

Who is Flaming the Fires against Anti-Racism Initiatives in Canada?

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Bonne soirée, distingués invités, mesdames et messieurs. C'est vraiment mon plaisir d'être ici ce soir.

I am delighted to be here today to deliver the Dr. Abdul Lodhi Memorial Lecture. I understand that Dr. Lodhi was a pioneer in Atlantic Canada in the struggle for human rights, and he had a particular interest in eliminating racism and promoting equality for visible minorities and Aboriginal peoples. How have the efforts of people like Dr. Lodhi impacted on Canada?

I am going to read you a quote from a popular Canadian magazine.

"...all those anxious, pushy Orientals with outstretched palms and campy smarts, try to worm their way into the West. They lack the stoic simplicity of African refugees who crisscross that continent in eternal agony, seeking refuge from famine and civil war without bothering us for more than the odd blanket".

If you think this was written in the early 1900s, you are mistaken. This appeared in the November 20, 1989 issue of MacLean's, authored by Barbara Amiel who was expressing her opposition to Canada opening its door to Asian immigrants and her own perception and rank ordering of different groups of immigrants. What is disturbing is the resemblance between the sentiments expressed here and those expressed more than 90 years earlier.

In September 1907, Chinese and Japanese residents of Vancouver had to fight off a racist white mob that attempted to destroy their homes and businesses. The mob was organized by a white supremacist organization called the Asiatic Exclusion League, who enjoyed the full support of the mainstream press. Shortly after the riot, the Vancouver Daily Province published an editorial that said:

"We are all of the opinion that this province must be a white man's country ... We do not look forward to a day when our descendants will be dominated by Japanese, or Chinese or any colour but their own."

Historically, there has always been a backlash against disenfranchised individuals and groups who have fought for equal rights. Stringent laws were also passed to discourage Indian immigrants from entering Canada. In particular, the "continuous voyage policy"

prohibited Indians from entering unless they had arrived by a direct trip from India with no stopovers.

In 1914, a Sikh businessman named Gurdit Singh decided to challenge this racist policy. He chartered a Japanese steamliner, the Komagatu Maru, to bring Indian immigrants to Canada. The ship departed from Hong Kong, stopped in Japan, and then headed towards British Columbia. Its passengers included 376 Indians from the Punjab. It arrived in Vancouver on May 23, 1914, but the Canadian authorities did not allow the passengers to leave the ship. For two months, there was a heated legal battle in the British Columbia courts while the passengers languished in sordid conditions. In the end, only 24 passengers were permitted to stay legally in Canada. The rest were forced to return to Hong Kong.

The Supreme Court of Canada also slapped down visible minorities who dared to challenge racism in private establishments. In 1936, a man named Fred Christie and two of his friends entered the York Tavern, which was on the ground floor of the Montreal Forum. Mr. Christie was an ardent Montreal Canadiens fan. He was also black. A waiter approached and Mr. Christie ordered beers for himself and his friends. The waiter responded, "Gentlemen, I am very sorry. I cannot serve coloured people." When Mr. Christie asked why, he was told that York Corporation's regulations did not permit the tavern to serve "coloured men."

Mr. Christie decided to sue the tavern and his case went all the way up to the Supreme Court of Canada. In a majority decision, the court ruled that the tavern was free to discriminate against blacks under the principle of freedom of commerce. In other words, the highest court in the land upheld the right of businesses to practice racial discrimination.

During the Second World War, almost 22,000 Japanese Canadians were uprooted from their homes and sent to internment camps. Their property was confiscated by the government and sold without their consent. The fact that most Japanese Canadians were naturalized or Canadian-born citizens did not provide them with any level of protection. The RCMP found no evidence that Japanese Canadians posed a security risk, but the government action was strongly influenced by racist editorials in Canadian newspapers and wartime hysteria.

Have the efforts of individuals who sought justice and equity for racial minorities and Aboriginal peoples over the last 50 years resulted in changes? Fortunately, Canada has made substantial progress in advancing the protection of human rights. In the 1950s and 60s, governments began to purge their books of overtly racist legislation. Today, both the federal and provincial governments have enacted human rights laws that

prohibit racial discrimination in areas such as employment and the provision of services. We also have a Charter of Rights and Freedoms that guarantees formal equality to all Canadians.

Starting in 1967, Canada moved away from a race-based immigration policy and began to accept qualified immigrants from Asia, Africa and the Middle East, among other countries. In 1997, the Supreme Court of Canada issued a groundbreaking Aboriginal rights decision in a case called *Delgamuukw*. The decision confirmed that Aboriginal title does exist, that it is a right to the land itself, and that when dealing with Crown land, the government must consult with First Nations whose rights may be affected.

These are all positive developments and demonstrate that Canada has been moving in the right direction. However, since the mid-1990s, a backlash has been developing against equality initiatives, and it has picked up steam in the last couple of years.

Modern racism is not restricted to the use of words. Five skinheads in British Columbia viciously attacked an elderly Sikh caretaker and kicked him to death. They were subsequently arrested and convicted of manslaughter. While awaiting trial, one of the skinheads wrote a letter to a Texas white supremacist and praised him for dragging a black man to death behind his pick-up truck. In the wiretap evidence presented at the trial, another skinhead proposed murdering 100 Indo-Canadian children to frighten their parents into leaving Canada. It is a frightening modern-day example of the most violent form of racism that exists in our country.

In 1992, the American writer Susan Faludi published a book called *Backlash - The Undeclared War against Women*. She argued that the 1980s and early 1990s gave rise to a counter-revolution against women's rights in the U.S. Although the women's movement had achieved hard-earned gains in pay, working conditions and anti-discrimination legislation, these were gradually being rolled back.

There has been an undeclared war against equality since the mid-90s even as discussions about building a civil society prevailed in Canada. As we enter the new Millennium, this counter-revolution against equality initiatives continues, and it appears to be aimed primarily at visible minorities and Aboriginal peoples. This is manifesting itself in politics, the media, and other well-entrenched institutions in society. This movement flames the fires on three specific issues: Aboriginal rights, immigration, and employment equity.

Some people have described this backlash movement as "right-wing" or "conservative" in nature. I believe that it is more accurate to label this movement as a "non-progressive brand of conservatism." I would argue that an anti-racist approach that promotes a more competent workforce or which recognizes the traditional rights of Aboriginal peoples is consistent with genuine conservative ideology. Unfortunately, a different, more insidious

brand of conservatism is taking hold in certain quarters in Canada and this is what is fuelling the fire against equality.

The backlash movement has focused much of its recent energy on fighting against the legal recognition of Aboriginal rights in Canada. The instrument or weapon that they are using to inflame Canadians is language - the power of words. So if a Canadian court recognizes the fundamental rights of Aboriginal peoples, the backlash movement claims the court is providing "preferential treatment" or "special rights" to Canada's first inhabitants.

In the Delgamuukw case, which I referred to earlier, the Supreme Court ruled that where the evidence for Aboriginal title lies in the oral traditions of Aboriginal peoples, the rules of evidence must give equal weight to those traditions. Well, this is what the Ottawa Citizen newspaper had to say about giving equal weight to the oral traditions of Aboriginal peoples:

"...now Indians can claim land if they can produce some snaggle-toothed old hag to sing an off-key song asserting that her people used to live there."

Unfortunately, that kind of racist media coverage is not limited to the nation's capital. In fact, the vanguard of the backlash movement seems to be in British Columbia. In that province, an unholy alliance of power-hungry politicians and a hostile media is using Aboriginal rights as a tool to inflame and mislead the public. In particular, the Nisga'a Treaty has become a lightning rod for stereotyping and racism against Aboriginal peoples.

The treaty provides the Nisga'a with 2,000 square kilometres of land, about \$253 million in cash, and self-government powers that are similar to those of a municipal government. Under the agreement, the Nisga'a only received about five per cent of their traditional lands, but this is apparently still too much in some people's opinion.

This modest treaty has provoked an unprecedented firestorm of racism. A newspaper publisher who owns about 60 weekly newspapers in B.C. ordered his editors to only print negative editorials about the treaty. The B.C. Liberal Party and a group called the B.C. Fisheries Survival Coalition launched a court challenge against the treaty, calling it unconstitutional. In Ottawa, the Reform Party used extraordinary stalling tactics in the House of Commons in an attempt to derail federal approval of the treaty.

The Vancouver Sun, another Southam paper, had this to say about the treaty:

"...as native peoples get more land, timber, fish, as they reap and allegedly abuse fantastic amounts in taxpayer compensation, the potential for backlash grows and grows."

Unfortunately, the backlash against the legal recognition of Aboriginal rights is not limited to the West Coast. Some of the worst anti-Aboriginal violence that Canada has seen in recent memory happened right here in New Brunswick after the Marshall decision. In that case, the Supreme Court found that a 1760 treaty gives the Mi'kmaq the right to earn a "moderate livelihood" from fishing, hunting and gathering. After Mi'kmaq fishers took to the water to exercise their treaty rights, non-Aboriginal fishers defied the law and destroyed Mi'kmaq fishing traps.

There is general agreement that much of the blame for the violence lies at the feet of the federal government, because it clearly had no contingency plan in place for addressing the ramifications of the Marshall decision. However, the backlash movement did not hesitate to jump on the opportunity to engage in Supreme Court bashing and inflame non-Aboriginal Canadians against the Marshall decision.

After the outbreak of violence, the National Post wrote an editorial that said, "Rioters of any race must be brought to justice, but the original cause of the riots - racially awarded economic spoils - must be excised too." In a commentary piece entitled "Special rights for natives threaten our otherwise civil society," Barbara Yaffe of the Vancouver Sun said that, "The total registered Indian population is ...less than three per cent of the population. It's doubtful the other 97 per cent will stand by peacefully as this select group proceeds to live by different rules."

The backlash movement is also promoting its agenda by racializing certain issues. For example, in the last couple of weeks, there has been significant media coverage about allegations of corruption in certain First Nations communities in Nova Scotia. Obviously, any allegations of mismanagement should be taken seriously and thoroughly investigated. However, the backlash movement uses these allegations to bolster their argument that Aboriginal peoples are not ready for self-government.

These kinds of arguments are used selectively and inconsistently. For example, who can forget the recent corruption scandal in Saskatchewan, where at least 14 former Progressive Conservative Party politicians and workers were convicted of charges such as fraud and breach of trust? The degree of corruption and theft of taxpayers' money was enormous but no one ever concluded that the people of Saskatchewan should not be able to govern themselves. So why is this argument used whenever a financial scandal erupts in a First Nations community? I believe that the anti-self-government argument is simply another example of the inflammatory tools that are being used to put the brakes on advancement of Aboriginal rights in Canada.

But the backlash movement has not directed its efforts solely at Aboriginal peoples. Other targets include Canada's immigration and refugee laws and the use of employment equity as a tool to remedy workplace discrimination. When four boatloads

of Chinese migrants from Fujian province arrived on the West Coast last year, the backlash movement saw this as a prime opportunity to attack Canada's refugee determination system. Politicians and newspaper columnists raised alarms about Canada's lax borders and called on the federal government to suspend the Charter of Rights and Freedoms and to deport the Chinese migrants immediately.

A number of myths were absorbed and reinforced during the debate over the Chinese migrants. For example, it was frequently stated that Canada receives more than its fair shares of refugees. This is patently untrue. Many other countries receive far more refugee claims than Canada, both in absolute numbers and on a per-capita basis. In recent years, Germany, the United Kingdom and the United States have each received more refugee claims than Canada. In 1998, the Netherlands and Switzerland received more refugee claims on a per-capita basis than Canada did. The number of refugees that Canada accepts each year is less than one tenth of one per cent of our population. They would barely fill up half of the Skydome in Toronto.

Unfortunately, these facts rarely emerged during the debate over the migrants from Fujian province. Instead, the backlash movement used inflammatory rhetoric and scare-mongering to attack Canada's refugee system and our Charter of Rights and Freedoms.

There have also been intense attacks on employment equity laws and programs in Canada. In fact, this is a continent-wide phenomenon. In California and Washington State, ballot measures to abolish affirmative were successfully endorsed by a majority of voters. In Florida, Governor Jed Bush recently enacted a plan that ends affirmative action in admissions to state universities and in granting state contracts.

Here in Canada, the most effective battle against employment equity was waged in Ontario. During the 1995 election campaign, Conservative leader Mike Harris ran television ads that called Ontario's Employment Equity Act a "quota bill." He said the legislation attacked the merit principle and promised to repeal the law if he was elected. Mr. Harris went on to win the 1995 election quite handily, and shortly after coming to power, he enacted Bill 8, "An Act to Repeal Job Quotas and Restore Merit-Based Employment Practices in Ontario."

Well, the title of this bill said it all. It neatly summarized the backlash movement's key arguments against employment equity. These arguments are not based on fact but resonate with the public because they are punchy and easy to understand. For example, the notion that employment equity involves quotas is totally wrong. Under the Ontario Employment Equity Act, employers were allowed to set their own hiring targets, and simply had to make "reasonable efforts" to reach these targets. It is unlike a quota system, which existed in many American affirmative action programs, where an employer would have to hire a specific number of people of colour or it would face

punitive sanctions. There has been neither hiring quota nor punitive sanctions in Canadian employment equity programs.

Another myth about employment equity is that it promotes reverse discrimination against white males. Once again, this is a use of inflammatory language without the social context to discredit employment equity. Visible minorities continue to be underrepresented in many institutions that are covered by employment equity laws. For example, although visible minorities make up at least 12 per cent of Canada's population, only 5.1 per cent of federal public servants come from visible-minority groups. Recently, a professor at the University of Toronto found that even in the most optimistic scenario where 15 per cent of new professors hired every year were visible minorities, it would still take 25 years before they made up 15 per cent of the total faculty at the University. In the worst case scenario, it would take over 100 years.

Unfortunately, this evidence has not stopped the backlash movement from attempting to inflame the Canadian public against employment equity. A few months ago, a Reform Party MP attacked an employment equity program for Aboriginal peoples at the University of Saskatchewan and compared its supporters to members of the Ku Klux Klan. This is what he said in a letter to the Saskatchewan government and the administration of the university:

Proponents of this could have been portrayed as modern-day Klansmen, though preferring to hide behind the subterfuge of politically correct rhetoric and double-speak instead of a white sheet ... It is misdirected bigots espousing race-based hiring standards who sow the seeds of hate and foment inequality among Canadians.

It is sad to see that in the new Millennium, this new racist discourse has reduced equality-seeking groups to "bigots." And this raises a key question: What can the human rights community do to combat the backlash movement and deliver the facts to Canadians? First, we need to do is to educate Canadians about the racist language that is used by the backlash movement. We need to decode this language and explain to Canadians why it is misleading, inflammatory and contrary to the fundamental principles of a democratic society.

For example, the backlash movement has taken a very complex concept - equality - and given it a very simple definition: Equality means that everyone should be treated the same. This is a very appealing definition to many Canadians. For the average person on the street, it makes sense that no one should receive preferential treatment simply because of their race, gender or any other immutable characteristic.

Unfortunately, reducing the public's understanding of equality to such a simple definition is very misleading. In some cases, differential treatment is clearly required to advance

the equality of certain groups in society. In order to accommodate employees with disabilities, a company may need to provide them with technical aids that will enable them to perform their jobs. This is differential treatment that is not provided to non-disabled workers but I think most Canadians would understand that such accommodation is necessary to promote equality in the workplace.

Some universities and colleges have scholarships that are only available to Aboriginal students. Once again, this constitutes differential treatment but such scholarships recognize the unique socio-economic and racist barriers faced by Aboriginal students. I think most Canadians would also support such scholarships if they are presented with the facts rather than inflammatory, accusatory language.

Legislation alone is not sufficient to protect the rights of the racial minorities and Aboriginal peoples. We have witnessed how media and public sentiments can flame the fire of hate and result in suspension of rights or other forms of regression.

We need to engage in coalition building to dispel myths and misconceptions about equality-seeking groups. The backlash movement's attacks on the Supreme Court and the Charter of Rights and Freedoms affect all equality-seeking groups, not just visible minorities and Aboriginal peoples. The advent of the Internet and other new media provide opportunities for coalition building that were not available 10 years ago. We need to take full advantage of this technology and build electronic networks that will enable us to disseminate clear, fact-based information to as many Canadians as possible.

The Canadian Race Relations Foundation strongly believes in coalition building, and recently we launched a national anti-racism television campaign. More than 20 partners have joined our campaign, including groups such as the Assembly of First Nations, the Chinese Canadian National Council, and the Canadian Council of Muslim Women. One of our goals is to dispel myths and misconceptions about visible minorities and Aboriginal peoples. We are also trying to engage the public in a dialogue about racism in Canada. I have these ads with me today, and I would like to play a couple of them in few minutes.

I strongly believe that we can succeed in overcoming racial discrimination in Canada. But it must be a collective effort, and we must all speak out against racism. Employers and unions must speak out against racism in the workplace. Teachers and students must speak out against racism in the schools. Journalists must speak out against racism in the media. As long as we all work together, I am confident that Canada truly will become a model nation in the new Millennium.