lewis ran a brilliant campaign on rent controls, consistently dragging out poor widows and others who, according to Lewis, were on the verge of homelessness thanks to evil landlords.

"Davis - and most of his caucus and cabinet - strongly opposed government rent controls on the solid ground that, in reality, they lead to less development and hence more shortage for those who needed rental accommodation.

"But just a few days before the campaign ended, with Tory internal polls showing they were getting hammered on the issue and were on the verge of losing the election, Davis told a partisan crowd in London that, if re-elected, the Tories would bring in a form of rent controls.

### No principle involved

"There was no great principle involved; no acting because he thought it was "the right thing to do". It was plain, old-fashioned pragmatic save-your-butt-if-you-can politics.

"How do I know this? Well, it was your correspondent, i.e. me, who telephoned housing minister Don Irvine at his home that night to get his reaction and – wait for it – I was the one who broke the news to the minister who Davis had announced would be one of the key players in the new scheme. Irvine, who strongly opposed rent controls, said, "It's news to me," but only after initially thinking I was pulling his leg about the announcement.

### Partisan and tacky

"The 1984 decision to extend full funding to Separate schools was equally partisan and tacky - the result of a personal promise made to his pal, the late Cardinal Emmett Carter. Davis hotly denies the deal, but the fact is that his caucus knew nothing of this major announcement until an hour before he marched into the Legislature to make it. They had no say. None.

"The point of all this isn't to say that Davis lacked accomplishments. His key role in the Charter of Rights - properly proscribed (sic) in the TVO show - stands as an example.

"But surely if a serious political show intends to devote an entire hour to the legacy of a former politician, the least that can be expected is a look at both the good and the bad.

"Instead, we were fed pap."

The above article by Claire Hoy appeared in the Orangeville Citizen, and the Caledon Citizen of July 9, 2009. Claire Hoy is also the author of "*Bill Davis: A Political Biography*," published by Stoddart in 1985. Hoy worked at Queen's Park for both the Toronto Star and Sun during almost all of the Davis regime.

CRIPE's book *Not Carved in Stone*, page 45, contains an elaboration of Claire Hoy's comments about Davis folding "...like a three-dollar accordian" in the face of a threat by Cardinal Carter to obey or "...count on having opposition from every Catholic pulpit in Ontario" in the up-coming election. Davis lost the election **precisely because** he folded to introduce full funding for Roman Catholic separate schools

# Community Schools Alliance

## formed to push for community consultation in the closure of small schools

Edited from the website: [www.communityschoolsalliance.ca](http://www.communityschoolsalliance.ca)

The Community Schools Alliance is made up of 48 mayors, councillors and bureaucrats from Ontario municipalities to address challenges associated with the process schools boards use to determine which schools in a municipality stay open, which ones are closed and where new schools will be located. Across Ontario, municipal leaders are concerned about the Accommodation Review Committee (ARC) process and the impact this flawed process has on the socio-economic fabric of our communities.

### **Goals of the Alliance**

The Community Schools Alliance is asking Minister Wynne to support a “*smart moratorium*” on all school closings disputed by municipalities. The goal of the smart moratorium is for the Ministry, schools boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon ARC process, a review of funding to rural and small community schools, and defining the working relationship, transparency and accountability between municipalities and school boards.

### **Meeting with Minister Wynne**

At its inaugural meeting in August, The Community Schools Alliance had half an hour to convince Kathleen Wynne to suspend disputed school closures. The inau-

gural meeting was timed to coincide with the annual conference of the Association of Municipalities of Ontario.

Though she called it a good meeting, Wynne didn't buy in to the group's concept of a "smart moratorium".

"We're not going to invoke a moratorium on school closures or consolidations because we really believe that school boards need to be able to make those decisions community by community," Wynne said.

### **Wynne's policy**

Instead, Wynne presented the group with a draft policy calling for partnerships between school boards and their communities to share school facilities, including unoccupied space in schools.

This includes such moves as using mothballed space in an under-used high school to accommodate elementary-school students.

Wynne said the draft policy "goes a long way to putting in place the expectation that boards will work with municipalities and work with other partners and make their school usage policies more open and transparent so that the decisions can be community based as opposed to simply the board of education".

The Community Schools Alliance has criticized the accommodation review process for not

heeding community input. Last week, it praised the draft policy as an important step forward, but falling short of recognizing the urgency for a solution to what it calls a crisis.

There are 146 schools on the chopping block in Ontario this year. Another 100 are undergoing an accommodation review, the group says.

More than 200 municipal leaders attended the inaugural meeting of the Community Schools Alliance in Ottawa in August and when municipal councils begin meeting again in September after summer breaks, the alliance is likely to see memberships grow.

### **CRIPE's reaction**

Bernadette Secco, the Media Contact for CSA was extremely helpful. She advised CRIPE that the elimination of public funding for Roman Catholic separate schools has been brought up within the CSA and will probably be dealt with more seriously after CSA's “smart moratorium” is accepted.

It was noted that both the Declining Enrolment Working Group and a recent Ontario Public School Boards' Association report recommended that co-terminus school boards work together, meaning that public and separate school buildings and facilities should be shared.

## NDP Resolution on school funding

The Spring issue of the CRIPE newsletter, which reported on “The Ontario NDP Leadership Convention”, included the three resolutions in a motion on school funding, but omitted the previous “whereas” paragraphs. Below is a copy of the complete resolution which was adopted, after considerable debate, at the March 2009 Ontario NDP convention.

Whereas Ontario currently has four publicly-funded school board systems, a French Catholic, a French Public, an English Catholic and an English Public; and

Whereas schools in all board systems currently lack adequate funding due to a flawed provincial funding formula that the McGuinty government has refused to fix despite promising to do so; and

Whereas all proponents of public education should be united in the fight for excellent schools that have the funding they need; and

Whereas the forced merger at this time of some of these school board systems will only serve to divert attention away from the real problems facing public education in Ontario;

Therefore be it resolved that New Democrats oppose the McGuinty government's continued and chronic under-funding of schools in Ontario's four publicly-funded school board systems; and

Be it further resolved that New Democrats continue to support Ontario's four publicly-funded systems at this time and oppose any efforts to forcibly amalgamate them; and

Be it further resolved that Provincial Council establish a Party task force to examine all public education funding options in Ontario and that the task force report back to Provincial Council within a year of this convention.

Action on this motion will take the form of a Task Force to study and make recommendations regarding the funding options for Ontario's public school system[s]. The composition and mandate of the Task Force will be announced at the NDP Provincial Council Meeting this coming November.

### Head tax documentary will focus on apology

A film crew is in Calgary to shoot a documentary that deals with a dark chapter in Canada's past and the official attempts to later address it. The plans are to make a three-part series about the 2006 apology from Ottawa for the country's past racist policies against the Chinese.

Our crystal ball tells us that the future will again see contrite and apologetic politicians, and perhaps a documentary too, to recognize the past offence of religious discrimination against children and teachers practiced for so long in Ontario separate schools. With the ONDP motion, above, this could happen sooner than some might think.

Should churches get government aid?

A U.S. poll says No

From “Voice of Reason”, journal of Americans for Religious Liberty. 2009, No. 2 edition

“A poll in the May 17 issue of the widely read *Parade Magazine* showed respondents opposed to federal government support of churches by 86% to 14%.

“The issue arose when the Barna Group, an evangelical polling firm, discovered that 20% of households have reduced their donations to churches in the past year.

“An estimated \$3 - \$5 billion in contributions has been lost so some churches have appealed to Uncle Sam (who else?), and the ever-watchful Department of Homeland Security announced in April that \$100 million from the economic-recovery program will be available to food and shelter programs, including those run by religious organizations. Billions more are apparently coming from the Faith-Based office.

“An unresolved problem is whether religious groups that run these programs can require their workers to adhere to certain religious beliefs or practices.

“The *Parade* poll was specific: ‘Should churches receive government funding without restrictions?’

“An overwhelming majority of respondents said ‘no’.”

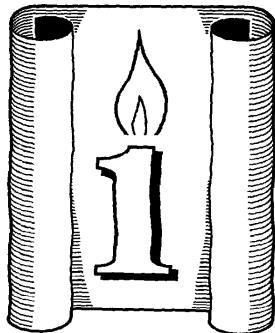
Even with separation of church and state in the American constitution, and popular support, a watchful eye is needed.

## WHO WE ARE

Civil Rights in Public Education, Inc. is an organization composed of citizens of differing backgrounds, living in more than 155 communities across Ontario, committed to one strong public education system, which offers neither privilege nor prejudice to anyone.

## OUR AIMS ARE

- To serve as advocates for civil rights in public education so that the public is informed about the issue of publicly-funded separate schools.
- To hasten the day when Ontario's education policy recognizes the dignity and worth of all children, their right to equality, and their right to freedom from religious discrimination.



## OUR LOGO

Our logo is composed of a background scroll representing the charters of rights which guarantee fundamental freedoms to all individuals; the numeral "1" signifies equality and social unity in one public education system for each official language; the flame above is the universal symbol for freedom.

## Our Supreme Court

In June, Chief Justice Beverley McLachlin boasted about her tenure amid criticisms of the Court's judicial activism. As an example of such activism, the Court of 1987, in its decision on Bill 30, put the province of Ontario above the law – the Constitution no less – to allow Ontario to violate the Charter of Rights and Freedoms through its desire to provide public funds for the Roman Catholic separate school system.

In July, John Robson wrote a column which appeared in the Ottawa Citizen entitled "Judges should answer to the rest of us". In it he quotes the famous English statesman and judicial commentator, Edward Coke, who insisted in 1608 that: "A good judge does nothing by his own whim, nor by the suggestion of his own will, but pronounces according to statutes and laws." (Laws such as the Charter of Rights.) Also quoted is Victorian constitutional expert, Albert Venn Dicey, who said: "The duty of a Court, in short, is not to remedy a particular grievance, but to determine whether an alleged grievance is one for which the law supplies a remedy." (Such as the Charter and international law.)

On June 25th, 1987, the Supreme Court declared that the Canadian Charter of Rights and Freedoms does not apply to the government of Ontario in matters of education. So much for Constitutional guarantees of equality and freedom and for the International Covenant on Civil and Political Rights – a covenant to which Ontario pledged to honour.

## A Thought to Consider

"...my feeling has always been ... keep the peace,  
never break it, use the means within the law  
and the Constitution, and these,  
after patient perseverance,  
will procure every needful reformation."

Joseph Howe, Canadian Statesman

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**ABOVE ALL WE MUST MAKE SURE THAT NO CITIZEN OF  
ONTARIO, NOW, OR EVER IN THE FUTURE, IS PRIVILEGED  
OR DISADVANTAGED PUBLICLY BECAUSE OF HIS/HER  
FAITH, OR ABSENCE OF FAITH.**